

FILE#: R 73396

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415

Application No. R-73396

Permit No. R-11535

Certificate No. _____

Stream Index, Page No. See 73397

map cabinet SCB-#93

FEEES PAID

Date	Amount	Receipt No.
5-13-93	200.00	99872
1/6/94	103.25	108543 RE
Ext. 2-26-96	100.00	000054
Ext 9-17-97	100-	246600
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.
ML 5-13-96	100.00	000697

Date filed _____
 Priority Q φ 2
 Action suspended until _____
 Return to applicant _____
 Date of approval FEB 22, 1995

Date	To Whom	ASSIGNMENTS	Address	Volume	Page

CONSTRUCTION

Date for beginning FEB 22, 1996
 Date for completion OCT 1, 1997
 Extended to 10-1-φ 2
 Date for application of water OCT 1, 1998
 Extended to 10-1-φ 2

REMARKS
118 sent 7/22/96

PROSECUTION OF WORK

Form "A" filed 7-15-96
 Form "B" filed _____
 Form "C" filed _____

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date Certificate issued _____

3702
Bus

Form A (690-9-77)

Application No. R 73396

NOTICE OF BEGINNING OF CONSTRUCTION

I, Tom Davis, the holder of Permit No. R 11535

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 15th day of February, 19 96.

Remarks: Clearing and excavation completed for first reservoir to determine water table.
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment

acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of March, 1996.

Tom Davis
(Signature of Applicant)

898 Elk Dr, Brookings, OR 97415
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

RECEIVED

JUL 5 1996

WATER RESOURCES DEPT.
SALEM OREGON

OK
DS

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-73396

Final Order
Extension of Time for Permit Number R-11535

Application History

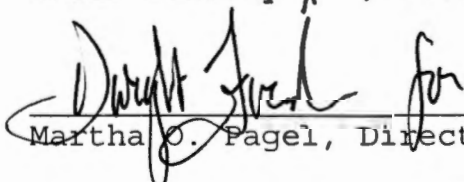
On September 17, 1998, the CITY OF BROOKINGS submitted an application to the Department for an extension of time for permit number R-11535. The Department issued permit number R-11535 on February 22, 1995. The permit called for completion of construction of the water development project by October 1, 1997 and complete application of water to the full beneficial use by October 1, 1998. In accordance with OAR 690-320-0010 (8), on February 23, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2002, and/or the time to fully apply water to beneficial use to October 1, 2002. The protest period closed April 9, 1999. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5).

Order

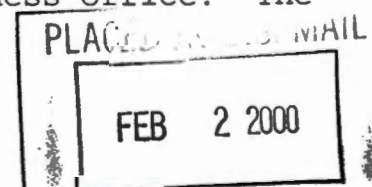
The extension of time for Application R-73396, Permit Number R-11535, therefore, is approved with the above modifications to the Proposed Final Order. The extension is issued as limited by the conditions set forth in the permit and the conditions and modifications herein. The deadline for completing the construction and for applying water to full beneficial use is extended to October 1, 2002.

DATED January 31, 2000


Martha O. Pagel, Director

Hearing and Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the Circuit Court for the County in which the applicant resides or has a principal business office. The



petition for review must be filed within 60 days after the date
this order is served. ORS 183.484.

CORRECT PFD WAS
SAVED IN
M:\groups\wr\extension\msl
pfd\work

**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number R 11535

Water Right Application Number R 73396

THIS IS THE
CORRECT PFD -
IT WAS PUBLIC
NOTICED ON 2/23/02
CORRECTLY - HOWEVER
THE COPY IN THE FILE
IS INCORRECT. DO NOT
KNOW IF INCORRECT COPY WAS MAILED OUT.

Proposed Final Order

This Proposed Final Order applies only to permit number R 11535.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1997 to October 1, 2002, and

grant the extension for complete application of water from October 1, 1998 to October 1, 2002.

Application History

Permit no. R 11535 was granted by the Water Resources Department on February 22, 1995. The permit authorizes the storage of 62.3 acre-feet in 10 reservoirs of water from Chetco River for irrigation in the Chetco River basin. It specified that construction must be completed by October 1, 1997, and water applied to full beneficial use by October 1, 1998. A copy of permit no. R 11535 is attached.

On September 17, 1998, the Department received an application from City of Brookings for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2002, to complete construction and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.

2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. The City of Brookings project to build the golf course and irrigation system have been held up by the contractors not being able to build the project. The City has had trouble finding developers with the financial resources to build this project. The first developer started work in 1992, but could not complete it. The third developer is now working on this project for the City.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of 4 of the 10 reservoirs, and installation of pumps and pipe.
 - b) The applicant has invested approximately \$ \$750,000 of an estimated total water system project cost of \$ \$850,000.
 - c) The work remaining to be completed consists of the remaining construction of the reservoirs and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the permit has been delayed by the size and scope of the project and the difficulty of hiring developers with the resources to complete the project.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of the application of water should be extended to October 1, 2002 as requested by the applicant.
8. By mutual consent, the applicant and the Water Resources Department agreed to defer processing of the permit extension request until such time as the Commission had adopted new permit extension rules.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2002 to complete

construction and until October 1, 2002 to complete the application of water.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1997 to October 1, 2002
and
extend the permit time to complete application of water from October 1, 1998 to October 1, 2002.

DATED: February 23, 1999

Dwight French
Water Rights Section Manager

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) If you are not the applicant, the \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **April 9, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

*THIS PRO
IS IN CORRECT!
1st page ok -
2nd & 3rd are
WR*

**Oregon Water Resources Department
Water Rights Division**

*2nd + third
pages are
for another
file! BW*

Right Permit Extension Application
for Permit Number R 11535

Application File Number R 73396

Proposed Final Order

This Proposed Final Order applies only to permit number R 11535.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1997 to October 1, 2000, and
grant the extension for complete application of water from October 1, 1998 to October 1, 2000.

Application History

Permit no. R 11535 was granted by the Water Resources Department on February 22, 1995. The permit authorizes the storage of 62.3 acre-feet of water in 10 reservoirs for supplemental irrigation use in the Chetco River basin. It specified that construction must be completed by October 1, 1997, and water applied to full beneficial use by October 1, 1998. A copy of permit no. R 11535 is attached.

On September 17, 1998, the Department received an application from the City of Brookings for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2000, to complete construction and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

THIS PRO
IS IN CORRECT!
1st page ok -
2nd & 3rd are
wrong!

**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number R 11535

Application File Number R 73396

Proposed Final Order

This Proposed Final Order applies only to permit number R 11535.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1997 to October 1, 2000, and

grant the extension for complete application of water from October 1, 1998 to October 1, 2000.

Application History

Permit no. R 11535 was granted by the Water Resources Department on February 22, 1995. The permit authorizes the storage of 62.3 acre-feet of water in 10 reservoirs for supplemental irrigation use in the Chetco River basin. It specified that construction must be completed by October 1, 1997, and water applied to full beneficial use by October 1, 1998. A copy of permit no. R 11535 is attached.

On September 17, 1998, the Department received an application from the City of Brookings for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2000, to complete construction and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. The applicant outlines two reasons for not completing the project within permit time limits. The first reason was the size of the project, which included the clearing of the site of over 100 acres of trees and brush. The second reason for not finishing was the short work periods of dry ground when dirt could be removed.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the reservoirs by logging and clearing brush from the site, excavation, dam building and storage of 140 acre feet of water. Cranberry bogs have been partially built and 40 acres irrigated.
 - b) The applicant has invested approximately \$ 422,300 of the projected completion cost of \$437,300.
 - c) The work remaining to be completed consists of completion of construction of the reservoirs and the storage of the entire 187.2 acre-feet of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the right at this time is 75% of the storage allowed in the permit.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the application of water should be extended to October 1, 1999 as requested by the applicant.
8. By mutual consent, the applicant and the Water Resources Department agreed to defer processing of the permit extension request until such time as the Commission had adopted new permit extension rules.

NOT ON APP
 App is for a golf course!

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 1999 to complete the

Requests date to 2000

application of water.

Recommendation

The Department proposes to issue an order to:

- extend the permit time to complete construction of the water system from October 1, 1997 to October 1, 1999.
- extend the permit time to complete application of water from October 1, 1998 to October 1, 1999.

*Requests
Oct. 15
2000!*

DATED: February 9, 1999

Dwight French
Water Rights Section Manager

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) If you are not the applicant, the \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **March 26, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

RECEIVED
FEB 01 1999
WATER RESOURCES DEPT.
SALEM, OREGON

I, Tom Weldon (Bookings City Manager),
898 Elk Drive, Brookings, OR 97415

record owner of application No. R73396 permit No. 51383 do hereby request that the time in which to:

- complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 2000, and/or the time in which to
- accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1998, be extended to October 1, 2000.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]? YES

2-Have you put any water to use under this permit [yes/no]? NO If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time? SEE ATTACHED

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.

(a) within the last year SEE ATTACHED

(b) prior to this past year The City had constructed a driving range and small shop, and purchased a pump and some 4' PVC pipe, and did excavation to determine the water table.

(c) and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) Water has not yet been applied to the beneficial use authorized by this permit.

4-Cost of project to date - Approximately \$750,000. Projected cost for completion of project \$850,000. Total improvements will cost \$3,500,000.

5-Have there been any unforeseen events which delayed development of water system? NO.

6- Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] NO

7- What reason was the project not completed within permit time limits? We had difficulty finding a developer with the financial resources to complete the project. We had a couple of false starts with other developers!

8- Has there been any change in the **demand** for water or power since permit was issued? (please explain) NO

9- Has there been any change in the **market** for water or power since the permit was issued? (please explain) NO

10- Will the income or use from this project provide reasonable returns against the investment in this project? (please explain) YES - SEE ATTACHED

11- If the extension request is denied, is the current level of water use economically feasible? (please explain) NO - SEE ATTACHED

12- Is there an alternative source of water available [yes/no please explain]? MAYBE - SEE ATTACHED

13- Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain) NO. We have not used any water authorized under this permit.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please us an additional sheet of paper, if needed.

I am the permittee or have authorization from the permittee to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Signature Tom Weldon 1/29/99
Date

**MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100 TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 - 12TH ST. NE
SALEM, OR 97310**

CITY OF BROOKINGS
Application for Extension of Time
Permit R-11535

The City of Brookings holds a permit to construct ten reservoirs and to store the waters of the Chetco River for supplemental irrigation. The City of Brookings requests an extension in the time limits set forth in its permit for completing construction and applying water to beneficial use.

ANSWER TO QUESTION #2:

Four of the ten reservoirs have been constructed and pumps and piping for distribution of the water have been installed. The conditions of permit numbered R-11535 regarding measurement, recording, and reporting have not been completely fulfilled at this time.

ANSWER TO QUESTION #3a:

The City of Brookings has leased this land to the Claveran Group to build this golf course. The Claveran Group began construction on June 1, 1998. They have constructed four reservoirs and installed pumps and piping to irrigate the golf course.

ANSWER TO QUESTION #10:

The City of Brookings obtained the permit to provide irrigation water for a golf course on land that has been designated under applicable zoning as eligible for a golf course. The value of the water to the project extends far beyond the income that may come from the golf course and any other recreational elements on the property to which irrigation water is applied: a golf course is an essential element for the future economic development of the Brookings area. The availability of irrigation water therefore is of paramount importance to developing this property for its highest and best use.

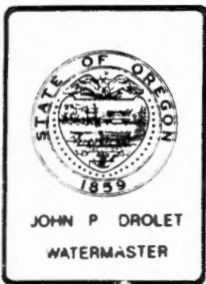
ANSWER TO QUESTION #11:

The City of Brookings and the golf course developers have not yet put any water to beneficial use. The developer's investment of approximately \$1,800,000 in the golf course would be a complete loss. Moreover, without this irrigation water, the property cannot be developed for golf course use for which it has been

designated under applicable zoning.

ANSWER TO QUESTION #12:

Maybe. The City of Brookings will soon apply for permits to construct a reservoir to store and use water from a natural spring that does not flow directly into Jack Creek. There are no guarantees this reservoir will fill naturally. Therefore, at this time, this spring cannot be counted on as a long-term source of water.



RECEIVED

FEB 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121

02-04-99

EXT. 254

Tom Weldon, City Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415

file # R-73396

Dear Mr. Weldon:

Yesterday, February 3, I had the opportunity to chat with a representative of The Claveran Group, Pete Pavich, about water issues associated with the golf course development on Jack Creek. Mr. Pavich was well informed regarding water rights, permit conditions, applications for extensions of time, and adding additional diversion points for a permit through the use of the permit amendment process.

One item discussed that appears on City of Brookings Golf Course (Water) Management Plan that I thought might be brought to your attention is an apparent misconception of allowed water use. Specifically, I would refer to paragraphs 3 and 4 on page 5 of the management plan.

Those parts of the plan allude to channeling excess runoff from rainfall into the reservoirs authorized to be constructed under the terms of the above referenced permit.

The reservoir construction permit only allows the use of water from Chetco River for filling the reservoir. Precipitation captured by the reservoirs, if the reservoirs are lined with an impervious membrane is, additionally, an allowed exempt source that requires no permit. However, channeling runoff within the Jack Creek watershed would require both an additional reservoir construction permit and the surface water permit that would identify the runoff as a Jack Creek water source.

So as not to cloud the City's ability to exercise its reservoir permit I would recommend that no landscaping or channeling be done which would introduce water into the reservoirs which the City is not entitled to store.

I might further recommend that references contained in the management plan to channeling excess runoff into the reservoirs be omitted from future drafts. Tom, if you have questions, please get in touch.

Sincerely,

John P. Drolet
Watermaster, District 19

JPD/dt

CF: Dwight French, Pete Pavich
(for files)

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415
Phone (541) 469-2163
Fax (541) 469-3650

The Home of Winter Flowers



September 30, 1998

Mr. Dallas Miller
Natural Resource Specialist 2
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salcm OR 97310-0210

Reference: Files R 73396, 73397, 71042, Permit R 11535, 51595, 51383

Dear Mr. Miller:

Regarding the applications for Permits R 11535, 51595 and 51383: water uses under these permits will be made within a year.

Our golf course is nearing completion and the developer will start using the water probably beginning in December, 1998.

I am working with the developer to provide more specific information for each permit as you requested in your letter of September 19, 1998.

We should have this information for you within a couple of weeks. If you have any questions, please call me.

Sincerely,

Tom Weldon
City Manager

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415
Phone (541) 469-2163
Fax (541) 469-3650

The Home of Winter Flowers



RECEIVED

September 30, 1998

OCT 02 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Dallas Miller
Natural Resource Specialist 2
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem OR 97310-0210

S-73397

G11734

S-71042

Reference: Files R 73396, 73397, 71042, Permit R 11535, 51595, 51383

Dear Mr. Miller:

Regarding the applications for Permits R 11535, 51595 and 51383: water uses under these permits will be made within a year.

Our golf course is nearing completion and the developer will start using the water probably beginning in December, 1998.

I am working with the developer to provide more specific information for each permit as you requested in your letter of September 19, 1998.

We should have this information for you within a couple of weeks. If you have any questions, please call me.

Sincerely,

Tom Weldon
City Manager

RECEIVED
FEB 01 1999
WATER RESOURCES DEPT.
SALEM, OREGON

CITY OF BROOKINGS

GOLF COURSE MANAGEMENT PLAN

Scope of Plan

Water will be supplied to the City of Brookings Golf Course (Golf Course) under the following water rights:

1. Permit No. 51383;
2. Application No. R-73396;
3. Application No. S - 73397; and
4. An exempt well to be developed in the Chetco River Basin for commercial water use up to a maximum of 5000 gallons per day, and domestic water use for two residences up to 15,000 gallons per day.

Use of water under Permit No. _____, issued pursuant to Application No. R-73396, and Permit No. _____, issued pursuant to Application No. S-73397 (Permits) will be conditioned upon submittal of this Management Plan (Plan). This Plan shall be submitted to the Director of the Oregon Water Resources Department (OWRD) 90 days before water use is initiated under the Permits. The Director shall allow 60 days for public comment on the Plan. The Director shall approve the Plan if he/she finds the Plan sets out operational and maintenance guidelines that will result in efficient water use, protection of ground and surface water quality in the area of water use under the Permits and protection of riparian areas in the vicinity of the Golf Course.

This Plan includes the following operation and maintenance information:

1. Water use efficiency measures;
2. Golf course operation and maintenance guidelines; and
3. A strategy for implementation of the Curry County Final Order issued July 8, 1992.

Water Use Efficiency Measures

The following water use guidelines will apply to use of water under the Permits:

1. **Water will be diverted from the Chetco River only during the period March 1 to June 30 of each year.**
2. **No water will be withdrawn from Jack Creek or the unconfined aquifer of Jack Creek.**
3. **Irrigation of the 182 acre Golf Course development will be limited to a total of 90 acres (10 acres of greens and 80 acres of fairways).**
4. **Greens irrigation will be monitored with moisture gauges. Fairway irrigation will be controlled by the operator on a close coupler system for demand only application.**
5. **If necessary, during late summer when and if water supplies are limited, irrigation will be confined to tees, greens and approaches.**
6. **Water withdrawals from the Chetco River will be metered. Water use will be reported to the Water Resources Department pursuant to a schedule to be set by the Director.**
7. **Water withdrawn from the Chetco River will be delivered to storage in ten small storage reservoirs on the Golf Course site. All reservoirs will be lined with a PVC lining material to minimize seepage. Water use from the ten reservoirs for irrigation will be metered and reported to the Department.**
8. **Irrigation of the Golf Course will be limited to night and early morning hours of each day to minimize losses due to evaporation and maximize water penetration into the turf root zone.**
9. **Irrigation practices that stress shorter application time and volume will be used.**

The demand of irrigating and reservoir filling

As per water permit No. 71042, 77,500,000 gallons of water can be pumped from March 1 - June 30. During this period the reservoirs will be filled to their 20,000,000 gallon capacity and kept topped off while the golf course will be irrigated from these same reservoirs. It will be extremely important that the reservoirs be at full capacity on June 30 of each year.

500,000 gallons	March irrigation
900,000 gallons	April irrigation
1,600,000 gallons	May irrigation
2,900,000 gallons	June irrigation
<u>20,000,000 gallons</u>	to fill ten reservoirs
25,900,000 gallons	TOTAL

During the period of July 1 through February 28, no Chetco River water may be appropriated. Therefore, the golf course will be irrigated with water from the 10 reservoirs on the course. The irrigation demand from July 1 through October 31 will be heavy on the reservoir storage and the irrigation, schedule as stated earlier will be adjusted to meet the availability of water at this time. November through February as previously mentioned require little or no additional irrigation as rainfall during this period is at its annual maximum. Also during this November/February time the 10 reservoirs will be brought back to full capacity.

3,800,000 gallons	July irrigation
3,100,000 gallons	August irrigation
2,300,000 gallons	September irrigation
1,600,000 gallons	October irrigation
900,000 gallons	November irrigation
500,000 gallons	December irrigation
300,000 gallons	January irrigation
<u>300,000 gallons</u>	February irrigation
12,800,000 gallons	TOTAL

Water Demand to Irrigate the Golf Course

The following is an estimate of the monthly water requirements to irrigate the Jack Creek Golf Course site. November through February historically are wet months in this area and will require little or no supplementary irrigation beyond that coming from rainfall.

<u>Month</u>	<u>Gallons</u>
January	300,000
February	300,000
March	500,000
April	900,000
May	1,600,000
June	2,900,000
July	3,800,000
August	3,100,000
September	2,300,000
October	1,600,000
November	900,000
December	<u>500,000</u>
	18,700,000 Gallons per year

Rainfall for Chetco River Valley (Rainfall data)

All of the above is calculated assuming the "worst weather" scenario and does not include days when water is added to reservoir supplies by rainfall (80" per year average) and days when no water is used because of weather conditions (rain, cool temperatures, or cloudy days).

The average rainfall for the past five (5) years (1989-1993) has been 80" per year. We have charted this rainfall on the following page to show the monthly volume and how this will impact the overall needs of the golf course and thus benefit the natural recharging of the 10 irrigation reservoirs on this site.

The total acreage of the 10 reservoirs is approximately 10.33 acres. Using the figure of 27,154 gallons per acre inch of water we can arrive at a monthly figure for the recharging by natural rainfall. If we also channel excess runoff from this rainfall into the irrigation reservoirs, this should reduce our requirements for pumped irrigation water from the Chetco River.

As you will note in the following chart, the months of June, July, August and September are the critical times for water use. With the 20 million gallons in the irrigation reservoirs and another 1.5 million gallons from rainfall during this period plus again this amount from runoff channeling there should be adequate water to carry this project through the water year.

Also, as stated, the irrigation program can be changed to irrigate only greens, tees and approaches during much of this time if it becomes necessary due to lack of water.

**RAINFALL CHART FOR CHETCO RIVER VALLEY
1989-93 (MONTHLY AVERAGE)**

(Formula - inches of rain x 10.33 acres x 27,154 gallons per inch)

	<u>MONTH</u>	<u>AVERAGE INCHES</u>	<u>TOTAL VOLUME ADDED TO RESERVOIRS</u>
	January	15.82 inches =	4,500,766 gallons
	February	9.92 inches =	2,782,568 gallons
We Pump	March	16.04 inches =	4,499,233 gallons
We Pump	April	12.46 inches =	3,495,040 gallons
We Pump	May	7.00 inches =	1,963,505 gallons
We Pump	June	2.02 inches =	566,671 gallons
Res. Full	July	0.80 inches =	224,400 gallons
	August	1.64 inches =	460,021 gallons
	September	0.78 inches =	218,790 gallons
	October	7.62 inches =	2,137,416 gallons
	November	8.22 inches =	2,305,716 gallons
	December	13.60 inches =	3,814,811 gallons

If we take the monthly figures shown above and calculate into these the gains from controlling and channeling the runoff throughout the entire project area you will find the total gallons per month going into the irrigation reservoirs will be approximately doubled. This will greatly reduce the necessity to pump irrigation water from the Chetco River source.

Overview

One might imagine this entire project as that of recirculating waters. Water is pumped from the Chetco River into reservoirs on the golf course site. This water has traveled one and one-half miles from the river into the Jack Creek valley. This water is then pumped onto the fairways to irrigate them and gravity and percolation, in a very short period of time, takes this same water down the Jack Creek valley aquifer into the Chetco River to the same location where it was extracted from originally. The only loss in this system is evaporation which occurs naturally throughout the Chetco River system.

One very important plus in this water flow system will be the addition of water to the Jack Creek flow levels in July, August and September. During this period Jack Creek is a dry rock bed with a few ponds here and there. These ponds hold small salmon fry which perish during the summer months. This additional water that irrigation will provide to the Jack Creek aquifer might be enough to keep at least a minimal flow in the creek during these months thereby sending these hundreds of small salmon fry on into the Chetco River system.

Golf Course Operation and Maintenance

The following Operation and Maintenance guidelines will govern management of the Golf Course:

- 1. All cattle will be removed from the site.**

- 2. Before Golf Course construction is initiated, the developer will hold a pre-construction conference with the ODFW, Oregon South Coast Fishermen and Curry County Design Review Board. All subcontractors will be required to attend the pre-construction conference.**

- 3. Earthwork and grading operations will be confined to dry weather periods, as much as possible, so that slopes can be stabilized with vegetation prior to winter rains. Excavations, embankments and other disturbed areas resulting from earthwork operations will be seeded as soon as possible to minimize erosion potential. All land bordering Jack Creek will be protected by a berm during construction to control runoff to the channel of the creek.**

- 4. Fairways and other disturbed areas will be protected by a berm on the side nearest the streambank to reduce runoff into natural channels.**

- 5. Re-vegetation will be expedited to control erosion. Bushes such as hypericum(a fast growing, root intensive plant) will be planted to control creek bank erosion. The most mature commercially available trees will be used for re-vegetation.**

6. **Streambank canopy will be increased from the present 70% to approximately 85%. Riparian vegetation will be allowed to grow to optimum height to provide streambank cover, thereby reducing water temperature and promoting a good fish habitat.**
7. **Greens and tees will be designed and constructed to maximize water retention and absorption while allowing the least leaching. Grasses suitable to the Jack Creek environment will be used. Nontoxic cultural control of weeds will be used whenever possible.**
8. **A buffer zone will be maintained between all greens, tees, fairways and the stream bank. The green buffer will be 50 feet, and the tee and fairway buffer will be 20 feet.**
9. **Rip-rap will be placed at specific locations under supervision of the Oregon Department of Fish and Wildlife (ODFW).**
10. **Fairway, parking area and roadway runoff will be captured by french drain filtration systems. Runoff will be directed to the irrigation storage reservoirs.**

Curry County Final Order Implementation

On July 8, 1992, the Curry County Planning Commission issued its Final Order approving Application C-9205. This order set out a number of conditions for development of the Golf Course. Those conditions include requirements for protection of water quality in the area of the Golf Course development. In order to insure compliance with the Final Order, the following management guidelines shall apply to operation of the Golf Course:

- 1. No pesticides or fertilizers requiring a permit shall be used. Any development proposal or lease agreement will stipulate that no pesticides or fertilizers that require a permit shall be used.**

- 2. All chemical applicators must be licensed.**

- 3. A baseline water quality will be established by testing prior to initiation of construction of the Golf Course. Thereafter, water sampling will be conducted at both ends of the Golf Course on Jack Creek on a quarterly basis each year. Water Samples will be tested by a State approved laboratory for chemicals/fertilizers used by the operator. Results of tests shall be posted and shall be reported to the City of Brookings, Department of Environmental Quality (DEQ), ODFW, Harbor Rural Water Department, and OWRD.**

WATER CONSERVATION (IRRIGATION)

The impact of the golf course on the quality and quantity of surface water and water in Jack Creek Basin is an issue that has been raised. Jack Creek stream flow will not be diminished. In fact the amount of irrigation water coming from sources that do not affect Jack Creek flows (Chetco River) may actually increase Jack Creek flows by recharging the upper unconfined aquifer.

Area and lakes: Approximately 80 acres of the total 182 acres of land that makes up the Jack Creek site will be irrigated. The 10 lakes on the site will act as reservoirs from which water will be pumped to irrigate the golf course. There will be no seepage from the lakes as they will be lined with PVC lake lining material. To minimize water loss through evaporation the golf course will be watered at night and in the early morning hours, thereby reducing this loss potential.

System Regulators: The irrigation system will be of the latest design. All tees, greens and approaches will be on an automatic system which works on a preset timer arrangement. This area represents about 10 acres of the 80 acres being irrigated. The balance of the area will be irrigated by a close coupler system.

This allows the operator to control the irrigation of the fairway areas of the golf course by demand. If water quantity is low during certain times of the year the operator can reduce the output in certain areas while expanding it in areas of need. This is an important feature as water will become a critical item during the late summer months.

During the summer months, if necessary due to a lack of water, only the tees, greens and approaches will be watered, again reducing the irrigation needs to conserve water.

This gives the players a new challenge and does not impact the golf course in any way.

Metering of water use: All water taken from the Chetco River will be metered. This information will be made available to the Water Resources Department as per their schedule. That same water will be pumped into 10 holding ponds on the golf course grounds. The total capacity of these holding ponds will be approximately 20,000,000 gallons of water. These ponds will be interconnected, thus keeping the water level in all ponds the same at all times.

All water that is pumped from these ponds onto the golf course will be metered and again this information will be available as per instructions from Water Resources Department.

Overview: One might imagine this entire project as one of recirculating waters. Water is pumped from the Chetco River into ponds on the golf course site. This water has traveled one and one-half miles from the river into the Jack Creek valley. We then pump this same water onto the golf course and gravity over a few day period, through percolation takes this same water down the Jack Creek valley to the Chetco River to the same location where it was first extracted from the river.

The only loss in this system is evaporation which occurs naturally throughout the Chetco River system.

The one very important plus to this water flow system will be the addition of water to the Jack Creek flow levels in August, September and October. During this period Jack Creek is a dry rock bed with a few ponds here and there. The ponds hold small salmon fry which perish during this summer season.

This additional water that the irrigation will provide to the Jack Creek aquifer might be enough to keep at least a minimal flow going year round and thereby send these hundreds of small salmon fry on into the Chetco system.

RIPARIAN PROTECTION

Raw Land: The City of Brookings and Jack Creek Devco, Ltd., are conscious of the potential damage that can be done by erosion during the development of the golf course.

All land bordering the creek will be burmed to minimize any potential flow into Jack Creek during development. All planting will be expedited to control this erosion potential. Where it is needed hay can be used to control raw soil from eroding and this will be done if the situation requires this action.

Excavation, embankment, and other disturbed areas resulting from earthwork operations will be seeded to minimize the erosion potential. The foothill fairways will require substantially more earthwork than those planned for the valley. It will be a high priority to complete the earthwork and grading operations in dry weather so that the slopes can be stabilized with vegetation prior to winter rains.

Creek Banks: Streambank erosion has occurred on the site due to natural forces and the effects of cattle grazing. Some streambank protection work is currently underway as a part of ODFW fishery enhancement. Some of this work consists of rip-rap placement at specific locations, with other measures used where and when more appropriate. Even though removal of the approximately 80 head of cattle will improve erosion conditions on the site, Jack Creek stream bank erosion is likely continue, to some degree, after the golf course is in place. The applicants understand the importance of erosion control measures and agrees to work very closely with ODFW on erosion control measures as erosion occurs.

Although the play area through the golf course will cross over the Jack Creek many times we are going to place a low growing bush such as Hypericum, a fast growing, root-intensive plant, in those areas to control bank erosion. The rest of the streambank will be planted in trees suited to the local environment. The streambanks now have a 70% canopy and we hope to have an 85% canopy when construction is completed, thereby reducing the water temperature and promoting good fish habitat as well as bank stabilization.

A 20-foot buffer zone will be maintained between all fairways and the streambank and a 50-foot buffer zone will be maintained between all greens and the streambank.

The fairways will be burmed slightly on the side nearest the streambank to reduce flows of heavy rains from the fairways into the stream.

There is a rock quarry on the golf course site and this rock can be used for rip rap where it is feasible. We will work closely with ODFW to enhance both the stream flow and quality. They have a plan in place now that requires considerable upgrading of the Jack Creek stream bed over the next 5 years and we will work with them on this project to everyone's benefit.

WATER QUALITY

Chemical Use: The use and impact of chemicals (pesticides, fertilizers, and herbicides necessary for golf course turf management) on groundwater and Jack Creek water resources has been raised as an issue. The City of Brookings and Jack Creek Devco, Ltd., are very sensitive to this concern and have worked closely with concerned agencies, organizations and individuals. The concerns can be categorized into the following issues: pesticide use, storage, and management; monitoring of water quality; and an emergency spill response plan. These concerns are addressed below.

A) Pesticide Use, Storage, and Management

The handling and application of pesticides is governed by state and federal law. The applicant will, of course, agree to follow the laws regulating pesticide use, storage, and management. The development proposal and lease agreement stipulate that no pesticides or fertilizers that require a permit shall be used. The lease agreement requires that all environmental laws be adhered to. Those specifically mentioned include: Resource Conservation and Recovery Act; Toxic Substances Control Act; The Comprehensive Environmental Response, Compensation and Liability Act; and the Solid Waste Disposal.

The persons who apply the chemicals (applicators) are required to be licensed. OSHA requires proper handling and that labels on pesticide containers set proper limits. Soil tests on a regular basis establish uses and timetables for fertilizers and probable pesticide/herbicide use. All activities concerning chemical mixing, storage, use, and equipment cleanup will be planned, implemented, and posted.

The storage of chemicals on the golf course site will include the construction of a concrete floor and curb. (see Exhibit "A")

B) Water Monitoring and Notification of Pesticide Use

The City of Brookings and Jack Creek Devco, Ltd., have agreed to a specific procedures for quarterly water monitoring, testing, and posting of results. The applicants, City of Brookings and Jack Creek Devco, Ltd., have also agreed to notify specific interested parties of the intention to use any potentially harmful pesticides or herbicides. These plans are on the record and have been documented through conditions of approval on the conditional use permit. (see Exhibit "A")

C) Emergency Spill Response Plan

Emergency and spill responses must meet the best standards available as mandated by EPA, Oregon state codes, OSHA, local fire and county ordinances, and other governing agencies. MSDS reports will be available under OSHA guidelines that became effective January 1, 1992. Emergency spills of any type will follow these steps: 1) immediate containment; 2) immediate notification of neighbors affected as well as agencies affected; and 3) emergency cleanup as described in the Hazardous Material Spill Plan. These procedures will become part of the golf course's operational packet and will be posted in appropriate areas.

4. **If testing indicates water quality deterioration below baseline levels due to pesticide and/or fertilizer use, the use of chemicals will be discontinued until such time as the quality deterioration is identified and resolved to the satisfaction of the listed agencies.**

5. **Pesticide and fertilizer application shall be based upon regular soil tests. All activities concerning chemical mixing, storage, use and equipment cleanup will be planned and implemented by a posted schedule. Chemical storage facilities on the Golf Course site will include a concrete floor and curb.**



RECEIVED

JAN 17 1996

WATER RESOURCES DEPT.
SALEM, OREGON

January 15, 1996

Dallas S. Miller
Water Rights Specialist
Oregon Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97310-0210

REFERENCE: PERMITS NO. R-11535 (TO CONSTRUCT 10 RESERVOIRS AND STORE WATER) AND 51595 (TO USE THAT WATER FROM THE 10 RESERVOIRS FOR SUPPLEMENTAL IRRIGATION)

Dear Mr. Miller:

Pertaining to these two permits, we are going to be unable to meet the actual construction dates set forth on each. That date is February 22, 1996 and we would like to ask for a one year extension of this date as we are still in the process of raising funds locally and finding a developer to proceed with the construction.

Thank you for your consideration of this request.

Cordially,

A handwritten signature in red ink that reads 'Tom Weldon'. The signature is written in a cursive style.

Tom Weldon
City Manager

TW/dmvr

Enclosures: 2

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OREGON 97418

503-469-2163

to construct TEN RESERVOIRS and to store the waters of CHETCO RIVER, a tributary of PACIFIC OCEAN, to be appropriated under Application 73397, Permit 5199, for SUPPLEMENTAL IRRIGATION.

This permit is issued approving Reservoir Application R-73396. The date of priority is MAY 13, 1993. The amount of water entitled to be stored each year is not more than 62.3 ACRE-FEET, BEING 7.4 ACRE-FEET IN RESERVOIR 1, 8.3 ACRE-FEET IN RESERVOIR 2, 4.9 ACRE-FEET IN RESERVOIR 3, 7.7 ACRE-FEET IN RESERVOIR 4, 5.3 ACRE-FEET IN RESERVOIR 5, 8.3 ACRE-FEET IN RESERVOIR 6, 5.3 ACRE-FEET IN RESERVOIR 7, 3.7 ACRE-FEET IN RESERVOIR 8, 3.4 ACRE-FEET IN RESERVOIR 9, AND 8.0 ACRE-FEET IN RESERVOIR 10.

The dam will be located as follows:

SE 1/4 SW 1/4, SECTION 35, T 40 S, R 13 W, W.M., SW 1/4 NE 1/4, NE 1/4 NW 1/4, NW 1/4 NW 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 2, NE 1/4 NE 1/4, SECTION 11, T 41 S, R 13 W, W.M.

Water may be appropriated for storage during the period December 1 through March 1 of each year.

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

The area to be submerged by the reservoir is located within:

SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 35
TOWNSHIP 40 SOUTH, RANGE 13 WEST, W.M.

SW 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SECTION 2
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.

NE 1/4 NE 1/4
SECTION 11
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.

The total area proposed to be submerged by Reservoir 1, when full is 1.1 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 2, when full is 1.2 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 3, when full is 0.7 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

Application R-73396 Water Resources Department

PERMIT R-11535

RECEIVED

JAN 17 1996

WATER RESOURCES DEPT
SALEM, OREGON

PAGE TWO

The total area proposed to be submerged by Reservoir 4, when full is 1.1 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 5, when full is 0.8 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 6, when full is 1.2 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 7, when full is 0.8 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 8, when full is 0.6 acres; the proposed maximum depth of water in feet is 9.0; the maximum height of the dam is 4.0 feet.

The total area proposed to be submerged by Reservoir 9, when full is 0.4 acres; the proposed maximum depth of water in feet is 13.0; the maximum height of the dam is 6.0 feet.

The total area proposed to be submerged by Reservoir 10, when full is 0.8 acres; the proposed maximum depth of water in feet is 13.0; the maximum height of the dam is 6.0 feet.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Measurement recording and reporting conditions:

- A. Before water use may begin under this permit the permittee to install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the average monthly rate and total amount of water put into the ponds each month and shall submit a report which includes the recorded water use measurements to the Department annually, or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use under the permit.
- B. The permittee 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.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Regulating devices shall be installed pursuant to ORS 340.310. Plans and specifications shall be approved by the watermaster before installation. Work shall be done under the general supervision of the watermaster.

The permittee shall install, maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water. In addition, the storage and use of water under this permit is contingent upon compliance with the screening and passage requirements in Permit 51383.

RECEIVED

JAN 17 1996

WATER RESOURCES DEPT
SALEM, OREGON

PAGE THREE

90 days before water use is initiated under this Permit, the permittee shall submit to the Director for review its water Management Plan (Plan) for the Golf Course. The Plan shall contain (1) measures to increase water use efficiency, including installation and use of water saving devices and a program for performing water audits of the irrigation system; (2) operation and maintenance guidelines for the golf course that will result in efficient use of water; and (3) measures to implement the conditions in the Final Order of the Curry County Planning Commission, dated July 8, 1992, approving Application C-9205. After a sixty day public comment period, the Director shall review and approve the Plan if she finds that the Plan will result in efficient use of water and protection of ground and surface water quality and riparian areas. The permittee shall include a report on the implementation of the Plan as part of the general water use reporting requirement of this Permit.

~~Actual construction work shall begin on or before [redacted]~~

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

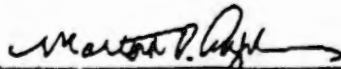
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The storage 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.

Water stored under this Permit shall be used only for irrigation and any water right certificate issued to perfect this Permit shall be conditioned to prohibit any change in use of the water right.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, February 22, 1995.



Water Resources Department
Martha O. Pagel
Director

RECEIVED

JAN 17 1996

WATER RESOURCES DEPT
SALEM, OREGON

J.M.C

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OREGON 97415

503-469-2163

to use the waters of TEN RESERVOIRS, TRIBUTARIES OF CHETCO RIVER, CONSTRUCTED UNDER APPLICATION R-73396, PERMIT R-11538, for SUPPLEMENTAL IRRIGATION OF 119.0 ACRES.

This permit is issued approving Application 73397. The date of priority is MAY 13, 1993. The use is limited to not more than 62.3 ACRE-FEET OF STORED WATER ONLY, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 SE 1/4, SECTION 34, T 40 S, R 13 W, W.M.; 350 FEET NORTH AND 1616 FEET WEST FROM THE NW CORNER OF SECTION 2, T 41 S, R 13 W, W.M.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Water legally stored can be used for beneficial use during the irrigation season being March 1 through October 31 of each year.

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

A description of the proposed place of use under this permit is as follows:

SE 1/4 SW 1/4 0.4 ACRE
SECTION 35
TOWNSHIP 40 SOUTH, RANGE 13 WEST, W.M.

NW 1/4 NE 1/4 1.9 ACRES
SW 1/4 NE 1/4 19.5 ACRES
NE 1/4 NW 1/4 18.0 ACRES
NW 1/4 NW 1/4 0.2 ACRE
SE 1/4 NW 1/4 5.9 ACRES
NW 1/4 SE 1/4 27.7 ACRES
SW 1/4 SE 1/4 19.0 ACRES
SE 1/4 SE 1/4 10.3 ACRES

SECTION 2
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.

NE 1/4 NE 1/4 15.5 ACRES
NW 1/4 NE 1/4 0.6 ACRE
SECTION 11
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.

RECEIVED

JAN 17 1996

WATER RESOURCES
SALEM, OREGON

PAGE TWO

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the average monthly rate and total amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

90 days before water use is initiated under this Permit, the permittee shall submit to the Director for review its water Management Plan (Plan) for the Golf Course. The Plan shall contain (1) measures to increase water use efficiency, including installation and use of water saving devices and a program for performing water audits of the irrigation system; (2) operation and maintenance guidelines for the golf course that will result in efficient use of water; and (3) measures to implement the conditions in the Final Order of the Curry County Planning Commission, dated July 8, 1992, approving Application C-9205. After a sixty day public comment period, the Director shall review and approve the Plan if she finds that the Plan will result in efficient use of water and protection of ground and surface water quality and riparian areas. The permittee shall include a report on the implementation of the Plan as part of the general water use reporting requirement of this Permit.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

~~Construction shall be completed within 90 days of the date of the permit. The water to the use shall be used on or before October 1, 1995.~~

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Water appropriated under this Permit shall be used only for irrigation and any water right certificate issued to perfect this Permit shall be conditioned to prohibit any change in use of the water right.

RECEIVED

JAN 17 1996

WATER RESOURCES
SALEM, OREGON

PAGE THREE

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date February 22, 1995.



Water Resources Department
Martha O. Pagel
Director

RECEIVED

JAN 17 1996

WATER RESOURCES DEPT
SALEM, OREGON



CITY OF BROOKINGS

898 Elk Drive
BROOKINGS, OREGON 97415



1 DCR 1 01/16/96 22:53 EUGENE, OR 974

Dallas S. Miller
Water Rights Specialist
Oregon Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97310-0210



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

October 29, 1998

FILE#: R 73396

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR

97415

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

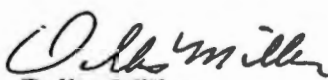
In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,


Dallas Miller
Water Rights Specialist



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

September 19, 1998

TOM NELSON; CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415

Reference: Files R 73396, 73397, 71042, Permit R 11535, 51595, 51383

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect.

If it is necessary that you have an extension of time before that, it may be possible if you can make the statement that water can be fully used within one year.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipts 24652, 24660, 24661 for the \$300 recording fee submitted.

Also, before we can process your requests we need more information. You have listed general information about the development, but we need to have specific information about pumps, pipes, amount of water use, number of reservoirs done etc., specific to each permit. You can submit an addendum for each extension request.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller
Natural Resource Specialist 2

cc: Watermaster Dist 19

City of Brookings

Attachment

Application for extension of time
File No. R73396
Permit No. R11535

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit:

- 1) Within the past year our developer, The Claveran Group, has invested close to \$2,000,000 building an 18 hole, low water use, environment friendly championship golf course at this site. They still have about \$1 ½ million dollars of work to do, primarily on the clubhouse, access road, RV Park area, and fine tuning the course before next June 1st when they expect to open for play.
- 2) Prior to this past year we had constructed a driving range and small shop and purchased a pump and PVC pipe.

RECEIVED
SEP 17 1998
WATER DEPT.
SALEM, OREGON

April 25, 1996

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415
ATT: MAYOR TOM DAVIS

REFERENCE: File 73397, R 73396


We have received your application for extension of the time limit to complete construction under Permit 51595. We also have your check in the amount of \$ 100.

Your application requests extending the date for completion of construction from 10/1/96 to 10/1/98. We cannot do this because your permit allows you until 10/1/97 to complete construction. You have until 10/1/97 to complete construction on both this permit and the reservoir permit R 11535.

I am refunding your \$100 fee. What you do need to do to keep from losing the permits is to report the beginning of construction date which was 2/22/96 on both permits. Enclosed are A forms (beginning of construction forms) which you need to show beginning of construction on both permits.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,



DALLAS S. MILLER
Water Rights Specialist

DSM:



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

FEB 26 1996

File No. R73396 WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Tom Davis, Mayor name

898 Elk Drive Brookings OR 97415 (541) 469-2163
address city state zip phone

record owner of permit No. 11535, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1996, be extended to October 1, 1998, and/or the time in which to

accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

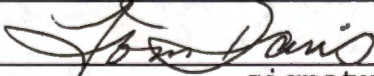
(1) within past year excavation on first reservoir to determine water table, has taken place.

(2) prior to this past year --

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)

--

(4) unable to complete construction and/or application of water within the permit time limits because funding for complete project has not been finalized.

, Mayor February 21, 1996
signature date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE #

000054

RECEIVED FROM:

City of Brookings *R-73396*

APPLICATION	<i>11535</i>
PERMIT	
TRANSFER	

CASH: CHECK: # *24-22* OTHER: (IDENTIFY)

TOTAL REC'D \$ *100.00*

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY FEES		\$
0410 RESEARCH FEES	<i>R-PCA 6611</i>	\$
0408 MISC REVENUE: (IDENTIFY)	<i>Extension</i>	\$ <i>100.00</i>
TC165 DEPOSIT LIAB. (IDENTIFY)		\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202 RECORD FEE
0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	0204 \$
	\$	0206 \$

WELL CONSTRUCTION

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

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT #

000054

DATED:

2-26-96

BY:

F.L.S.

DATE	INVOICE NO.	VOUCHER NO.	NET INVOICE AMOUNT	VOUCHER TOTAL	MEMO
------	-------------	-------------	--------------------	---------------	------

RECEIVED

FEB 26 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

Account Dr	Amount Dr	Description
	100.00	Application for Extension

PERMIT #11535

66257

NUMBER _____

Check 100⁰⁰ Mo _____ Cash _____

- _____ Surface Application
- _____ Reservoir Application
- _____ Ground Water Application
- _____ Transfer Application
- _____ PFO Request
- _____ Research
- _____ Hydroelectric Fees
- _____ Copying
- _____ Assignment
- _____ Extension of Time
- _____ Protest
- _____ Other

*Files at
Uni-group
Dallas*



CITY OF BROOKINGS

898 Elk Drive

BROOKINGS, OREGON 97415



EUGENE, OR 974

02/22/96 22:06

DCR 1



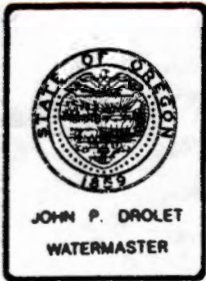
97310-0705



RECEIVED

JUL 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121

EXT. 254

07-29-97

Tom Weldon, Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415

file # 71042, prmt # 51383
73397 # 51595
R-73396 # R-11535

Dear Mr. Weldon:

A chance conversation with the City's public works supervisor, Dennis Barlow, on July 17th, during Ferry Creek Reservoir's yearly dam safety inspection prompts this letter. As a member of a volunteer group working on the Jack Creek Golf Course project, Dennis made an enquiry concerning the City's water use permits for the golf course.

The City is in jeopardy of losing its' permits.

The City's irrigation permits do not enjoy the usual preference given to municipal permits. For example, under the terms of the City's 1990 permit for irrigation, the complete application of water to beneficial use was to have been made by October 1, 1994. Subsequent special orders have extended that date to October 1, 1996. A pending City request, yet to be processed by the Department would conditionally extend that date to October 1, 1997. Likely conditions, would obligate the City to commit to substantial irrigation before another extension is allowed.

Should you have questions, an excellent contact person with whom you might discuss the above, would be Dwight French (1-800-624-3199 ext. 268), a member of the Department's water rights staff.

Sincerely,

A handwritten signature in cursive script that reads "John P. Drolet" followed by a small flourish.

John P. Drolet
Watermaster, District 19

JPD/dt

CF: AJC
Dwight French
Dennis Barlow

BkgsExt1.D19

May 16, 1996

CITY OF BROOKINGS
898 ELK DR
BROOKINGS OR 97415

REFERENCE: File R-73396

Enclosed is our \$100 refund for Permit R-11535. This refund reflects unnecessary extension fees on this permit.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:jh

enclosure



INTEROFFICE MEMO

TO: FISCAL SECTION

DATE: 5/6/96

FROM:

Janet Halladay for Dallas D. Miller
Authorized Examiner

SUBJECT: Request for transfer of fees or refund check

Please transfer \$ _____ Receipt _____ from file _____ to file _____ for:
_____ Examination fee
_____ Permit Recording Fee

Please refund \$ 100⁰⁰ to City of Brookings file R-73396, receipt 000054. These funds are refunded due to:

- _____ Application rejected
- _____ Application withdrawn
- _____ Excess fees collected for application/PON
- _____ Payment of PON
- _____ Protest Filing Fees
- Other: Extension not needed

0408

INTEROFFICE MEMO

TO: FISCAL SECTION

DATE:

FROM:

_____ Authorized Examiner

SUBJECT: Request for transfer of fees or refund check

Please transfer \$ _____ Receipt _____ from file _____ to file _____ for:
_____ Examination fee
_____ Permit Recording Fee

Please refund \$ _____ to _____ file _____, receipt _____. These funds are refunded due to:

- _____ Application rejected
- _____ Application withdrawn
- _____ Excess fees collected for application/PON
- _____ Payment of PON
- _____ Protest Filing Fees
- _____ Other: _____

MAY 08 1996

January 18, 1996

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 97415

REFERENCE: Files R 73396, 73397

We have received your letter for extension of the time limit to begin construction under Permits R 11535 and 51595.

We cannot extend the beginning of construction dates for permits unless the use is municipal. Although you are a municipality the permits use is for irrigation. It is imperative to meet that date for the permits to remain valid.

To meet the February 22, 1996 beginning date there must be some clearing or excavation for the reservoir permit. For the surface water permit (51595) you must at least purchase some irrigation equipment (pipe etc.).

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,



DALLAS S. MILLER
Water Rights Specialist

DSM:



Water Watch

FACSIMILE TRANSMITTAL COVER SHEET

Date: 2/9/95
To: Reed McPart Tom Cohe/Mayor Davis
Fax Number: 503-378-8730 503-469-3650
From: Karen Russell Fax number (503) 295-2791
Total Pages Being Sent, including this page: 5

**If there are any problems receiving this transmission,
please telephone WaterWatch immediately at 503-295-4039.**

Re: Applications L73396, 73397

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW. THANK YOU.

WaterWatch

By FAX and Hand Delivered

February 9, 1995

Reed Marbut
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: City of Brookings Jack Creek Golf Course R73396 and 73397

Dear Mr. Marbut,

I have reviewed the draft permits you faxed to me today and the City's *Jack Creek Golf Course Management Plan*. The draft permits appear to accurately reflect the language we had agreed to at the last meeting with the applicant. With regard to the Golf Course Plan, we appreciate the obvious effort that went into the plan and have found only a few changes that we think need to be made. Several of the changes are intended to clarify how water can be used under the proposed and existing permits, one change incorporates a metering commitment made by Jim Cole in his letter of September 22, 1994 and the remainder we feel are necessary in order to meet the water management planning requirement in the two proposed permits. The comments/proposed changes are as follows:

Page 1:

In order to help clarify the periods of use allowed under the different permits/applications, we suggest that the listing of the permits and applications include a listing of when use is allowed and where the water is diverted. For example,

1. Permit No. 51383, diversion from Chetco for irrigation from March through June;
2. Application No. R 73396/Permit No. ??, diversion from the Chetco for storage of water for irrigation from December through March 1st;
3. Application No. S73397, diversion from storage ponds from March through October for Irrigation . . .

Page 2:

1. Consistent with the existing and proposed permits we recommend that #1 be expanded to read:

1. Water will be diverted directly from the Chetco River for irrigation only during the period of March 1 to June 30 of each year. Water may be diverted from the Chetco for storage for supplemental irrigation from December 1 through March 1st each year. The water in the ponds will be used for irrigation from March 1st to October 31.

5. We understand that shortages are more likely to occur during late summer, however #5 should be changed to limit watering any time water supplies are limited. We recommend deletion of the words "during late summer".

6. Add a sentence that articulates the Golf Courses commitment to meter and report water use from the exempt wells. See letter from Jim Cole to Reed Marbut, September 22, 1994 and "Letter of Agreement" signed by City of Brookings, WJS Golf, Inc., Kalmiopsis Audubon Society and Bob McCallister. We recommend the addition of the following sentence:

Water withdrawals from exempt wells will be metered a log maintained by the Developer. The monthly usage will be logged by the Developer and made available at City Hall in Brookings and reported to the Water Resources Department annually or more frequently.

10. The permit conditions require a program for performing water audits of the system. Currently there is no such program in the plan. We recommend the addition of a program in a new #10 and suggest the following language:

In order to verify efficient use of water the Golf Course shall monitor and record monthly, as part of an ongoing water use audit, water use in volume used and area irrigated. Such record will be available to the Water Resources Department on request. The Golf Course will take all reasonable actions to increase water use efficiency where audits reveal the need for increased efficiency.

Page 3:

The language in the second paragraph is confusing. This section states that there will be no diversions of Chetco River water from July through February. However the reservoir application contemplates diversions of water from December through March 1st. Does this mean that the reservoir application is not needed?

Page 7:

We continue to be concerned about claims that irrigation of the Golf Course will recharge the aquifer and add flows to Rock Creek. These types of return flows are often a sign of inefficient use and overwatering. We do not agree with most of the statements on this page, and recommend that most of it be deleted.

Page 8:

2. We are concerned that consultation occur throughout the development of the golf course not just at the very beginning. We recommend that language be added that requires continued coordination as the course is developed. We suggest the following language:

The Golf Course developer will continue to coordinate and communicate with the ODFW, Oregon South Coast Fishermen and Curry County Design Review Board during construction of the Course.

Page 10:

1. We strongly support the statement contained here. As I understand it however, pesticides and fertilizers not requiring a permit will be used and the City has agreed to specific notice requirements. We recommend that these notice requirements be added to this section:

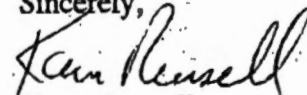
The following agencies will be noticed at least 24 hours before application of chemicals and/or fertilizers:

- A) City of Brookings
- B) Oregon Department of Fish and Wildlife
- C) Dept. of Environmental Quality
- D) harbor Rural Water Peoples Utility District.

I believe these changes are all consistent with either earlier agreements made by the Golf Course in the land use process or with the agreements reached in the last meeting on the water use applications. I have faxed a copy of this letter to Jim Cole and Mayor Davis at the City and am open to discussion/questions. I may be in Seattle Monday through Wednesday of next week (my office will have a number I can be reached at), but will be in the office for sure Thursday and Friday.

Thanks. Please call me with comments/next steps. As I understand it, once we get the plan finalized WaterWatch will withdraw its protest and objections and the permits could be issued with the conditions contained in your fax.

Sincerely,



Karen Russell
Assistant Director



December 20, 1994

Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

RECEIVED
DEC 23 1994
WATER RESOURCES DEPT.
SALEM, OREGON

**REFERENCE: WATER USE APPLICATION NUMBERS R-73396 AND R-73397
PURSUANT TO THE ISSUANCE OF WATER USE PERMITS
FOR THE ABOVE APPLICATIONS**

Dear Reed:

Enclosed is the Management Plan requested by Oregon Water Resources Department and Oregon Water Watch concerning the storage and use of irrigation water appropriated under State of Oregon Water Permit number 51383.

This Plan will be followed by the City of Brookings and it's developer in the building and maintenance of the Jack Creek Golf Course.

Sincerely,

Tom Davis
Mayor
City of Brookings

Jim Cole
Chairman
Brookings Golf Board

cc: Tom Weldon, City Manager
City Council
Golf Board

January 12, 1995

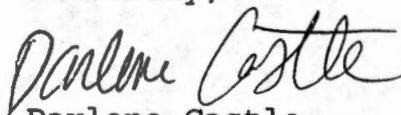
Karen Russell
WaterWatch
921 SW Morrison, #538
Portland, OR 97205

RE: Jack Creek Golf Course / City of Brookings
R-73396 and R-73397

Dear Karen:

Enclosed is the Management Plan prepared for Jack Creek Golf Course/City of Brookings. Please look this over at your earliest convenience. Reed will contact you in a week or so to discuss the ramifications of this plan. Thank you.

Sincerely,



Darlene Castle
Water Rights/Adjudication Assistant

Enclosure





December 20, 1994

Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

DEC 21 1994
CITY OF BROOKINGS, OREGON

**REFERENCE: WATER USE APPLICATION NUMBERS R-73396 AND R-73397
PURSUANT TO THE ISSUANCE OF WATER USE PERMITS
FOR THE ABOVE APPLICATIONS**

Dear Reed:

Enclosed is the Management Plan requested by Oregon Water Resources Department and Oregon Water Watch concerning the storage and use of irrigation water appropriated under State of Oregon Water Permit number 51383.

This Plan will be followed by the City of Brookings and it's developer in the building and maintenance of the Jack Creek Golf Course.

Sincerely,

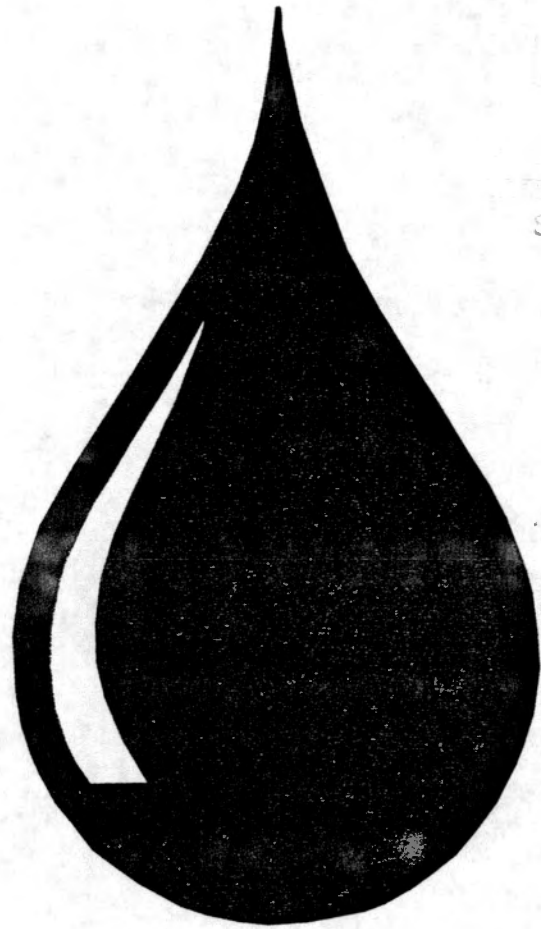
Tom Davis
Mayor
City of Brookings

Jim Cole
Chairman
Brookings Golf Board

cc: Tom Weldon, City Manager
City Council
Golf Board

11-73396
R-73397

JACK CREEK GOLF COURSE



DEC 2 1994
STEW, WREDD

MANAGEMENT PLAN

CITY OF BROOKINGS

GOLF COURSE MANAGEMENT PLAN

DEC 9 - 1994
STATE
SPECIAL SECTION
DEPT.

Scope of Plan

Water will be supplied to the City of Brookings Golf Course (Golf Course) under the following water rights:

1. Permit No. 51383;
2. Application No. R-73396;
3. Application No. S - 73397; and
4. An exempt well to be developed in the Chetco River Basin for commercial water use up to a maximum of 5000 gallons per day, and domestic water use for two residences up to 15,000 gallons per day.

Use of water under Permit No. _____, issued pursuant to Application No. R-73396, and Permit No. _____, issued pursuant to Application No. S-73397 (Permits) will be conditioned upon submittal of this Management Plan (Plan). This Plan shall be submitted to the Director of the Oregon Water Resources Department (OWRD) 90 days before water use is initiated under the Permits. The Director shall allow 60 days for public comment on the Plan. The Director shall approve the Plan if he/she finds the Plan sets out operational and maintenance guidelines that will result in efficient water use, protection of ground and surface water quality in the area of water use under the Permits and protection of riparian areas in the vicinity of the Golf Course.

This Plan includes the following operation and maintenance information:

1. Water use efficiency measures;
2. Golf course operation and maintenance guidelines; and
3. A strategy for implementation of the Curry County Final Order issued July 8, 1992.

Water Use Efficiency Measures

The following water use guidelines will apply to use of water under the Permits:

1. Water will be diverted from the Chetco River only during the period March 1 to June 30 of each year.
2. No water will be withdrawn from Jack Creek or the unconfined aquifer of Jack Creek.
3. Irrigation of the 182 acre Golf Course development will be limited to a total of 90 acres (10 acres of greens and 80 acres of fairways).
4. Greens irrigation will be monitored with moisture gauges. Fairway irrigation will be controlled by the operator on a close coupler system for demand only application.
5. If necessary, during late summer when and if water supplies are limited, irrigation will be confined to tees, greens and approaches.
6. Water withdrawals from the Chetco River will be metered. Water use will be reported to the Water Resources Department pursuant to a schedule to be set by the Director.
7. Water withdrawn from the Chetco River will be delivered to storage in ten small storage reservoirs on the Golf Course site. All reservoirs will be lined with a PVC lining material to minimize seepage. Water use from the ten reservoirs for irrigation will be metered and reported to the Department.
8. Irrigation of the Golf Course will be limited to night and early morning hours of each day to minimize losses due to evaporation and maximize water penetration into the turf root zone.
9. Irrigation practices that stress shorter application time and volume will be used.

The demand of irrigating and reservoir filling

As per water permit No. 71042, 77,500,000 gallons of water can be pumped from March 1 - June 30. During this period the reservoirs will be filled to their 20,000,000 gallon capacity and kept topped off while the golf course will be irrigated from these same reservoirs. It will be extremely important that the reservoirs be at full capacity on June 30 of each year.

500,000 gallons	March irrigation
900,000 gallons	April irrigation
1,600,000 gallons	May irrigation
2,900,000 gallons	June irrigation
<u>20,000,000 gallons</u>	to fill ten reservoirs
25,900,000 gallons	TOTAL

During the period of July 1 through February 28, no Chetco River water may be appropriated. Therefore, the golf course will be irrigated with water from the 10 reservoirs on the course. The irrigation demand from July 1 through October 31 will be heavy on the reservoir storage and the irrigation, schedule as stated earlier will be adjusted to meet the availability of water at this time. November through February as previously mentioned require little or no additional irrigation as rainfall during this period is at its annual maximum. Also during this November/February time the 10 reservoirs will be brought back to full capacity.

3,800,000 gallons	July irrigation
3,100,000 gallons	August irrigation
2,300,000 gallons	September irrigation
1,600,000 gallons	October irrigation
900,000 gallons	November irrigation
500,000 gallons	December irrigation
300,000 gallons	January irrigation
<u>300,000 gallons</u>	February irrigation
12,800,000 gallons	TOTAL

Water Demand to Irrigate the Golf Course

The following is an estimate of the monthly water requirements to irrigate the Jack Creek Golf Course site. November through February historically are wet months in this area and will require little or no supplementary irrigation beyond that coming from rainfall.

<u>Month</u>	<u>Gallons</u>
January	300,000
February	300,000
March	500,000
April	900,000
May	1,600,000
June	2,900,000
July	3,800,000
August	3,100,000
September	2,300,000
October	1,600,000
November	900,000
December	<u>500,000</u>
	18,700,000 Gallons per year

Rainfall for Chetco River Valley (Rainfall data)

All of the above is calculated assuming the "worst weather" scenario and does not include days when water is added to reservoir supplies by rainfall (80" per year average) and days when no water is used because of weather conditions (rain, cool temperatures, or cloudy days).

The average rainfall for the past five (5) years (1989-1993) has been 80" per year. We have charted this rainfall on the following page to show the monthly volume and how this will impact the overall needs of the golf course and thus benefit the natural recharging of the 10 irrigation reservoirs on this site.

The total acreage of the 10 reservoirs is approximately 10.33 acres. Using the figure of 27,154 gallons per acre inch of water we can arrive at a monthly figure for the recharging by natural rainfall. If we also channel excess runoff from this rainfall into the irrigation reservoirs, this should reduce our requirements for pumped irrigation water from the Chetco River.

As you will note in the following chart, the months of June, July, August and September are the critical times for water use. With the 20 million gallons in the irrigation reservoirs and another 1.5 million gallons from rainfall during this period plus again this amount from runoff channeling there should be adequate water to carry this project through the water year.

Also, as stated, the irrigation program can be changed to irrigate only greens, tees and approaches during much of this time if it becomes necessary due to lack of water.

**RAINFALL CHART FOR CHETCO RIVER VALLEY
1989-93 (MONTHLY AVERAGE)**

(Formula - inches of rain x 10.33 acres x 27,154 gallons per inch)

	<u>MONTH</u>	<u>AVERAGE INCHES</u>	<u>TOTAL VOLUME ADDED TO RESERVOIRS</u>
	January	15.82 inches =	4,500,766 gallons
	February	9.92 inches =	2,782,568 gallons
We Pump	March	16.04 inches =	4,499,233 gallons
We Pump	April	12.46 inches =	3,495,040 gallons
We Pump	May	7.00 inches =	1,963,505 gallons
We Pump	June	2.02 inches =	566,671 gallons
Res. Full	July	0.80 inches =	224,400 gallons
	August	1.64 inches =	460,021 gallons
	September	0.78 inches =	218,790 gallons
	October	7.62 inches =	2,137,416 gallons
	November	8.22 inches =	2,305,716 gallons
	December	13.60 inches =	3,814,811 gallons

If we take the monthly figures shown above and calculate into these the gains from controlling and channeling the runoff throughout the entire project area you will find the total gallons per month going into the irrigation reservoirs will be approximately doubled. This will greatly reduce the necessity to pump irrigation water from the Chetco River source.

Overview

One might imagine this entire project as that of recirculating waters. Water is pumped from the Chetco River into reservoirs on the golf course site. This water has traveled one and one-half miles from the river into the Jack Creek valley. This water is then pumped onto the fairways to irrigate them and gravity and percolation, in a very short period of time, takes this same water down the Jack Creek valley aquifer into the Chetco River to the same location where it was extracted from originally. The only loss in this system is evaporation which occurs naturally throughout the Chetco River system.

One very important plus in this water flow system will be the addition of water to the Jack Creek flow levels in July, August and September. During this period Jack Creek is a dry rock bed with a few ponds here and there. These ponds hold small salmon fry which perish during the summer months. This additional water that irrigation will provide to the Jack Creek aquifer might be enough to keep at least a minimal flow in the creek during these months thereby sending these hundreds of small salmon fry on into the Chetco River system.

Golf Course Operation and Maintenance

The following Operation and Maintenance guidelines will govern management of the Golf Course:

- 1. All cattle will be removed from the site.**
- 2. Before Golf Course construction is initiated, the developer will hold a pre-construction conference with the ODFW, Oregon South Coast Fishermen and Curry County Design Review Board. All subcontractors will be required to attend the pre-construction conference.**
- 3. Earthwork and grading operations will be confined to dry weather periods, as much as possible, so that slopes can be stabilized with vegetation prior to winter rains. Excavations, embankments and other disturbed areas resulting from earthwork operations will be seeded as soon as possible to minimize erosion potential. All land bordering Jack Creek will be protected by a berm during construction to control runoff to the channel of the creek.**
- 4. Fairways and other disturbed areas will be protected by a berm on the side nearest the streambank to reduce runoff into natural channels.**
- 5. Re-vegetation will be expedited to control erosion. Bushes such as hypericum(a fast growing, root intensive plant) will be planted to control creek bank erosion. The most mature commercially available trees will be used for re-vegetation.**

6. **Streambank canopy will be increased from the present 70% to approximately 85%. Riparian vegetation will be allowed to grow to optimum height to provide streambank cover, thereby reducing water temperature and promoting a good fish habitat.**
7. **Greens and tees will be designed and constructed to maximize water retention and absorption while allowing the least leaching. Grasses suitable to the Jack Creek environment will be used. Nontoxic cultural control of weeds will be used whenever possible.**
8. **A buffer zone will be maintained between all greens, tees, fairways and the stream bank. The green buffer will be 50 feet, and the tee and fairway buffer will be 20 feet.**
9. **Rip-rap will be placed at specific locations under supervision of the Oregon Department of Fish and Wildlife (ODFW).**
10. **Fairway, parking area and roadway runoff will be captured by french drain filtration systems. Runoff will be directed to the irrigation storage reservoirs.**

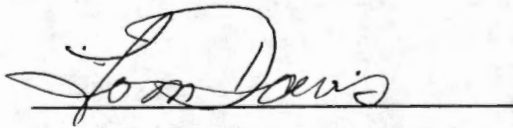
Curry County Final Order Implementation

On July 8, 1992, the Curry County Planning Commission issued its Final Order approving Application C-9205. This order set out a number of conditions for development of the Golf Course. Those conditions include requirements for protection of water quality in the area of the Golf Course development. In order to insure compliance with the Final Order, the following management guidelines shall apply to operation of the Golf Course:

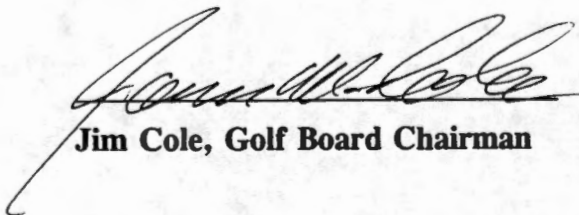
- 1. No pesticides or fertilizers requiring a permit shall be used. Any development proposal or lease agreement will stipulate that no pesticides or fertilizers that require a permit shall be used.**
- 2. All chemical applicators must be licensed.**
- 3. A baseline water quality will be established by testing prior to initiation of construction of the Golf Course. Thereafter, water sampling will be conducted at both ends of the Golf Course on Jack Creek on a quarterly basis each year. Water Samples will be tested by a State approved laboratory for chemicals/fertilizers used by the operator. Results of tests shall be posted and shall be reported to the City of Brookings, Department of Environmental Quality (DEQ), ODFW, Harbor Rural Water Department, and OWRD.**

4. **If testing indicates water quality deterioration below baseline levels due to pesticide and/or fertilizer use, the use of chemicals will be discontinued until such time as the quality deterioration is identified and resolved to the satisfaction of the listed agencies.**

5. **Pesticide and fertilizer application shall be based upon regular soil tests. All activities concerning chemical mixing, storage, use and equipment cleanup will be planned and implemented by a posted schedule. Chemical storage facilities on the Golf Course site will include a concrete floor and curb.**



Tom Davis, Mayor



Jim Cole, Golf Board Chairman

WaterWatch

RECEIVED

NOV - 7 1994

WATER RESOURCES DEPT.
SALEM, OREGON

November 4, 1994

Tom Davis, Mayor
Jim Cole, Golf Course Chair
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: City of Brookings applications R 73396 and 73397

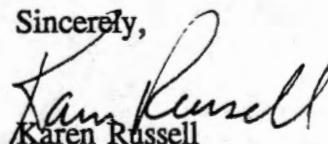
Dear Mayor Davis and Mr. Cole,

Thank you for copying us with the information you sent to the Department. However, it is unclear to us how this information will be used to meet the water management plan condition we agreed to.

I have talked to Reed Marbut about the information and where we go from here. As I understand it, he will be contacting you within the next few days to discuss the information you submitted and how a water management plan can be developed. Reed is also working to get out a draft of the permit for us all to review as soon as possible so that we can keep the process moving.

As always, we remain committed to the agreement reached last May and in our September meeting and working with you to try to resolve this matter as quickly as possible. Please call if you have any questions.

Sincerely,


Karen Russell
Assistant Director

c. Reed Marbut



RECEIVED

OCT 21 1994

**WATER RESOURCES DEPT.
SALEM, OREGON**

October 18, 1994

**Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310**

REFERENCE: BROOKINGS GOLF COURSE PROJECT

Dear Reed:

Enclosed please find the information you requested at the meeting in your offices at Water Resources Department on September 21st.

I hope this information will be sufficient for you to now proceed with the drafting and issuance of our permits #73396 and 73397.

Please note I am sending a copy of the enclosed to Karen Russell at Water Watch as this information was at her request.

If you have any questions or further requirements please do not hesitate to call as we would like to proceed with this project this fall and capture our pond water this winter during the high water period of the year.

Sincerely,

**Jim Cole
Chair
Brookings Golf Board**

JC/dmvm

RECEIVED

OCT 21 1994

WATER RESOURCES DEPT.
SALEM, OREGON

WJS William J. Stone & Associates, Inc.

141 B South El Camino Real #177
Encinitas, CA 92024

(619) 759-0956
(619) 759-1453 FAX

FAX TRANSMITTAL

Number of Pages
Including Transmittal 3

DATE: October 17, 1994
TO: Jim Cole FAX NO. (503) 469-3650
COMPANY: Brookings Golf Board
FROM: Bill Stone
RE: Jack Creek Golf Course

Jim:

I have faxed the cover letter for your meeting tonight. The package with all the backup is coming via mail.

WJS William J. Stone & Associates, Inc.

October 17, 1994

Mr. Jim Cole
Chairman
Brookings Golf Board
898 Elk Drive
Brookings, OR 97415

Re: Jack Creek Golf Course

Dear Jim:

Please excuse the delay in getting the information you requested per your Fax of 9/26/94. Bob and I however wanted to review all the information that had been submitted to date, because we were sure that all of the issues that are raised in the Fax have been addressed and answered before. In our review we found that they had all been answered numerous times previously and were part of the public record. We have enclosed excerpts from those documents for everyones review and use. We will however below try and summarize that information.

1. The screening is a directed issue and we agree to comply with the approved screen.
2. 73397 and R73396 are agreed on per the C.U.P.
3. Water Use Efficiency:
 - A. Overwatering of the golf course is in itself destructive. We are using an on-line system with quick couplers, rather than automatic for better supervision and control (See planned use schedule).
 - B. We plan on gathering the winter rains in the seven (7) lakes per a controlled run-off program.
 - C. We will control any run-off from irrigation to return to the lakes.
4. Protection of Ground and Surface Water Quality
 - A. Due to the apparent moisture of the soil very little use of chemicals is anticipated.
 - B. Fertilizer would be the only major chemical used. The area is not susceptible to fungus or insects.
 - C. A baseline water quality will be set and then tested quarterly, any change in the quality would require the removal of any chemical causing degradation in the quality.
 - D. 48 hours before the use of any chemical the following agencies will be notified, City of Brookings, Oregon Dept. of Fish & Wildlife, Dept. of Environmental Quality and Harbor Water District.

4. Cont.
 - E. French drain type filters will be installed in the parking lot to catch any run-off.
 - F. The installation of turf grass acts as a natural filter and leaches out harmful chemicals (See Leaching Studies).
5. Riparian Area Protection
 - A. All greens will be located at least 50 feet from Jack Creek.
 - B. There will be a 50 foot buffer zone between the golf course and Jack Creek. Additional foliage will be added in those areas.
 - C. Bridges will be added to cross Jack Creek.
 - D. Native vegetation will be added along the stream banks to aid in stabilization of the banks and provide cover for wildlife.

The above covers a number of items we have agreed to do to insure the quality and protection of the surrounding water ways. All of these items plus others are contained in the various reports and permits which are of public record. We will continue to work with the applicable and proper agencies in insuring the quality of these natural resources. If there is any additional information you may need please let us know.

Sincerely



William J. Stone
President

Enclosure

cc: B. McCallister

A;JCww1017

December 30, 1993

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 9741

Reference: File R 73396

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

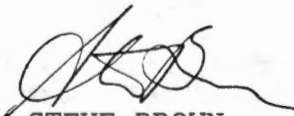
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before March 11, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: December 30, 1993

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: March 11, 1994

1. APPLICATION FILE NUMBER - R 73396
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 97415
CURRY COUNTY 503-469-2163

Date application received for filing and/or tentative date of priority: 5/13/1993

SOURCE: CHETCO RIVER TRIBUTARY TO: PACIFIC OCEAN

Purpose and/or use: STORAGE FOR IRRIGATION

Volume: RESERVOIR 1 - 7.4 acre-feet
RESERVOIR 2 - 8.3 acre-feet
RESERVOIR 3 - 4.9 acre-feet
RESERVOIR 4 - 7.7 acre-feet
RESERVOIR 5 - 5.3 acre-feet
RESERVOIR 6 - 8.3 acre-feet
RESERVOIR 7 - 5.3 acre-feet
RESERVOIR 8 - 3.7 acre-feet
RESERVOIR 9 - 3.4 acre-feet
RESERVOIR 10 - 8.0 acre-feet

Point of Diversion Location:

SW 1/4 SE 1/4 SECTION 34, T 40 S, R 13 W, W.M.; 350
FEET NORTH AND 1818 FEET WEST FROM THE NORTHWEST CORNER
OF SECTION 2, T 41 S, R 13 W, W.M.

Place of use:

SWSW
SESW
Section 35
T 40 S, R 13 W, W.M.

NENW
NWNW
SWNE
NWSE
SWSE
Section 2
T 41 S, R 13 W, W.M.

NENE
Section 11
T 41 S, R 13 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 62.3 acre-feet is likely available for 5 months. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: R 73396

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

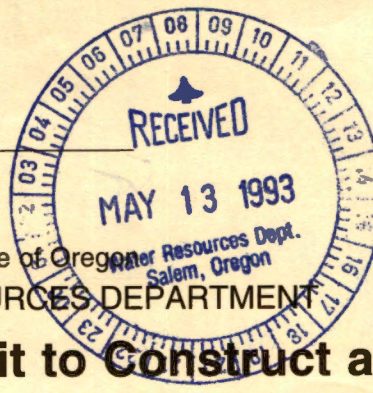
1. Use of water under this permit is subject to all prior rights.
2. Water may be appropriated for storage during the period: December 1 through April 30 of each year
3. Volume of use:

Reservoir 1	-	7.4	acre-feet
Reservoir 2	-	8.3	acre-feet
Reservoir 3	-	4.9	acre-feet
Reservoir 4	-	7.7	acre-feet
Reservoir 5	-	5.3	acre-feet
Reservoir 6	-	8.3	acre-feet
Reservoir 7	-	5.3	acre-feet
Reservoir 8	-	3.7	acre-feet
Reservoir 9	-	3.4	acre-feet
Reservoir 10	-	8.0	acre-feet
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee 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. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
 7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
 8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
 9. The total area proposed to be submerged by Reservoir 1, when full is 1.1 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 2, when full is 1.2 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 3, when full is 0.7 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 4, when full is 1.1 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 5, when full is 0.8 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 6, when full is 1.2 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 7, when full is 0.8 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 8, when full is 0.6 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 9, when full is 0.4 acres; the proposed maximum depth of water in feet is 13; the maximum height of the dam is 0 feet. The total area proposed to be submerged by Reservoir 10, when full is 0.8 acres; the proposed maximum depth of water in feet is 13; the maximum height of the dam is 0 feet.

10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.
12. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
13. Regulating devices shall be installed pursuant to ORS 340.310. Plans and specifications shall be approved by the watermaster before installation. Work shall-be done under the general supervision of the watermaster. Weirs will be required both upstream and downstream of the reservoirs.

Application No. R 73396



State of Oregon Water Resources Dept.
Salem, Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) CITY OF BROOKINGS
(Please print or type - use dark ink)

Mailing Address: 898 ELK DRIVE
BROOKINGS OR 97415 (503) 469-2163
City State Zip Daytime Phone No.

I (We) make application for a permit to construct 10 reservoir^s and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: CHETCO RIVER,
a tributary of PACIFIC OCEAN.
If not in channel of a stream, state how it is to be filled: VIA PIPELINE

2. THE DAM: The maximum height of the structure will be LAKES 1-8, 4 9 & 10, 0 feet above stream bed or ground surface at the centerline.
The dam will be (check one) earthfill, concrete, flashboard, other.
If "other" give description: _____

Give the location, description, and dimensions of the outlet conduit: 8" PVC OUTLET CONDUIT TO CREEK OR ADJACENT POND (SEE MAP)

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: AESTHETICS AND IRRIGATION OF JACK CREEK GOLF COURSE

POND: 1 2 3 4 5 6 7 8 9 10

4. THE AMOUNT OF WATER to be stored is: 7.4 8.3 4.9 7.7 5.3 8.3 5.3 3.7 3.4 8.0 acre-feet.
 The area submerged by the reservoir, when filled, will be 1.1 1.2 0.7 1.1 0.8 1.2 0.8 0.6 0.4 0.8 acres,
 and the maximum depth of water will be 9 9 9 9 9 9 9 9 13 13 feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. POND OVERFLOWS LOCATED AS SHOWN ON MAP.

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin MAY 1993
 Proposed date construction work will be completed Nov. 1994
 Proposed date water use will be completed Nov. 1995

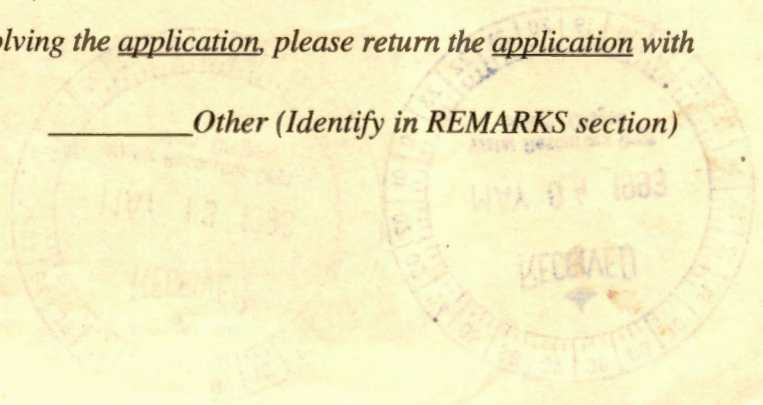
NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant CWRE Other (Identify in REMARKS section)



8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: DIVERSION SITE & ACCESS:

CHETCO RIVER: DIVISION OF STATE LANDS TAX LOT 800: SOUTH COAST LUMBER CO.
775 SUMMER ST. NE P.O. BOX 670
SALEM, OR 97310 BROOKINGS, OR 97415

QUESTIONS REGARDING PROJECT DESIGN MAY BE DIRECTED TO:

BOB BALDOCK JR., BOB BALDOCK AND SON
3001 RED HILL AVENUE, BLDG. 5, SUITE 210
COSTA MESA, CA 92626
(714) 557-2097 FAX (714) 754-0101

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

X Thomas W. Cluff 4-30-93
Signature Date

Signature Date

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

X Thomas W. Cluff 4-30-93
Signature of Applicant Date

Signature of Co-Applicant, if any Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 13 day of May, 1993, at 8 o'clock, A M.

APPLICATION NO: R-73396

August 17, 1994

Albert H. Mirati, Jr.
Oregon Department of Fish and Wildlife
P.O. Box 59
Portland, OR 97207

Re: Response to Objections
to Application File Numbers 73396 and 73397

Dear Mr. Mirati:

The Water Resources Department has received your letter of Objection to the proposed water use reported in the Satisfactory Reports of Technical Review announced on Application File Number 73396 and 73397 submitted by the City of Brookings. Your Objections have been reviewed by the Director and as the result of the Director's assessment, **your Objections to the proposed water uses are accepted.**

You have objected to the absence of a fish screening condition on any Chetco River point of diversion. The proposed permit conditions will be amended to include the following condition for any Chetco River point of diversion:

The permittee shall install, maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass device are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

If a timely protest is submitted in the proper form, the protest and the Application File with your Comments will be referred to the Water Resources Commission for review.

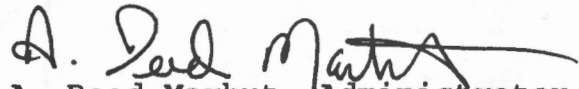
If no protests are received, the Application will undergo a public interest review. As the result of that public interest evaluation, a recommendation will be made to reject the proposed use, or issue a permit.



ODFW
August 17, 1994
Page 2

If you have any questions, please call us in the Water Rights
Division.

Sincerely,

A handwritten signature in cursive script that reads "A. Reed Marbut". The signature is written in dark ink and is positioned above the typed name.

A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: City of Brookings
WaterWatch

August 17, 1994

Karen Russell; Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

Re: Denial of Objections
to Application File Numbers R 73396 and S 73397

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Numbers R 73396 and S 73397 submitted by City of Brookings. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on applications R 73396 and S 73397 did include consideration of the elements specified in OAR 690-11-160(1) as is documented by the information contained in the records of the Department including the Application File.



The records of the Department, including the Application File indicate water is available in sufficient quantity to support the proposed use. The water availability assessment of the proposed water use is not inconsistent with the Water Allocation Policy as established by the rules of the Water Resources

A public interest determination must be made before a decision is made whether to issue a permit.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition. If issued, the permit will contain the following measuring and reporting condition:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

WaterWatch
August 17, 1994
Page 3

If a permit is issued on application S 73397, it will be conditioned to allow use of stored water only.

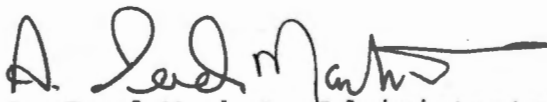
Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department, in Salem, Oregon, no later than 5:00 p.m. on or before **SEP 16 1994**. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: Tom Davis, Mayor, City of Brookings
ODFW

WaterWatch

Messenger Delivered

RECEIVED

SEP 16 1994

September 16, 1994

Water Rights Section
Water Resources Department
158 12th Street N.E.
Salem, Oregon 97310

WATER RESOURCES DEPT.
SALEM, OREGON

Re: Protest of Application Files R 73396 and 73397
City of Brookings, Irrigation, Golf Course, Chetco River

Dear Water Rights Section:

In March 1994, WaterWatch filed objections to the above referenced applications. Subsequent to the filing of objections, the applicant contacted WaterWatch and expressed an interest in resolving WaterWatch's concerns. After several meetings and discussions, WaterWatch sent a May 23, 1994 letter to the applicant outlining conditions that could be added to the proposed permit to address our concerns. See Attachment A. The Water Resources Department was copied with this letter.

On May 31 the applicant sent us a letter agreeing to the conditions requested in our May 23rd letter and asking us to withdraw our objections. See Attachment B. On the same day, WaterWatch faxed a letter to Steve Brown of the Department indicating we would withdraw our objections to these applications in the Department incorporated the agreed upon conditions. See Attachment C. By July 27th, we had not received any response from the Department. In a meeting with Reed Marbut, on that date, we discussed with him the proposed conditions and asked for specific responses by the Department on any conditions that raised concerns by the Department and indicated a willingness to work with the Department and the applicant on structuring the conditions in a fashion that was acceptable to all the parties.

On August 22, 1994, WaterWatch received the Department's denial of WaterWatch's objections. This "denial" letter not only failed to respond directly to many of the issues raised in the objection, it failed to even acknowledge, much less respond to the conditions agreed upon by WaterWatch and the Applicant. The Department's unexplained rejection of an agreement between WaterWatch and the applicant leaves us no alternative but to protest these applications. For the reasons outlined in the protest and our objections, we file this protest and a fee¹ pursuant to OAR 690-11-175(5) and 690-02-030 to 080:

¹ OAR 690-02-040 requires submission of a filing fee of \$25 per protest. Since WaterWatch is filing a single protest to this applicants two applications, we have interpreted

A. Facts

The use proposed in the technical report

According to the December 30, 1993 technical reports, the applicant proposes to divert water from the Chetco River to store 62.3 acre feet of water in 10 reservoirs and then to divert 450 gallons per minute from the Chetco River and 10 reservoirs to irrigate its golf course. The proposed conditions in the technical report for the reservoirs limit diversion of water for storage from the Chetco River from December through April. The proposed conditions in the technical report for the surface water application allow diversion of water from the Chetco River from March through April and from the reservoirs from March through October. The proposed conditions in the technical report for the reservoir application required installation of a measuring device and water use reporting. The proposed conditions in the technical report for the surface water application required installation of a measuring device but did not require the applicant to automatically report water use. Neither condition required the applicant to report general water use information along with the rate and duty of water use. Neither technical report contained screening and passage requirements.

The resource

The Chetco River system supports a variety of fish life including cutthroat trout, winter steelhead fall chinook, and coho salmon. Currently there are pending instream water right applications for the Chetco system which are senior to these applications and which request flows needed for fish life. Petitions have been filed requesting listing of coastal coho and steelhead under the Federal Endangered Species Act. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by, among other things, exposing spawning gravel and reducing feeding and rearing areas in these rivers. In addition, water diversions create problems for fish passage and survival in the basin.

A portion of the Chetco River is federally designated as a Wild and Scenic River. Anadromous fish and water quality are two values which are protected by this designation. The Siskiyou National Forest has identified low water and high temperatures downstream from the Wild and Scenic river as one of the most significant threats to the anadromous fishery that resides for part of the year in the designated section. See Attachment D. There is evidence that these fish runs are already significantly affected. Further water withdrawals during low flows will exacerbate existing problems.

this rule as requiring only a \$25 filing fee. However, in order to avoid potential problems with filing this protest, we have included a check for \$50. We request that the Department make a determination on whether a \$25 or \$50 fee is required.

The "denial" letter

The only substantive response in the Department's August 17th, 1994 letter to WaterWatch, related to measurement and reporting. In the letter, the Department modified the proposed measurement and reporting condition in the technical reports to require mandatory measurement and reporting of water use. The proposed condition does not, however, incorporate the conditions agreed upon by the applicant and WaterWatch which would require measurement and reporting of both rate and duty, and reporting of place of general use information. The Department also, in a letter to the Oregon Department of Fish and Wildlife regarding this application, included a proposed screening a passage condition.

B. Relief Requested

WaterWatch requests that these applications, as currently proposed, be denied.

C. Name and address of Persons having Interest in Proceeding

The following people are known to WaterWatch as having an interest in this proceeding:

Tom Davis
Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Al Mirati, Stephanie Burchfield
ODFW
1501 SW First Avenue
PO Box 59
Portland, OR 97207

Ellen Warring
Kalmiopsis Audubon Society
P.O. Box 1265
Port Orford, Oregon 97465

D. Legal Authority and Basis for Claim

This protest is filed pursuant to OAR 690-11-175(5) and 690-01-030 to 080. Under Oregon law the Department/Commission must deny applications unless the agency can ensure that the use will not impair or be detrimental to the public interest. ORS 537.170. When making the public interest determination, the agency must consider, among other things,

preserving the water for all purposes including fish, wildlife and recreation, the control of the water resource, water availability and Oregon's water resources policies. OAR 537.170(5). The Division 11, Division 400 and Division 410 rules further refine the public interest standards set out in the statute. In addition, when considering this application, the agency has a duty to ensure that water is available for the proposed use in light of other competing uses and that the quality of surface waters will not be impaired. ORS 537.170(5)(a) & (c), ORS 537.525(9), (11), ORS 468B.155, and ORS 468B.015.

The federal and state Endangered Species Acts also place a burden on the Commission. Under the state act the Commission is required to consult with the Oregon Department of Fish and Wildlife (ODFW) to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species, or, if no plan is in place, that the action will not "reduce the likelihood of the survival or recovery" of the state listed species. ORS 496.182(2). Under the federal Act, there is a prohibition against "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Listing under these Acts is a sign, not only of the health of a particular species, but also a warning signal for the health of the human environment.

The proposed use will harm the public interest in surface water resource because:

- The proposed use will deplete streamflows in the Chetco system that are needed for pending instream water right applications and for petitioned species in the Chetco River system. The public interest determination requires the Department to take into account instream flows needed for public uses when reviewing this application. ORS 537.170. The agency also has a duty to protect native fish, water quality, riparian areas and other public uses of water and to manage Oregon's waters in an integrated and coordinated water manner. ORS 496.435, OAR 690-410-030, OAR 690-410-070, ORS 536.220(1), (2), OAR 690-11-195(4)(c)(A), (d), (e), (f), (h) and statutes and rules cited above. In addition, the proposed use is contrary to other Oregon policies, including the Statewide Allocation Policy which requires use within the capacity of the resource and requires that instream flow needs be considered when reviewing applications for new uses. OAR 690-410-070.

The Department did not consider senior pending instream water right application pending for the Chetco River, as requested by ODFW when determining whether water was available for this proposed use. This use, individually and in connection with other pending applications and existing permitted uses, will significantly impair the public's interest in the surface water resource.

In addition, the Department failed to incorporate permit conditions contained in Attachment A which were agreed to by WaterWatch and the applicant that

would have ensured protection of these issues, thus, the use as proposed is not in the public interest.

- While the Department's "denial" letter requires measurement and reporting of the total duty of water used, it still does not require measurement and reporting of both rate and duty and does not require reporting of the place of use, as agreed to by the applicant and WaterWatch. These requirements are necessary in order to control of the proposed use and to ensure protection of the resource. See WaterWatch objections and ORS 536.220, ORS 390.835.

In addition, the following requirements of Division 11 and other procedural requirements were not followed:

- The Department's denial states that "(a) public interest determination must be made before a decision is made whether to issue a permit." This statement essentially makes it impossible for WaterWatch, or any interested party, that has raised public interest issues, to determine whether or not their public interest concerns will be addressed. It also makes it impossible for an interested party that has determined that the proposed conditions do address their public interest to determine whether their concerns will continue to be addressed if the public interest determination is made and when a permit is issued.

The public interest determination should be made before the parties are required to respond to the Department's proposal to issue a permit so that the parties can determine whether their concerns have been addressed. This "moving target" approach to public participation does not provide the public with the ability to participate meaningfully in water allocation decisions.

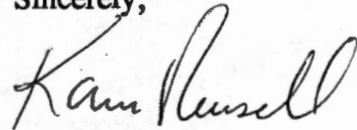
There is nothing in the rules that allow the Department to make changes to conditions without notice to interested parties. While we agree that as new information comes forward, the agency has a duty to ensure that conditions are modified to protect the resource, the Department should give parties in the proceeding notice and an opportunity to comment on any changes.

- The technical report failed to contain many of the elements and evaluations required in OAR 690-11-160(1). The Department's response in the denial letter, these elements were not included in the report in order to "maintain clarity and simplicity" is not supported in the rules. The purpose of the technical report is to give interested parties information that is crucial in order to evaluate whether or not the application is of concern.

Protest to appl. R 73396 and 73397
Page 6

For the reasons outlined above and in our objections to these applications, we file this protest.

Sincerely,

A handwritten signature in cursive script that reads "Karen Russell". The signature is written in black ink and is positioned above the printed name and title.

Karen Russell
Assistant Director

Certificate of Service

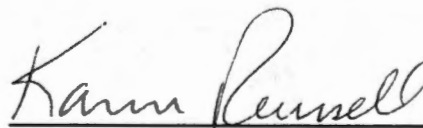
I certify that on this 16th day of September, 1994, a copy of WaterWatch's Protest of Applications R 73396 and 73397 was served on each of the following by first class mail, postage paid, in the United States Mail from Portland, Oregon, enclosed in a sealed envelope and addressed as follows:

Tom Davis
Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Al Mirati, Stephanie Burchfield
ODFW
1501 SW First Avenue
PO Box 59
Portland, OR 97207

Ellen Warring
Kalmiopsis Audubon Society
P.O. Box 1265
Port Orford, Oregon 97465

Signed this 16th day of September, 1994



Karen Russell
Karen Russell

RECEIVED

SEP 16 1994

May 23, 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Tom Davis, Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: WaterWatch's objections to applications 73396 and R 73397

Dear Mayor Davis;

This letter is in response to your letter of April 15 and our phone conversation today regarding the above referenced applications. After reviewing the materials we have received on the proposed golf course and talking to local citizens in the area, WaterWatch agrees that the golf course can be a good, environmentally sensitive project, if the water rights are properly conditioned. As I understand from our discussion today, the City's intent is to create an environmentally sensitive project.

As I understand it, the proposed site of the golf course is land that was given to the City to be used as a golf course. If the City does not use the property for such a purpose, the land will revert back to the original owner. Currently, the property is used for grazing of cattle, which have destroyed, and are continuing to destroy, the riparian areas around Jack Creek. The City plans to use its existing water use permit #51383 to divert water from the Chetco River from March through June. This water will be stored in 10 ponds located on the golf course under application R 73396. The water in the ponds will be used from March 1 through October 31st for irrigation of the golf course under application 73397. No water will be diverted directly from the Chetco River under application 73397.

With this understanding of the proposed use of water, WaterWatch is willing to withdraw its objections to these two applications if the following conditions are added to any permits issued for these applications:

Measurement and Reporting

Your letter of 4/15/94 stated that the City will have a meter on the pump that diverts water from the Chetco River to the ponds. The Water Resources Department (Department) has proposed a measurement and reporting condition for both of the applications. In general, we support the Department's proposed condition with changes to (1) require that the City measure and report the rate (the maximum flow of water being diverted at any point in time) and duty (the total amount of water diverted in a season); (2) require meters as measuring devices; (3) require reporting of general water use information; and (4) on the reservoir application, a clear requirement of measurement of the water being pumped into the ponds:

R 73396

Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and duty of water put into the ponds each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use of water under the permit.

The permittee 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 water master shall request access upon reasonable notice.

73397

Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and duty of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use of water under the permit.

The permittee 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 water master shall request access upon reasonable notice.

Source and type of use of water for application 73397

As mentioned above, the only water diverted directly from the Chetco will be pursuant to the City's existing water use permit. That being the case, the Department's proposed condition # 2 for application 73397 should be amended to only allow use of stored water. In addition, as we understand it, this water will be used as a primary - not a supplemental— source of water. The condition should read:

Period of allowed use: Stored water - March 1 through October 31 of each year.

Proposed condition #10 should be deleted and a condition should be added which states that the use is for irrigation.¹

¹ It is unclear why the Department labeled this application as supplemental irrigation. Perhaps it is because your existing permit allows irrigation of the same lands. It may be that

Screening

Since these applications do not propose to allow diversion of water directly from the Chetco River and do not involve in-river storage, we agree that diversion and storage facilities that would be permitted under these applications do not need to be screened or meet passage requirements. However, the existing water use permit, #51383, which provides the water for storage and use under these applications does involve a diversion from the Chetco. Therefore we request the following conditions:

R73396

Storage of water under this permit is contingent upon compliance with the screening and passage requirements in permit 51383.

73397

Use of water under this permit is contingent upon compliance with the screening and passage requirements in permit 51383.

Type of Use

As mentioned above, the property, if it ceases to be used as a golf course, reverts back to the original owner. We are concerned that, if such a transaction were to happen, these water rights might be used in the future for some different kind of development of the property - a development that may not be as environmentally friendly. We request a condition be put on the permits to prohibit transfer of the permits or certificates to any other type of use, to address this concern.

73397

Water appropriated under this permit shall be used only for irrigation and any water right certificate issued to perfect this permit shall be conditioned to prohibit any change in the use of the water right.

R73396

Water stored under this permit shall be used only for irrigation and any water right certificate issued to perfect this permit shall be conditioned to prohibit any change in the use of the water right.

Water Management Plan - Conservation/Water Quality/Riparian Area Protection

There are three remaining issues of concern to WaterWatch: (1) ensuring water use efficiency, (2) ensuring protection of water quality of ground and surface waters, and (3) ensuring protection of riparian areas around Jack Creek and the Chetco River. I understand

the City's existing permit needs to be amended to better reflect the use the City is contemplating.

that the City is sensitive to these concerns. To ensure that water use pursuant to these proposed permits is efficient and does not result in degradation of water quality or riparian areas or the surrounding environment, we request that the City be required to develop and implement a water management plan for the Golf Course.

Within three months of the issuance of this permit, the City shall submit to the Director for review its water management plan for the Golf Course. The plan shall contain (1) measures to increase water use efficiency including installation and use of water saving devices and a program for performing water audits of the irrigation system (2) operational and maintenance guidelines for the golf course that will result in efficient use of water and (3) measures to implement the conditions in the Final Order of the Curry County Planning Commission, dated July 8, 1992, approving application C-9205. After a sixty-day public comment period, the Director shall review and approve the plan if she finds that the plan will result in efficient use of water and protection of ground and surface water quality and riparian areas. The permittee shall include a report on the implementation of the plan as part of the general water use reporting requirement of this permit.

Please do not hesitate to call me if you have any questions or concerns regarding these conditions.

Sincerely,



Karen Russell
Assistant Director

- c. Jim Cole, Golf Board Chair
Ellen Warring, Kalmiopsis Audubon Society
State Senator Bill Bradbury
Michael J. Cosgrove, Oregon South Coast Fishermen
Ed Gabriel, Water Resources Department
State Representative Vernal Tarno

Attachment 10

Phone (503) 469-2163

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415

The Home of Winter Flowers



May 31, 1994

RECEIVED

SEP 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Karen Russell
Water Watch
921 SW Morrison, Suite 438
Portland, OR 97205

RE: Water Watch's Objections to applications 73396 and R73397

Dear Karen,

We have read your letter of May 23, 1994 outlining the conditions you would like to see added to our two permits, and agree to these conditions.

Please send a fax releasing your original objections to the above applications to the Water Resources Department, C/O Steve Brown (FAX 378-8130) and a copy to the City of Brookings (FAX 469-3650). Thank you for your cooperation.

Sincerely,

Tom Davis, Mayor

Jim Cole, Chair of Golf Board

cc: City Manager

RECEIVED
JUN 03 1994

By FAX and Regular Mail

RECEIVED

SEP 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON

May 31, 1994

Steve Brown
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: WaterWatch Objections to Applications 73396 and R 73397

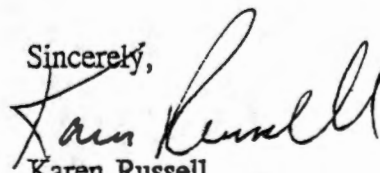
Dear Steve,

On May 23, 1994, I sent a letter to City of Brookings Mayor Davis regarding the above referenced applications stating that we would withdraw our objections to the above referenced applications if the conditions outlined in our letter were added to the permit. Ed Gabriel of your Department should have received a copy of the letter.

The City faxed a letter to us today agreeing to the conditions outlined in our May letter. Thus, we hereby withdraw our objections if the Department incorporates our conditions into any permits issued on these applications. As always, our objections are not formally withdrawn until we have an opportunity to review the proposed final permits.

Please call if you have any questions.

Sincerely,



Karen Russell
Assistant Director

encl.

- c. Tom Davis, Mayor
- Jim Cole, Chair of Golf Board
- Ellen Warring, Kalmiopsis Audubon Society
- State Senator Bill Bradbury
- Michael Cosgrove, Oregon South Coast Fishermen

United States
Department of
Agriculture

Forest
Service

Siskiyou
National
Forest

Chetco Ranger District
555 Fifth Street
Brookings, Oregon 97415

Reply To: 2510 Watershed Planning
2540 Water Uses

Date: June 22, 1992

City of Brookings
Mayor and City Council
City Hall
898 Elk Drive
Brookings, OR 97415

RECEIVED

SEP 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON

I'm enclosing for your attention letters I've written to South Coast Fishermen and to the Curry County Commissioners concerning water uses on the Chetco River in general and, more specifically, your golf course proposal. The essence of these letters is my concern that minimum streamflows be maintained in the Chetco River to ensure that anadromous fisheries are not jeopardized.

It's important that you understand why the Siskiyou National Forest is concerned in this matter and why the concern is surfacing at this time. You'll remember that the Chetco River was federally designated as a Wild and Scenic River by the Oregon Omnibus Wild and Scenic Rivers Act of 1988. The Siskiyou National Forest is directed to prepare a management plan for the river to protect the values for which it was designated and other associated river values. That management plan is nearing completion now.

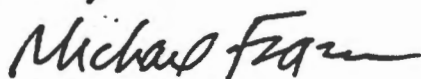
Anadromous fisheries and water quality were identified in the Act as the values for which the Chetco was designated. Planning for protection of fishery values required a comprehensive look at limiting factors in the stream environment. Only recently has it become clear that perhaps one of the most significant threats to the anadromous fishery is downstream from the National Forest, below the Wild and Scenic sections of the river. That is the threat to smolt survival as the fish migrate to the lower river in late summer/early fall and find low water and high temperature. Based on inferences from available streamflow data and observations from fishery management professionals, the Chetco anadromous fish runs (especially Chinook salmon) are already being significantly affected. Any further withdrawals during the low flow period can only increase those effects.

This realization has cast new light on prospects for growth and development dependent on Chetco River water. It seems clear that we need a comprehensive, long-term evaluation of water supply and demand before making further commitments of water during the low-flow period. To help accomplish that task, I could offer our fishery management and hydrology professionals to help in a partnership among City and County Government, Oregon Department of Fish and Wildlife, and the State Water Resources Department.

In the meantime, I have a concern about the pending commitments on the golf course project. The current plan does not guarantee adequate irrigation water supplies without using river water during the low streamflow period. There is a very low probability of finding substantial water by drilling deep wells. And a reservoir of the size currently proposed would not be adequate to irrigate even five acres for a period of three or more months. I must conclude that if the proposal were implemented as currently planned, it is inevitable that the remaining water would have to come from either Brookings or Harbor's municipal water system. I urge you to weigh this issue carefully as you consider going forth with this project as it is currently proposed. I am optimistic that plans can be amended to provide for adequate water without impacting the fishery.

I appreciate the difficult position you find yourselves in as you try to balance the need for a stimulus to the local economy with appropriate concern for resource protection. The Forest Service mission, too, has both resource protection and economic diversification/stabilization components. This latter mission has been given special emphasis by Congress in the last few years as we've seen many communities like Brookings impacted by reductions in timber sale programs and other commodity uses. We have been involved in a number of projects regionally and locally to assist local communities with economic diversification. At the same time, our direction from the Endangered Species Act and, in this case, the Wild and Scenic Rivers Act, is clearly to preserve conditions necessary for survival of species or significant races or populations of fish and wildlife.

Please call if I could help clarify these issues or provide additional information.



MICHAEL FRAZIER
District Ranger

cc: Tim Unterwegner, ODFW; Michael Mattick, Oregon State Water Resources Board;
Ann Ramp, South Coast Fishermen; Curry County Commissioners.

United States
Department of
Agriculture

Forest
Service

Siskiyou
National
Forest

Chetco Ranger District
555 Fifth Street
Brookings, Oregon 97415

Reply To: 2510 Watershed Planning
2540 Water Uses

Date: June 16, 1992

Curry County Commissioners
Curry County Courthouse
Gold Beach, OR 97444

Dear Rocky, Peg, Terry:

I have been dealing with South Coast Fishermen intermittently over the last few months about questions they had about water and geology in the Chetco watershed. The focus of their concern was the Jack Creek golf course proposal and whether the water use proposed there would impact the Chetco fishery. Numerous questions came up about water flows, the probability of finding a substantial aquifer underlying the area at the golf course, etc. Their questions finally culminated in a letter which asked several very broad, open-ended questions relating to these issues.

I answered their letter with the letter I'm attaching. As you'll see in my letter, their concerns about the fishery in the Chetco parallel concerns that have become clear to us as we've worked our way through planning for the Chetco Wild and Scenic River Management Plan. The Oregon Omnibus Wild and Scenic Rivers Act of 1988 that designated the Chetco River charged the Forest Service with the responsibility to "assist, advise and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect and manage river resources." (Section 11(b)(1).

The essence of the attached letter is that the Chetco is below the minimum streamflow considered necessary for the health and survival of fish during much of August and September in most years. In the last few years, because of the extended drought, the situation is even worse than that. Critical conditions now occur over longer periods. Chetco streamflow is pushing the thresholds on low minimum flows during most of August and September, some of October, and even in late July every year. The other important point is that the probability of finding additional water unrelated to stream flows by drilling deep wells is very slim.

Chinook smolts migrate to the lower mainstem of the river by the late summer period. The low flows exacerbate the already high temperatures in the lower river, creating conditions that are severely stressing fish. Incidents of smolts being killed by extreme conditions have even been reported. This is the current situation.

With potential growth in municipal water system hook-ups in Brookings and Harbor, it is easy to imagine the situation getting enough worse that few smolts survive to reach the ocean. Certainly Brookings and Harbor currently have enough water rights with early enough priority dates to bring the river to that condition, if their rights were fully exercised in the low flow season.

I won't presume to advise you about the proper outcome of the application for the golf course. I understand that assurances have been made that water won't be used from the river for irrigation during the low flow season. The irrigation water right has restrictions that guarantee that, and wells won't be allowed to supplement river water if they are hydraulically connected to stream flow. However, if there's any chance that once the investment is made, the operation will switch to using Brookings or Harbor municipal water for irrigation during the low flow season, I believe it should not proceed.

It's my opinion that this and other decisions about future growth of water demand from the Chetco River must be made very carefully if we are to avoid causing the Chetco Chinook race to go extinct. There are a few things we can do to mitigate the late summer high temperatures, but these possibilities are limited and will be easily nullified by lower water conditions. I would recommend that a comprehensive, long-term evaluation of water supply and demand be made to provide a context for future decisions on development proposals. There are many water conservation measures available for consideration to help stretch available supplies. If you do decide to undertake such an evaluation, we have staff available on the Siskiyou National Forest who could help in such an effort.

I should point out that conditions on the lower Winchuck River are roughly the same as for the Chetco. There is no gauging station on the Winchuck, so actual flow data are not available. And there are no municipal system withdrawals. However, the pace of development (and associated water withdrawals) appears to be placing similar kinds of pressures on the river. Visual examination of flows in the late summer indicates that the same problems exist there.

I'd be happy to discuss these issues with you further if there is any clarification or additional information I could provide.



MICHAEL FRAZIER
District Ranger

cc: Tim Unterwegner, ODFW; Michael Mattick, Oregon State Water Resources Board;
Ann Ramp, South Coast Fishermen

United States
Department of
Agriculture

Forest
Service

Siskiyou
National
Forest

Chetco Ranger District
555 Fifth Street
Brookings, Oregon 97415

Reply To: 2510 Watershed Planning
2540 Water Uses

Date: May 27, 1992

Oregon South Coast Fishermen
Attention: Ann Ramp
P.O. Box 2709
Harbor, OR 97415

Dear Ann:

I received your May 2 letter inquiring about several aspects of the water situation in the Chetco River watershed. A few of your questions cover subject matter outside the scope of U.S. Forest Service responsibility or knowledge. However, most of your questions bear directly or indirectly on subjects we have examined in the process of planning for administration of the portion of the Chetco River Federally designated as a Wild/Scenic/Recreational River.

The Federally designated section of the Chetco River ends at the Siskiyou National Forest boundary, just upstream from second bridge. However, we have examined issues relating to many of the questions you raise for the entire river to the mouth. That is necessary because the Chetco's anadromous fishery was identified as one of the principal river values for which the river was designated, and which we're obligated under the law to protect in our management plan.

We are currently in the final stages of completing the management plan for the Chetco. Many steps have been completed, including the Resource Assessment and a Water Quality/Quantity Report. Reference to these documents provides the following answers to most of your questions.

The watershed of the Chetco River covers approximately 350 square miles: about 270 (78%) are part of the Siskiyou National Forest; 15 (4%) are managed by Bureau of Land Management; and the rest are privately owned. The river is about 55 miles long and originates in the Klamath mountains, in the Kalmiopsis Wilderness Area. Topography varies from gentle coastal slopes to steep mountainous terrain, with peaks about 5,000 feet. The river falls at 300 feet per mile in the headwaters area; and at less than ten feet per mile near the mouth.

The watershed receives 100-160 inches of precipitation per year, mostly as rain. Some years see a small accumulation of snow. Streamflow is extremely variable from winter to summer and is relatively quickly responsive to basin precipitation. It is estimated that approximately 60% of the annual precipitation appears as runoff in this geological formation. U.S. Geological Survey (USGS) has maintained a water-stage recorder and crest-stage gauge near second bridge for many years. The last published period of record was the period from October, 1969 to October, 1987. Within that period, the river averaged a flow volume of 2,364 cubic feet/second (cfs). Extremes for the period were a maximum of 65,800 cfs and a minimum of 45 cfs.

There are no substantial diversions or withdrawals above the gauge. Water rights are on record for a total of about 0.08 cfs. There are more than 60 water rights on record for the area downstream from the National Forest boundary, for more than 52 cfs. In addition to these water rights, Oregon Department of Fish and Wildlife (ODFW) has instream water rights for minimum flows of 80 cfs at the low flow part of the year. The priority date on this latter right is 1964 above the North Fork confluence, and 1980 from North Fork to tidewater. ODFW has applied (11/8/90) for an increase in these instream minimum flows to 235 cfs for the low flow season. This application is pending.

It's clear that the 45 cfs recorded low flow is below the 80 cfs minimum flow ODFW says is needed for fish habitat. In fact, flows were below 80 cfs 25% of the time in August and just under 50% of the time in September during the period 1970-1987 (U.S.G.S. Open-File Report 90-118). It's important to note in this context that these low flows are upstream of the major withdrawals. It's also appropriate to consider that the drought cycle that began at the tail end of this data period has continued to the present.

These late summer, early fall low flows are of significant concern for the management of the anadromous fishery. Low flows worsen summer heating effects in the lower river. A joint assessment of the fish habitat conditions in the basin was completed by U.S. Forest Service and Oregon Department of Fish and Wildlife personnel in 1986. This effort identified high temperatures (70 to 75 degrees) in the lower mainstem as a major habitat limitation for salmonids, especially Chinook salmon.

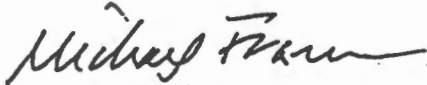
Sand and gravel in the lower Chetco has been moved downstream during higher flow periods. It enters the stream mostly as cobbles and boulders as a result of natural erosional processes in the headwaters and is broken down into finer gravels as a result of the rolling action moving downstream.

Your questions about wells and about an aquifer are somewhat related. The geological formation underlying much of the watershed, including all the western portion, is the Dothan Formation. This consists of graywacke sandstone, with interbedded siltstone and shale, occasional pillow lavas, volcanic breccia, chert and conglomerate. Water storage within the Dothan Formation is generally of very limited extent due to the faulted and sheared nature of the rocks. Relatively permeable rock types which could provide aquifers, are extremely limited in extent. Water may be stored within the numerous fractures in the bedrock. However, there is very low probability of finding a large contiguous body of stored water in this formation. The only way to be sure about the presence or absence of substantial stored water at any given point in this geological formation is to do controlled drilling studies.

A cursory examination of the county well records seems to support this prediction of a very limited aquifer. The only wells with any substantial yield appear to be those that tap underground stream flow from river gravels.

You asked about salt water intrusions. I have no information about salt water intrusions in the lower river beyond what I've read in the newspaper. I'd suggest checking with the City of Brookings for information on that issue.

I hope this information is complete enough to answer most of your questions. If there are points you'd like to discuss further or source material you'd like to examine, please don't hesitate to call me.



MICHAEL FRAZIER
District Ranger

cc: Tim Unterwegner, ODFW; Michael Mattick, Oregon State Water Resources Board

WaterWatch

DEF -

By FAX (503)469-3650

Post-It™ brand fax transmittal memo 7671		# of pages
To	From	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

Handwritten: To STEVE BROWN, From JIM COLE

Jim Cole, Golf Course Chair
 Tom Davis, Mayor
 City of Brookings
 898 Elk Drive
 Brookings, Oregon 97415

Re: City's applications 73396 and R 73397

Dear Mr. Cole and Mayor Davis;

I just received a letter from the Water Resources Department regarding your applications. Evidently you also received a copy of the letter. As you well know, we all spent a great deal of time negotiating permit conditions that would address WaterWatch's concerns and provide for the issuance of your permits. We stand by the agreement we reached. We assume the City does to.

Unfortunately, the Department's is totally nonresponsive to the issues raised in our objections and addressed in our agreement, despite WaterWatch's attempts to get Department feedback on the agreement that WaterWatch and the City reached on these applications. The Department letter requires that WaterWatch file a formal protest of your applications by September 16th.

I see two options for WaterWatch and the City. First, we could both contact the Department and demand a meeting to discuss the agreement to see if we can resolve the Department's problems, if any, with the agreed upon conditions. Second, we could decide not to negotiate with the Department and request that the Department take your applications and the agreed upon conditions immediately to the Water Resources Commission to resolve any differences and issue the permits with the agreed upon conditions. We prefer going directly to the Commission.

Either way, we remain committed to the agreement reached and willing to work with you to try to resolve this matter as quickly as possible.

Sincerely,

Karen Russell
 Karen Russell
 Assistant Director

c. Martha Pagel



RECEIVED

SEP 27 1994

WATER RESOURCES DEPT.
SALEM, OREGON

September 22, 1994

**Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310**

REFERENCE: BROOKINGS GOLF COURSE PROJECT

Dear Reed:

Thank you for your time and effort on the part of the Brookings Golf Course project at your offices yesterday.

For some reason I drew a blank on the potable water situation that we have agreed to with the Audubon Society, Oregon Department of Fish and Wildlife and the U.S. Forest Service concerning a well in the Jack Creek aquifer.

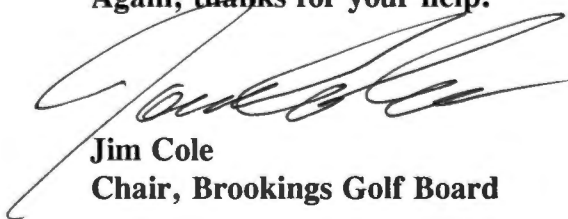
I am faxing to you with this letter the information that was agreed to that resolved this problem.

The developer will drill a well at the irrigation water intake site and this well will supply the water needs for the two residences and the club house at the golf course site.

As stated, this well will be on a separate meter and we will generate a separate report to you on the flow from this well.

Again, I am really sorry that this got by me at the meeting. Maybe it was the long drive or the many other matters concerning this project, but I really drew a blank.

Again, thanks for your help.



**Jim Cole
Chair, Brookings Golf Board**

RES FALWIE (503) 469-6604

JC/dmyn



October 19, 1992

John Drolet
State of Oregon
Watermaster
Coos County Courthouse
Coquille, OR 97423

RECEIVED

SEP 27 1994

WATER RESOURCES DIVISION
SALEM, OREGON

Dear John:

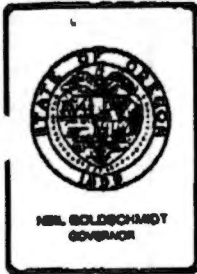
The City of Brookings requests a letter from your office confirming the following:

The City of Brookings and/or the golf course developer can place a well for potable water at the site of the present irrigation water permit intake. This well will be used to provide not more than 15,000 gallons/day of water for two housing units at the golf course site. In addition, not more than 5,000 gallons/day of water will be provided to the golf course clubhouse site. These maximum gallons/day water usage were extracted from WRD's April, 1990 publication Oregon's Water Rights System. It is our understanding that no permit would be required for the above identified usage.

Sincerely,

A handwritten signature in black ink, which appears to read "Dennis W. Cluff". The signature is written in a cursive, flowing style.

Dennis W. Cluff
City Manager



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

10-20-92

Dennis W. Cluff
City Manager
City of Brookings
Brookings, OR 97415

Dear Mr. Cluff:

Reference is made to your October 19 dated letter regarding exempt groundwater uses which may be planned for the proposed Jack Creek Golf Course. Attached, you will find a copy of the Oregon Revised Statute (ORS 537.545) which exempts certain groundwater uses from permitting requirements.

Among those groundwater uses which are exempted are domestic uses of less than 15,000 gallons per day and commercial uses of less than 5,000 gallons per day. It would appear that groundwater uses for the two proposed caretaker residences and the golf course club house will fall within the exempt classification providing that the respective quantities of water are not exceeded.

I would also draw you attention to Oregon Administrative Rules, Chapter 690, Division 250, Section 130, paragraph 1, also attached. Exempt uses may be regulated under certain conditions. For this reason, it would be to the golf course's benefit to locate its wells so as not to interfere or appear to interfere with established water uses, including existing and pending instream rights.

As discussed with Jim Cole, given the level of interest by fisheries groups, it would be prudent, if at all possible, to maintain a quarter mile distance from your proposed exempt groundwater sources to Jack Creek and Chetco River.

Dennis, should you have other questions, please get back in touch.

Sincerely,

John P. Drolet
Watermaster, District XIX

JPD/dt

CF: Alan J. Cook

RECEIVED
SEP 27 1994
WATER RESOURCES DEPT.
SILEM, OREGON

October 23, 1992

To: Brookings City Manager
Dennis Cluff
FAX 469-3650

From: Ellen Warring
Kalmiopsis Audubon Society
FAX 332-6565

Message: Dennis, this is what we would like to see on the agreement. Please comment.

Thanks, Ellen

Ellen —

THIS IS A DRAFT

LETTER OF AGREEMENT

By this Agreement, the parties agree to the following terms:

1. The City of Brookings agrees to withdraw a water right application for a potable water well near Jack Creek;
2. ~~The City of Brookings~~ and WJS golf, Inc./Bob McCallister, a Joint Venture, agree to not seek additional potable water wells within the Jack Creek aquifer, (1/4 mile in any direction from Jack Creek or ~~its tributaries~~); and,
3. ~~The~~ Kalmiopsis Audubon Society agrees to withdraw its appeal rights for Conditional Use Permit No. C-9205 pertaining to the use of EFU land for a golf course.



Dated _____

City of Brookings, Oregon

WJS Golf, Inc./Bob McCallister
Joint Venture

By _____

By _____

Kalmiopsis Audubon Society

By

NE

D



LETTER OF AGREEMENT

By this Agreement, the parties agree to the following terms:

1. The City of Brookings agrees to withdraw a water right application for a potable water well near Jack Creek; and
2. The City of Brookings and WJS Golf, Inc./Bob McCallister, a Joint Venture, agrees to not seek additional potable water wells within the Jack Creek aquifer, (1/4 mile in any direction from Jack Creek or its tributaries), with the exception of the area on the Chetco River side of South Bank Chetco River Road; and
3. The Kalmiopsis Audubon Society agrees to withdraw its appeal rights for Conditional Use Permit No. C-9205 pertaining to the use of EFU land for a golf course; and
4. All parties agree to withdraw the water right application and the Conditional Use Permit appeal, respectively, within three (3) days of final signing of this Letter of Agreement.
5. Potable water wells will be metered. A log will be maintained by Developer. The monthly water usage will be logged by the Developer and made available at City Hall in Brookings.

City of Brookings, Oregon

WJS Golf, Inc.

By: Fred Howard

By: [Signature] - President

Date: 11-2-92

Date: 10-31-92

Kalmiopsis Audubon Society

Bob McCallister

By: Ellen A. Waring

By: Bob McCallister

Date: 11/2/92

Date: 10/29/92



November 4, 1992

Steve Brown
Water Resources Department
3850 Portland Road, SE
Salem, OR 97310

REFERENCE: WITHDRAWAL OF APPLICATION NO. G-12398

Dear Steve:

The City of Brookings is withdrawing Application No. G-12398 for a well in the Jack Creek aquifer to provide potable water for a future golf course clubhouse. Please discontinue the processing of this application and return the application to the city.

If you have questions on this application withdrawal, please call.

Sincerely,

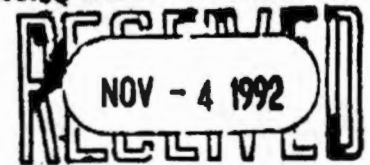
A handwritten signature in black ink, appearing to read "DWC", is written over a horizontal line.

Dennis W. Cluff
City Manager

DWC/dmva

cc: Mayor and Council
Ellen Warring, Kalmiopsis Audubon Society
WJS Golf, Inc.
Bob McCallister

CURRY COUNTY PLANNING DEPT.



Kalmiopsis Audubon Society
of Curry County
P.O. Box 1265
Port Orford, Oregon 97465

By _____

November 4, 1992

Curry County Planning Department
Chuck Nordstrom, County Planner
Courthouse Annex
Gold Beach, Oregon

Re: Application #C-9205 City of Brookings

Dear Mr. Nordstrom,

On July 31, 1992, Kalmiopsis Audubon Society filed a Notice of Appeal of Application #C-9205 City of Brookings, over the Jack Creek Golf Course.

This letter will serve as notice that we are withdrawing our Appeal Notice, effective this date. The City of Brookings has agreed to place their potable water well along the Chetco River. They have agreed to place a meter on the well, as they do not need a permit from State Water Resources for this well. They will record the flow monthly and record same at the City Hall for public observation.

Attached is a copy of the Agreement for your information and records.

We feel that the aquifer of Jack Creek has been protected from water withdrawal to the best of the legal process.

Sincerely,

Ellen Warring
Chairwoman for Land Use and Ocean
Issues
332-0735



OCT 29 1992

LETTER OF AGREEMENT

By this Agreement, the parties agree to the following terms:

1. The City of Brookings agrees to withdraw a water right application for a potable water well near Jack Creek;
2. The City of Brookings and WJS Golf, Inc./Bob McCallister, a Joint Venture, agrees to not seek additional potable water wells within the Jack Creek aquifer, (1/4 mile in any direction from Jack Creek or its tributaries), with the exception of the area on the Chetco River side of South Bank Chetco River Road; and
3. The Kalmiopsis Audubon Society agrees to withdraw its appeal rights for Conditional Use Permit No. C-9205 pertaining to the use of EFU land for a golf course.

DATED _____


City of Brookings, Oregon

By: _____

Kalmiopsis Audubon Society

By: _____

WJS Golf, Inc.



Bob McCallister

By: Bob McCallister

73396 * 73387

United States
Department of
Agriculture

Forest
Service

Siskiyou
National
Forest

Chetco Ranger District
555 Fifth Street
Brookings, Oregon 97415

RECEIVED

SEP 12 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Reply To: 2520 Watershed Planning

Date: September 8, 1994

Oregon Water Resources Department
Water Rights Section
Attention: Michael Mattick
3850 Portland Road N.E.
Salem, OR 97310


Dear Mr. Mattick:

I talked with you a couple years ago about the status of municipal water rights for the City of Brookings and the unincorporated Harbor P.U.D. I remember concluding at that time that the two entities had between them approximately 24 cfs in water rights and were using in the neighborhood of 3.5 cfs during the high demand time of the year. Since that time, I have become confused by discussions about redundant filings and listings in terms of "af" (presumably acre feet?) instead of cfs.

Could you send me copies of each of the water right permits and certificates for both the City of Brookings and Harbor P.U.D.. It would help me if you could explain any cases where different rights are redundant and not additive.

I understand that in cases where a municipal entity has not used the full amount permitted during the time allotted to perfect the right, they must apply for an extension of time. Could you also send me copies of the most recent records of such time extensions each entity has been granted in perfecting their water rights. I would also ask that our office be allowed to have input into that process in the next round.

Thank you for your consideration in this matter.


MICHAEL FRAZIER
District Ranger

WaterWatch

By FAX (503)469-3650

RECEIVED

AUG 25 1994

WATER RESOURCES DEPT.
SALEM, OREGON

August 25, 1994

Jim Cole, Golf Course Chair
Tom Davis, Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: City's applications 73396 and R 73397

Dear Mr. Cole and Mayor Davis;

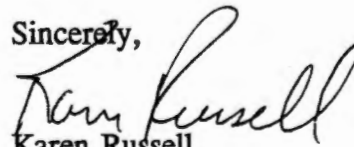
I just received a letter from the Water Resources Department regarding your applications. Evidently you also received a copy of the letter. As you well know, we all spent a great deal of time negotiating permit conditions that would address WaterWatch's concerns and provide for the issuance of your permits. We stand by the agreement we reached. We assume the City does to.

Unfortunately, the Department's is totally nonresponsive to the issues raised in our objections and addressed in our agreement, despite WaterWatch's attempts to get Department feedback on the agreement that WaterWatch and the City reached on these applications. The Department letter requires that WaterWatch file a formal protest of your applications by September 16th.

I see two options for WaterWatch and the City. First, we could both contact the Department and demand a meeting to discuss the agreement to see if we can resolve the Department's problems, if any, with the agreed upon conditions. Second, we could decide not to negotiate with the Department and request that the Department take your applications and the agreed upon conditions immediately to the Water Resources Commission to resolve any differences and issue the permits with the agreed upon conditions. We prefer going directly to the Commission.

Either way, we remain committed to the agreement reached and willing to work with you to try to resolve this matter as quickly as possible.

Sincerely,



Karen Russell
Assistant Director

c. Martha Pagel

IMPORTANT MESSAGE

FOR Ed G

DATE 4/7 TIME 9:18 A.M. P.M.

M Rennis Cluff

OF City of Brookings

PHONE 469-2164

AREA CODE NUMBER EXTENSION

FAX

MOBILE _____

AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL FAX TO YOU	<input type="checkbox"/>

MESSAGE files: R-73396

R-73397

EXPLAINED PROCESS, + BACKLOG,
RECOMMENDED HE CONTACT W/
RS! WITHDRAWING THEIR OBJECTIONS
SENT COPY OF OBJ.

SIGNED CS

Basin:

Detailed Report for Water Availability Subbasin 3100000000000000
 Water Availability By Month for Exceedance Level 80
 09:49 12/28/1993

MO	Gross Water Avail	Consumptive Use		Storage Rights		Net Min Flow	Instream Water Rights		Net Water Avail
		Applic	Permit	Applic	Permit		Applic	Permit	
1	1610	0	0	0	0	1610	0	595 350	1015 1260
2	1940	0	0	0	0	1940	0	595 350	1345 1590
3	1830	0	0	0	0	1830	0	595 350	1235 1480
4	1030	0	0	0	0	1030	0	595 350	435 680
5	519	0	0	0	0	519	0	595 350	-76 169
6	248	0	0	0	0	248	0	350 200	-102 48
7	118	0	0	0	0	118	0	235 80	-117 38
8	69	0	0	0	0	69	0	235 80	-166 -IT
9	54	0	0	0	0	54	0	235 80	-181 -28
10	78	0	0	0	0	77	0	235 450	-158 -373
11	428	0	0	0	0	428	0	595 450	-177 +22
12	1790	0	0	0	0	1790	0	595 450	1195 1340
Stor	1020000	0	0	0	0	1020000	0	117000	907000

73396

WaterWatch

O F O R E G O N

Hand Delivered

March 11, 1994

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

RECEIVED
MAR 11 1994
WATER RIGHTS SECTION
OREGON WATER RESOURCES DEPARTMENT

Re: Objection to Technical Report for:
73095, Cate, Domestic, Stock & Irrigation, Chetco
72073, Smith, Domestic, Chetco
R 73396, 73397, City of Brookings, Irrigation, Chetco
71889, Loring, Domestic & Stock, Chetco
72779, Gardner, Domestic & Irrigation, First Crk/Chetco
71355, Hauser, Domestic, Unnamed/NF Chetco
73450, Nichols, Domestic, Unnamed/ Pistol
71117, Walker, Domestic & Irrigation, Pistol
70930, Cogswell, Domestic, WF Millicoma
72483, Kuni, Domestic, WF Millicoma
73117, Wineman, Irrigation & Recreation, Millicoma
72420, Kruse, Domestic & Irrigation, Millicoma
72648, Rood, Livestock and Irrigation, Millicoma
72531, Mahaffy, Irrigation, Millicoma
Coos Co., South Coast

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- The analyses fail to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights

are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analyses for the proposed new uses of the Chetco River fail to take into account the requested flows in the senior pending instream water right applications for the Chetco system. The analysis for the proposed new uses of flows in the Pistol River fail to take into account the requested flows in the senior instream water right application pending for that river. The analysis for the proposed new uses of Millicoma River system water failed to take into account requested flows in the senior pending instream water right applications for this river system.

◆ **The Uses As Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.170 and are contrary to the South Coast basin program. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed uses are not in the public interest because they will interfere with flows needed to support public instream uses of water.**

The proposed uses of water for the Chetco, Pistol and Millicoma Rivers will deplete flows needed for numerous public instream uses of these river systems. These systems support a variety of fish life including cutthroat trout, winter steelhead fall chinook, and coho salmon. Petitions have been filed requesting listing of coastal coho and steelhead under the Federal Endangered Species Act. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by among other things exposing spawning gravel and reducing feeding and rearing areas in these rivers. In addition, water diversions create problems for fish passage and survival in these basins.

Currently there are pending instream water right applications for these Rivers. These pending applications request flows needed for fish life in these systems. The technical reports for the reservoir applications proposes to allow additional storage project and allow storage of water from December through April in the Chetco River. The dams used to stored water will create fish passage problems. Both the storage and diversion of stored water change the hydrology of the stream system - eliminating flood events needed for habitat maintenance, blocking passage, and storing water during times of low flows. In

addition, the use of water irrigation will result in additions of pesticides and fertilizers to the river system which will, unless regulated, will degrade stream quality.

In addition, the failure to require stream bank enclosures to as a condition of stock use in order to prevent cattle from entering the stream and riparian areas results in further degradation of water quality. Thus, the proposed uses are not in the public interest because they will preclude flows needed for the pending instream water right application.

The public uses reflected in the instream water right applications (protection and conservation of fish life) have a "reasonable expectation of being developed" as evidenced by the pending instream water right applications. These instream uses provides greater benefit to the public at large than the proposed use. These fish populations have statewide and even national significance and streamflows are essential for maintenance of these fish. These proposed uses will divert water needed for these streamflows and will create passage problems they should be denied.

2. Measurement and reporting.

These conditions should allow the Director to require measurement and reporting of both **rate and duty** of water stored and used. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

The surface waters of the these three river systems are overallocated during the summer months. The information generated by these proposed conditions are essential to the management and control of the water resource. If these uses were to be permitted, water use measurement and reporting should be a mandatory condition of use. This information is essential for protection of the public interest in the resource. However, we question the Department's ability to control these uses, even with these requirements.

The technical reports propose to limit the months of storage and water use. They also limit the type of use during certain months of the year. The Department's enforcement staff is already incapable of control existing rights to use water in the south coast basin. These proposed uses add yet another enforcement responsibility on top of an already unmanageable load. Under these circumstances, it is difficult if not impossible for the state to ensure that these applicants will, **at all times**, use water in compliance with the permit conditions. Given the critical state of the water resource in the basin and the Department's inability to control this use, even with measurement and reporting, these uses are not in the public interest.

3. The uses will impair the public interest because fish screening and passage facilities are not a condition of use.

Given the critical status of fish populations and the adverse effects diversions and storage projects have on fish habitat, screening and passage should clearly be required to be in place before any diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition in any permit issued which clearly states these requirements.

4. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

If hypothetically, these proposed uses were allowed they will be junior to the existing instream water right applications and should be conditioned to protect the senior instream flows. Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such as measuring and reporting streamflows or contributing funds for installation and maintenance of gauging stations in key locations.

The recent petition for listing of coho and steelhead populations coast wide makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of this application.

Domestic Use

Allowing the proposed domestic and human consumption uses is contrary to the Commission's Water Allocation Policy. The policy allows additional uses on

overappropriated streams **only** "where public interest in those uses is high and uses are conditioned to protect instream values." OAR 690-410-070(1)(a) (emphasis added). While the exceptions contained in the existing instream water rights in the South Coast basin seem to indicate high public interest in the proposed uses of human consumption, livestock and irrigation of non-commercial gardens, they are not included in the pending senior instream water right applications.¹

In addition, the mere fact that the proposed use of human consumption seem to fall within the exception in the existing instream water rights does not relieve the Department from its duty to consider and protect the public interest, including the public value of instream flows and the needs of anadromous fish. Furthermore, the proposed uses fails to fit within the exception because it is impossible to condition these uses in a way that will protect instream values. *See above.*

The exceptions in the instream water right certificates are narrowly worded and should not be applied unless there is absolutely no other alternative sources of water. It is bad public policy to automatically apply this exemption without looking for other possible sources that can accommodate this water use. Human beings can go elsewhere for water, fish can not.

Failure of the State to look for or provide other sources of water, in the face of potential listing of the coastal coho creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the creek provide critical habitat for fish - without water instream there is **no** habitat. Continuing to issue water rights on a river with a possibility of a listed species, as well as existing water availability and water quality problems makes little sense.

There are many small domestic uses in the basin consuming both ground and surface waters, all vital sources for instream flow. Individually, the quantity of water consumed may not be large, but cumulatively these uses adversely effect instream flows and water quality. Ignoring this problem is bad public policy. The state should be looking for alternate sources for these uses and ways to provide regional water supplies for these uses in a way that will result in the least amount of impact for the resource.

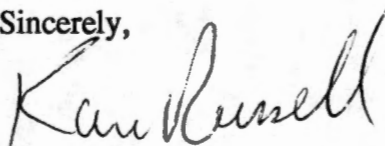
Conservation

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of

¹ An exception for human consumption has been proposed in the technical reports for the instream water right applications - however, this does not necessarily mean that the instream water right when issued will include this unlimited exception.

water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. Given the presence of potentially listed species, the water quality problems and the fact water diversions are one of the causes of anadromous fish declines it is imperative that the water use be as efficient as possible. The proposed uses should be held to a high efficiency standard prior to any permit issuance.

Sincerely,

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

Karen A. Russell
Assistant Director

RECEIVED

MAY 20 1994

WATER RESOURCES DEPARTMENT
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

May 18, 1994

Steve Brown
Water Resources Department
158 12th Street, NE
Salem, OR 97310

RE: Copy of ODFW comments on R-73396 and 73397

Dear Steve:

Attached is a "clean" copy of the comment letter I faxed you today at your request. As far as I can tell from our files, the original letter was sent to WRD on about March 10.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert H. Mirati, Jr.", with a long horizontal flourish extending to the right.

Albert H. Mirati, Jr.
Fish Passage Coordinator



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459



RECEIVED
MAY 20 1994
WATER RIGHTS SECTION
SALEM, OREGON

March 9, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73396 and 73397; Reports of
Technical Review

For Chetco River POD: Because one or more species of game fish are present at the described POD, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests WRD add the following condition to those already proposed:

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Mirati, Jr." with a stylized flourish at the end.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-73396.TEC



Fax Transmittal Memo 7672

To: Steve Brown
Company: WRD
Location: Salem
Fax #
Telephone #

No. of Pages 1

Today's Date 5/18

Time

10:25A

From

Al Mirati

Company

ODFW

Location

POD

Dept. Charge

Fax #

Telephone #

Original Disposition:

Destroy

Return

Call for pickup

As per your request; a copy of ODFW's comments re: R-73396 & 73397

Oregon

DEPARTMENT OF FISH AND WILDLIFE



March 9, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73396 and 73397; Reports of Technical Review

For Chetco River POD: Because one or more species of game fish are present at the described POD, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests WRD add the following condition to those already proposed:

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

Thank you for the opportunity to comment.

Sincerely,

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwagner, Gold Beach

FILE: R-73396.TBC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459

From: UMPQUA::ENGEL "receptionist" 11-APR-1994 08:42
To: Pagel
CC: phonenotes
Subj: Bill Bradbury, 347-9377

Please call by 10:00 or after 3:00

RE: a water right in Brookings

Reed / Steve B.

To clear message light dial 1, # 10.

Sen. Bradbury called to inquire
~~ask~~ about a pending application:
May course - City of Brookings.

He didn't have
an app. # or
other info - He can
get it if you need it
to rock this down.
Thanks.

What is status of application?
What is projected timeline?
Any major issues/problems?

Please give me an oral report App's.
ASAP. Thanks
MOP

R-73396 - Storage of 62.3A
73396 - Use of live flow $\frac{1}{2}$
stored water for suppl
irrigation 1.0 cts

Files R-73396, 73397

TR's sent Dec 30, 93; OBJECTION DEADLINE 3/11/94

OBJ TO BOTH APP'S REC'D BY DEADLINE

OBJECTOR IS WATERWATCH

ISSUES RAISED: ① Defective Water Availability Analyses in TR
② USE Not in the PI (coho issue)
③ Measurement & Rept.
④ Fish Screening
⑤ The proposed uses are contrary to Oregon Poling

Given the WW pet. & coho
we are reluctant to deny
WW OBJ. Reed IP & E would
1.0 to

OREGON SOUTH COAST FISHERMEN, Inc.
Brookings, Oregon
P.O.Box 2709 Harbor, OR 97415

RECEIVED

MAY 16 1994

4 May, 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Water Watch of Oregon
Attn: Karen A. Russell
921 SW Morrison, Suite 438
Portland, OR 97205

Ref: Water Use Applications R73396 & R73397 Chetco River

Dear Karen;

Oregon South Coast Fishermen, Inc. has been active in restoration and protection of the anadromous fish population primarily in the Chetco River and throughout the South coast. We worked hard and long to get the fish population in the river built up to where it sustains at a high level. We can report success to you at this date based on returns of salmon and steelhead in the past two years.

We worked with the City of Brookings over a period of several years helping them and ODF&W work out solutions for water use from the Chetco River at Jack Creek for the golf course proposed there. One of our strongest reasons for support of the golf course is that it helps protect the fish rearing facility at Jack Creek. The present use of the property for cattle grazing wreaks havoc with the stream banks and cover. The referenced applications restrict water removal from the Chetco to the high flow conditions and further enhance Jack Creek with recharging from irrigation ponds. This, along with removal of the cattle, will enhance the quality of the habitat in both Jack Creek and the Chetco.

We laud your efforts to protect the State's water from any degradation potentials. Our membership of some 100 families is dedicated to that cause on behalf of the fish in the rivers of the south coast of Oregon. We urge you to withdraw any objections to the referenced applications and to support development of the proposed golf course on Jack Creek.

You might be interested in an ongoing study the city of Brookings is conducting. This study, supported by OSCFI, has been in the works for two years. A copy of a plan of approach which I provided to the City is attached for your reference. You might also be interested to know that some of the tasks our organization performs with ODF&W are annual. We will shortly begin the cycle of seining for juveniles to get a measure of the health of the Chetco this year. Each fall we seine for adults for brood stock for ODF&W. Last year, a poor water quantity fall period, we were

RECEIVED

MAY 16 1994

WATER RESOURCES DEPT.
SALEM, OREGON

pleasantly surprised by the large number of salmon of good size which were in the Chetco system. We also operate a trap at Jack Creek and had a large return of steelhead which were counted and passed over to spawn.

If you need data or existing knowledge of the river condition for any of the other applications which are on your list please contact us. We may be able to help you sort out the problems from the non-problems. Some of our members have been working on the health of the Chetco river fish for two decades or more.

Again, we ask for your support of the golf course development based on the limited water access described in the referenced applications.

Yours very truly,

Signed M.J.C.

Michael J. Cosgrove, President
Oregon South Coast Fishermen, Inc.

cc: Brookings City Council
Ed Gabriel, Water Resources Dept.
ODF&W

April 18, 1994

Rep. Veral Tarno
301 E. First St.
Coquille, OR 97423

Re: City of Brookings Water Right Application Nos. R73396 and 73397

Dear Representative Trano:

On April 13, 1994 I talked with Dennis Cluff, Brookings City Manager, and Jim Cole, Golf Board Chair, regarding the above referenced water right applications. During the discussions I advised them that they might want to contact WaterWatch of Oregon, who objected to their applications, to see if they could resolve the issues raised in the objections.

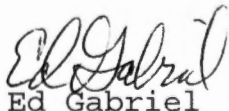
I advised Mr. Cluff and Mr. Cole that there were a considerable number of objections that had been received prior to the City's, that their application was relatively new in relationship to other applications and that WRD was trying to process applications and objections in the order in which they were received. This is being done in accordance with direction the Department had received from the 1993 Legislature. I also advised them that to respond to the objections to their application would be placing them ahead of more senior applications for appropriations from the Chetco River.

If we respond to the objections in the order in which they were received as directed by the legislature, it will be several months before we will get to the City of Brookings applications.

I hope this update on the status of the City of Brookings applications answers any questions you may have.

If you do have any questions, please call.

Sincerely,



Ed Gabriel
Water Rights Examiner
Water Rights and Adjudications Division



Commerce building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

April 18, 1994

Sen. Bill Bradbury
P.O. Box 1449
Bandon, OR 97411

WATER
RESOURCES
DEPARTMENT

Re: City of Brookings Water Right Application Nos. R73396 and 73397

Dear Senator Bradbury:

On April 13, 1994 I talked with Dennis Cluff, Brookings City Manager, and Jim Cole, Golf Board Chair, regarding the above referenced water right applications. During the discussions I advised them that they might want to contact WaterWatch of Oregon, who objected to their applications, to see if they could resolve the issues raised in the objections.

I advised Mr. Cluff and Mr. Cole that there were a considerable number of objections that had been received prior to the City's, that their application was relatively new in relationship to other applications and that WRD was trying to process applications and objections in the order in which they were received. This is being done in accordance with direction the Department had received from the 1993 Legislature. I also advised them that to respond to the objections to their application would be placing them ahead of more senior applications for appropriations from the Chetco River.

If we respond to the objections in the order in which they were received as directed by the legislature, it will be several months before we will get to the City of Brookings applications.

I hope this update on the status of the City of Brookings applications answers any questions you may have.

If you do have any questions, please call.

Sincerely,



Ed Gabriel
Water Rights Examiner
Water Rights and Adjudications Division



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

April 18, 1994

WATER
RESOURCES
DEPARTMENT

Rep. Veral Tarno
301 E. First St.
Coquille, OR 97423

Re: City of Brookings Water Right Application Nos. R73396 and 73397

Dear Senator Bradbury:

On April 13, 1994 I talked with Dennis Cluff, Brookings City Manager, and Jim Cole, Golf Board Chair, regarding the above referenced water right applications. During the discussions I advised them that they might want to contact WaterWatch of Oregon, who objected to their applications, to see if they could resolve the issues raised in the objections.

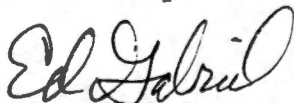
I advised Mr. Cluff and Mr. Cole that there were a considerable number of objections that had been received prior to the City's, that their application was relatively new in relationship to other applications and that WRD was trying to process applications and objections in the order in which they were received. This is being done in accordance with direction the Department had received from the 1993 Legislature. I also advised them that to respond to the objections to their application would be placing them ahead of more senior applications for appropriations from the Chetco River.

If we respond to the objections in the order in which they were received as directed by the legislature, it will be several months before we will get to the City of Brookings applications.

I hope this update on the status of the City of Brookings applications answers any questions you may have.

If you do have any questions, please call.

Sincerely,



Ed Gabriel
Water Rights Examiner
Water Rights and Adjudications Division



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

IMPORTANT MESSAGE

FOR MOB
DATE 4-11 TIME 11 ^(A.M.)
M Rep Tarns
OF 396-6965
PHONE Coville
 FAX
 MOBILE
AREA CODE NUMBER EXTENSION TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE 11: Jack Ck. Golf
Course in Brookings
Apps 73396 (storage pond) +
73397 (use of stored wtr).
Can we bring these apps out
of order to process right
SIGNED awa? Tarns Spoke

TOPS FORM 3002S LITHO IN U.S.A. w/ Ed Gabriel this AM.

Ed -
Can you please
e-mail an update
to MOB on this
ASAP?

Thx, D
11:10
4/11



RECEIVED

April 6, 1994

APR - 7 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COPY

**State Representative Veral Tarno
310 E. First St.
Coquille, OR 97423**

REFERENCE: PROCUREMENT OF WATER RIGHTS FOR JACK CREEK GOLF COURSE SITE

Dear Representative Tarno:

The attached page is a running history of our attempt to procure the water rights and supplemental permits for the Jack Creek Golf Course site.

As of this writing we have a water right which had to be extended in 1993 because we had not received the two additional water use permits required for this project.


The water use permits that we are waiting for, one for the storage of irrigation water, and one for the use of that water for the irrigation of the golf course site, are required by the State even though we have a valid water right to procure water for irrigation of the golf course.

We have distributed a "Request for Proposals" (RFP) to 21 prospective developers. We have asked them to give us a proposal to build the golf course. At this time we have a number of interested parties, but none want to get involved even in proposing on this project unless we have all of our water permits in hand.


We need your help in this matter, to see if something can be done to expedite our request at the Water Resources Department.

The south coast needs this development. We were given the land as a gift from South Coast Lumber Company to construct a golf course in 1987 and have spent many hours on this project. Now that we are finally ready and have prospective developers, we need to overcome this hurdle.

Thank you for any assistance.



Tom Davis, Mayor



Jim Cole, Golf Board Chair

RECEIVED

APR - 7 1994

WATER RESOURCES DEPT.
SALEM, OREGON



HISTORY - GOLF COURSE RIGHTS AND SUPPLEMENTAL PERMITS

1. Water Right

Issued	12/16/91)	
Application No. 71042)	Water for ponds or
Permit No. 51383)	direct irrigation

2. Water Right Permit Extension

Issued	08/12/93
Extension No. 019067	
Expires	10/01/94

3. Water Use Permit (storagee for irrigation)

Applied for	05/13/93)	
File No. 73396)	Storage ponds for water
Technical Review Approved	03/11/94)	

4. Water Use Permit (supplemental irrigation)

Applied for	05/13/93)	
File No. 73397)	Use of stored water
Technical Review Approved	03/11/94)	



RECEIVED

APR - 7 1994

WATER RESOURCES DEPT.
SALEM, OREGON

April 6, 1994

**State Senator Bill Bradbury
P.O. Box 1499
Bandon, OR 97411**

**REFERENCE: PROCUREMENT OF WATER RIGHTS FOR JACK CREEK GOLF
COURSE SITE**

Dear Senator Bradbury:

The attached page is a running history of our attempt to procure the water rights and supplemental permits for the Jack Creek Golf Course site.

As of this writing we have a water right which had to be extended in 1993 because we had not received the two additional water use permits required for this project.


The water use permits that we are waiting for, one for the storage of irrigation water, and one for the use of that water for the irrigation of the golf course site, are required by the State even though we have a valid water right to procure water for irrigation of the golf course.

We have distributed a "Request for Proposals" (RFP) to 21 prospective developers. We have asked them to give us a proposal to build the golf course. At this time we have a number of interested parties, but none want to get involved even in proposing on this project unless we have all of our water permits in hand.

We need your help in this matter, to see if something can be done to expedite our request at the Water Resources Department.

The south coast needs this development. We were given the land as a gift from South Coast Lumber Company to construct a golf course in 1987 and have spent many hours on this project. Now that we are finally ready and have prospective developers, we need to overcome this hurdle.

Thank you for any assistance.



Tom Davis, Mayor



Jim Cole, Golf Board Chair

RECEIVED



APR - 7 1994

WATER RESOURCES DEPT.
SALEM, OREGON

HISTORY - GOLF COURSE RIGHTS AND SUPPLEMENTAL PERMITS

1. Water Right

Issued	12/16/91)	
Application No. 71042)	Water for ponds or
Permit No. 51383)	direct irrigation

2. Water Right Permit Extension

Issued	08/12/93
Extension No. 019067	
Expires	10/01/94

3. Water Use Permit (storagee for irrigation)

Applied for	05/13/93)	
File No. 73396)	Storage ponds for water
Technical Review Approved	03/11//94)	

4. Water Use Permit (supplemental irrigation)

Applied for	05/13/93)	
File No. 73397)	Use of stored water
Technical Review Approved	03/11//94)	



While You Were Out

To STEVE B.

Date 4-8-94 Time 2:45 PM

Rep. TARNO

called

~~for~~ CITY of BROOKINGS

Phone 396-2312

Telephoned

In person

Please call

Wants to see you

Will call again

Returned your call

Message ? 's STATUS of

CITY of BROOKINGS

GOLF COURSE

TR's for STORAGE & SW WENT

OUT 3/1/94

(RFP's for Prospective Dev'lopers²)

Taken by [Signature]





RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

January 4, 1994

Steve Brown
Water Resources Department
3850 Portland Road, NE
Salem, OR 97310

REFERENCE: FILES R-73396 AND R-73397

Dear Steve:

Enclosed is a check for \$103.25, copies of our deeds and legals of the golf course properties to be served by the water storage reservoirs, copies of easements from State Lands and South Coast Lumber for our pump and pipeline and, a copy of an earlier letter sent to you on withdrawing an old water right. I hope these are the items you need to complete your analysis of our two applications.

Please call if more information is needed.

Sincerely,

Dennis W. Cluff
City Manager

DWC/dmvm

INTEROFFICE MEMORANDUM

Water Rights and Adjudications Division
Oregon Water Resources Department

To: Reed Marbut
From: LBE
Date: 8/26/93
Subject: Addition to desperate applicants list

=====
Please add to list:

City of Brookings R73396 & 73397 storage for aesthetics and sec
for irrig of Jack Ck Golf Crs

When I first asked Stv Brn about these apps, he said they would
have to wait until after ISWR app processed there, so I did not
include these apps on list.

That was before I had learned City already has permit to
appropriate surface water from Chetco River between March 1 and
June 30 (Permit #51383) to irrigate 180.3 acres.

Now City must know right away whether looks like it will get res
permit; they need res permit so can get res built in time to be
able to use surface water right between March and end of June to
fill res. Need secondary so will have right to take water out of
res to irrig golf course during summer season.

There are about 360 apps ahead of these out of total approx 380
in the South Coast Basin.

Dennis Cliff from the City has made pleas by phone to us to
expedite.

Cliff

Phone (503) 466-2163

CITY OF BROOKINGS

888 Elk Drive
Brookings, Oregon 97415

The Home of Winter Flowers



November 4, 1992

*Steve, your letter of
12-30-93 identified a
water right conflict. I know
of none except this one,
which was already
taken care of.*

Dennis

Steve Brown
Water Resources Department
3850 Portland Road, SE
Salem, OR 97310

REFERENCE: WITHDRAWAL OF APPLICATION NO. G-12398

Dear Steve:

The City of Brookings is withdrawing Application No. G-12398 for a well in the Jack Creek aquifer to provide potable water for a future golf course clubhouse. Please discontinue the processing of this application and return the application to the city.

If you have questions on this application withdrawal, please call.

Sincerely,

**Dennis W. Cluff
City Manager**

DWC/dmva

**cc: Mayor and Council
Ellen Warring, Kalmiopsis Audubon Society
WJS Golf, Inc.
Bob McCallister**

RECEIVED

JAN - 6 1994

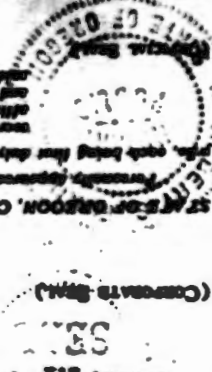
**WATER RESOURCES DEPT.
SALEM, OREGON**

THIS INSTRUMENT WILL NOT AFFECT THE RIGHTS OF THE PROPERTY OWNERS IN THE PROPERTY DESCRIBED IN THE INSTRUMENT OF RECORD IN THE PUBLIC RECORDS OF THE COUNTY OF CLATSOP, OREGON, UNLESS THE INSTRUMENT OF RECORD IS FIRST RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF CLATSOP, OREGON, WITHIN THE TIME SPECIFIED IN THE INSTRUMENT OF RECORD.

STATE OF OREGON
County of _____
I certify that the within instru-
ment was recorded for record on the
_____ day of _____
_____ at _____
_____ o'clock _____, and recorded
in book _____ on page _____
or on _____
_____ file/roll number _____
_____ of said County.
Witness my hand and seal of
County office.
By _____
Recording Officer
Deputy

NAME, ADDRESS, ZIP
CITY OF BROOKINGS, a
Municipal Corporation
COUNTY
SOUTH COAST LUMBER CO.
COUNTY
After recording return to:
COUNTY'S OFFICE, at _____

THE TRUE CONVEYANCE FOR THIS CONVEYANCE IS A G.I.C.
Done by _____ of the grantor's board of directors with its corporate seal affixed on
_____ 1987
By _____
South Coast Lumber Co.
By _____
and _____
Secretary
President
1987
South Coast Lumber Co.
County of _____
City of _____
This instrument is to be voluntarily and duly
affixed to the foregoing instrument by the corporate seal of said corporation and that said instrument was signed
and sealed in behalf of said corporation by authority of its board of directors and each of them authorized
thereof at _____ South Coast Lumber Co.
a corporation, and that the seal
of said corporation and that the latter is the
President and James P. Murphy
and _____
Secretary
President
1987
South Coast Lumber Co.
County of _____
City of _____
This instrument is to be voluntarily and duly
affixed to the foregoing instrument by the corporate seal of said corporation and that said instrument was signed
and sealed in behalf of said corporation by authority of its board of directors and each of them authorized
thereof at _____ South Coast Lumber Co.
a corporation, and that the seal
of said corporation and that the latter is the
President and James P. Murphy
and _____
Secretary
President
1987
South Coast Lumber Co.
County of _____
City of _____



As described in Exhibit A attached hereto and by this reference made a part hereof.
This conveyance, in fee simple absolute, is for public purposes, including but not
limited to eventual use as a municipal golf course, park or recreational area.
South Coast Lumber Co.
a corporation
County, Oregon, to-wit:
Grantor, conveys to
Grantor, conveys to
County, Oregon, to-wit:
the following described real property situated in City
City of Brookings, a municipal corporation
County of Oregon
duly organized and existing under the laws of the State of Oregon
South Coast Lumber Co.
CORPORATE SEAL

BR 138 PAGE 604
COUNTY CLATSOP

RECEIVED
JAN - 6 1994
WATER RESOURCES
SALEM, OREGON
PT.

DUPLICATE

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

138 605

EXHIBIT A

A parcel of land lying within the Southwest Quarter (SW 1/4) of Section 35, Township 40 South, Range 13 West, Willamette Meridian, Section 2 and the Northeast Quarter (NE 1/4) of Section 11, Township 41 South, Range 13 West Willamette Meridian, Curry County, Oregon, being more particularly described as follows:

Beginning at a point described as being South 69.06 feet and East 446.92 feet from the northwest corner of said Section 2;

thence South 81°23'40" East 532.76 feet;
thence North 43°01'27" East 159.17 feet;
thence North 49°57'28" East 292.07 feet;
thence North 77°19'41" East 373.18 feet;
thence South 88°42'58" East 131.41 feet;
thence South 36°11'57" East 98.18 feet;
thence South 05°04'26" East 149.57 feet;
thence South 13°47'19" East 190.63 feet;
thence South 25°43'47" West 454.58 feet;
thence South 14°31'34" East 93.71 feet;
thence South 58°15'59" East 263.48 feet;
thence South 88°12'41" East 304.99 feet;
thence South 71°51'10" East 344.73 feet;
thence South 23°58'03" East 482.40 feet;
thence South 35°21'37" East 126.51 feet;
thence North 65°29'12" East 90.15 feet;
thence South 06°41'08" East 473.33 feet;
thence South 40°38'16" East 208.48 feet;
thence South 29°50'48" East 114.34 feet;
thence South 01°54'27" East 183.18 feet;
thence South 52°33'47" East 106.16 feet;
thence South 65°59'56" East 106.36 feet;
thence South 36°16'54" East 90.63 feet;
thence South 88°47'57" East 109.96 feet;
thence South 65°52'57" East 110.09 feet;
thence North 71°47'24" East 399.03 feet;
thence South 23°48'24" East 242.67 feet;
thence South 85°30'22" West 249.02 feet;
thence South 65°46'10" West 143.47 feet;
thence North 80°36'30" West 90.98 feet;
thence South 05°19'33" West 288.10 feet;
thence South 03°37'17" West 981.41 feet;

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

DR 138 PAGE 606

thence South 38°36'29" East 393.55 feet;
thence South 29°57'47" East 292.91 feet;
thence South 33°34'12" East 249.01 feet;
thence South 48°32'52" East 461.52 feet;
thence South 24°35'08" East 138.52 feet;
thence South 30°53'25" East 388.72 feet;
thence South 34°32'00" East 181.81 feet;
thence South 02°04'40" East 234.26 feet;
thence South 17°25'16" East 241.17 feet;
thence South 00°09'59" West 82.94 feet;
thence South 30°47'32" West 196.47 feet;
thence South 77°36'23" West 72.03 feet;
thence North 66°51'26" West 206.57 feet;
thence North 82°30'08" West 239.76 feet;
thence North 29°00'56" West 125.11 feet;
thence North 12°23'39" West 237.97 feet;
thence North 28°46'53" West 407.03 feet;
thence North 50°32'55" West 245.18 feet;
thence North 30°54'34" West 783.81 feet;
thence North 26°48'11" West 211.27 feet;
thence North 65°08'02" West 397.18 feet;
thence North 85°44'07" West 245.88 feet;
thence North 07°33'46" East 202.18 feet;
thence North 23°02'55" East 501.32 feet;
thence North 01°01'40" East 273.70 feet;
thence North 05°13'49" West 185.89 feet;
thence North 06°12'57" West 393.39 feet;
thence North 16°50'33" West 692.41 feet;
thence North 28°11'14" West 398.94 feet;
thence North 24°59'15" West 411.45 feet;
thence North 71°39'36" West 434.91 feet;
thence North 63°55'36" West 572.67 feet;
thence North 05°50'56" East 447.16 feet;
thence North 02°29'51" East 175.06 feet;
thence North 52°18'40" West 85.50 feet;
thence North 72°58'12" West 61.44 feet;
thence South 59°14'38" West 100.67 feet;
thence South 77°18'49" West 117.98 feet;
thence North 83°02'14" West 406.98 feet;
thence North 37°14'23" West 300.00 feet;
thence North 30°41'39" West 133.25 feet to the Point of
Beginning.
Containing 117.16 acres.

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

DR 138 PAGE 607

RESERVING THEREFROM a 15.00 foot wide utility easement lying Southerly and Westerly, parallel with, and adjacent to the following described line:
Beginning at the point of beginning of the above described parcel;

- thence South 81°23'40" East 532.76 feet;
- thence North 43°01'27" East 159.17 feet;
- thence North 49°57'28" East 292.07 feet;
- thence North 77°19'41" East 373.18 feet;
- thence South 88°42'58" East 131.41 feet;
- thence South 36°11'57" East 98.18 feet;
- thence South 05°04'26" East 149.57 feet;
- thence South 13°47'19" East 190.63 feet;
- thence South 25°43'47" West 454.58 feet;
- thence South 14°31'34" East 93.71 feet;
- thence South 58°15'59" East 263.48 feet;
- thence South 88°12'41" East 304.99 feet;
- thence South 71°51'10" East 344.73 feet;
- thence South 23°58'03" East 482.40 feet;
- thence South 35°21'37" East 126.51 feet;
- thence North 65°29'12" East 90.15 feet;
- thence South 06°41'08" East 473.33 feet;
- thence South 40°38'16" East 208.48 feet;
- thence South 29°50'48" East 114.34 feet;
- thence South 01°54'27" East 183.18 feet;
- thence South 52°33'47" East 106.16 feet;
- thence South 65°59'56" East 106.36 feet;
- thence South 36°16'54" East 90.63 feet.

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

BR 138 PAGE 608

RESERVING THEREFROM a 50 foot wide roadway and utility easement, being 25.00 feet each side of the following described centerline:
Beginning at a point described as being South 2533.14 feet and East 3465.82 feet from the northwest corner of said Section 2;
thence South 20°45'07" East 129.01 feet to Point "A";
thence South 31°35'59" East 23.54 feet;
thence South 55°47'54" East 28.34 feet;
thence South 74°31'55" East 24.72 feet;
thence South 71°18'26" East 100.58 feet to a point lying on the easterly boundary of the above described parcel.

Also, RESERVING THEREFROM a 50 foot wide roadway and utility easement being 25 feet each side of the following described centerline:
Beginning at Point "A" described above;
thence South 05°07'02" West 27.44 feet;
thence South 33°02'41" West 35.94 feet;
thence South 42°29'01" West 46.66 feet;
thence South 29°58'08" West 18.73 feet;
thence South 13°10'08" West 30.52 feet;
thence South 05°52'32" East 28.70 feet;
thence South 17°20'21" East 197.34 feet;
thence South 15°50'15" East 137.13 feet;
thence South 24°01'33" East 64.33 feet;
thence South 16°36'11" East 178.27 feet to a point lying on the easterly boundary of the above described parcel.

THESE VARIOUS EASEMENTS DESCRIBED ABOVE RESERVED BY SOUTH COAST LUMBER COMPANY ARE FOR THE BENEFIT OF ADJACENT LANDS OWNED BY SOUTH COAST LUMBER COMPANY AND FOR ANY FUTURE LANDS ACQUIRED BY SOUTH COAST LUMBER COMPANY THAT CAN UTILIZE THESE EASEMENTS. AND FOR ANY PARTITION OR DIVISION OF ADJACENT LANDS AND FOR THE BENEFIT OF SOUTH COAST LUMBER COMPANY'S SUCCESSORS AND ASSIGNS.

Return To:
Courtaker &
Cabin



Indexed in Deeds
State of Oregon }
County of Curry }
I hereby certify that the within instrument was
filed for record November 27, 1987
at 1:10 o'clock P. M. and recorded
in Book of Records Vol. 138 Page 608-608
EUGENE P. BALDWIN, County Clerk
Fee Rec'd 30.00

NE

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That SOUTH COAST LUMBER CO., INC., an Oregon corporation, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CITY OF BROOKINGS, a municipal corporation hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Curry, State of Oregon, described as follows, to-wit:

Property described in Exhibit "A" attached hereto and by this reference made a part hereof.

RECEIVED
JAN - 6 1994
WATER RESOURCES
SALEM, OREGON

This instrument is hereby accepted by the City of Brookings this 9th day of December, 1992.

Fred Hummel, Mayor

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 5

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which).

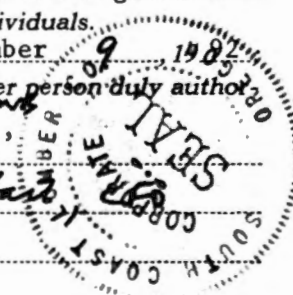
In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this day of December if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

SOUTH COAST LUMBER CO., INC., an Oregon corporation

By: Gordon M. Ball
By:



STATE OF OREGON, County of Curry ss.

This instrument was acknowledged before me on Dec 9, 1992, by Gordon M. Ball

This instrument was acknowledged before me on December 9th, 1992, by and as of South Coast Lumber Co., Inc., an Oregon corporation

Shirley J. Crayford
Notary Public for Oregon
My commission expires 11/23/93



Form with fields for GRANTOR'S NAME AND ADDRESS, GRANTEE'S NAME AND ADDRESS, and return information for the City of Brookings.

STATE OF OREGON, County of ... I certify that the within instrument was received for record on the ... day of ... 19... at ... o'clock ... M., and recorded in book/reel/volume No. ... on page ... or as fee/tile/instrument/microfilm/reception No. ... Record of Deeds of said county. Witness my hand and seal of County affixed.

RECEIVED

JAN - 6 1994

EXHIBIT A

WATER RESOURCES DEPT.
SALEM, OREGON

PARCEL I:

A parcel of land lying within Section 2, Township 41 South, Range 13 West, Willamette Meridian, Curry County, Oregon, being more particularly described as follows:
Beginning at a point South 422.48 feet and East 696.49 feet from the northwest corner of said Section 2;
thence along the westerly boundary of that property described in Book of Records 139, page 1025, Official Records of Curry County, the following courses: South 83°02'14" East 406.98 feet; North 77°18'49" East 117.98 feet; North 59°14'38" East 100.67 feet; South 72°58'12" East 61.44 feet; South 52°18'40" East 85.50 feet; South 02°29'51" West 175.06 feet; South 05°50'56" West 447.16 feet; South 63°55'36" East 572.67 feet; South 71°39'36" East 434.91 feet; South 24°59'15" East 411.45 feet; South 28°11'14" East 398.94 feet; South 16°50'33" East 692.41 feet; South 06°12'57" East 393.39 feet; South 05°13'49" East 185.89 feet; South 01°01'40" West 273.70 feet; South 23°02'55" West 501.32 feet; South 07°33'46" West 202.18 feet; South 85°44'07" East 245.88 feet; South 65°08'02" East 397.18 feet; South 26°48'11" East 211.27 feet;
thence North 64°06'41" West, leaving said westerly boundary, 856.27 feet to a point lying on the north-south centerline of said Sec. 2;
thence North 00°37'03" East, along said centerline, 1724.91 feet to the center one-quarter corner of said Section 2;
thence North 00°23'15" East, along said centerline, 374.32 feet;
thence North 42°40'54" West 1249.82 feet;
thence North 63°58'37" West 557.46 feet;
thence North 05°47'35" West 369.21 feet;
thence North 45°11'05" West 265.32 feet;
thence North 83°05'02" West 308.24 feet;
thence North 37°14'23" West 119.84 feet to the Point of Beginning.

Containing 20.88 acres.

EXHIBIT A

PARCEL II:

A parcel of land lying within the Southwest Quarter of Section 35, Township 40 South and Section 2, Township 41 South, Range 13 West, Willamette Meridian, Curry County, Oregon, being more particularly described as follows:

Beginning at a point South 83.25 feet and East 540.67 feet from the northwest corner of said Section 2;
thence South $82^{\circ}33'30''$ East, along the southerly right of way line of the South Bank Chetco River County Road, 229.33 feet to the beginning of a 300.00 foot radius curve to the left, having a central angle of $71^{\circ}00'00''$;
thence along said curve the arc length of 371.76 feet, the long chord of which bears North $61^{\circ}56'30''$ East 348.42 feet, to the beginning of a 425.00 foot radius reverse curve to the right, having a central angle of $52^{\circ}20'00''$;
thence along said curve the arc length of 388.19 feet, the long chord of which bears North $52^{\circ}36'30''$ East 374.84 feet, to the beginning of a 725.00 foot radius reverse curve to the left, having a central angle of $49^{\circ}00'00''$;
thence along said curve the arc length of 620.03 feet, the long chord of which bears North $54^{\circ}16'30''$ East 601.31 feet, to the beginning of a 250.00 foot radius reverse curve to the right, having a central angle of $12^{\circ}56'19''$;
thence along said curve the arc length of 56.46 feet, the long chord of which bears North $36^{\circ}14'40''$ East 56.34 feet;
thence South $08^{\circ}50'34''$ East, leaving said right of way, 1362.38 feet;
thence North $81^{\circ}09'26''$ East 788.13 feet;
thence North $18^{\circ}35'37''$ East 2094.30 feet to a point lying on the easterly boundary of that property described in Book of Records 139, page 1025, Official Records of Curry County;
thence along said boundary the following courses: North $88^{\circ}47'57''$ West 109.96 feet; North $36^{\circ}16'54''$ West 90.63 feet; North $65^{\circ}59'56''$ West 106.36 feet; North $52^{\circ}33'47''$ West 106.16 feet; North $01^{\circ}54'27''$ West 183.18 feet; North $29^{\circ}50'48''$ West 114.34 feet; North $40^{\circ}38'16''$ West 208.48 feet; North $06^{\circ}41'08''$ 473.33 feet; South $65^{\circ}29'12''$ West 90.15 feet; North $35^{\circ}21'37''$ West 126.51 feet; North $23^{\circ}58'03''$ West 482.40 feet; North $71^{\circ}51'10''$ West 344.73 feet; North $88^{\circ}12'41''$ West 304.99 feet; North $58^{\circ}15'59''$ West 263.48 feet; North $14^{\circ}31'34''$ West 93.71 feet; North $25^{\circ}43'47''$ East 454.58 feet; North $13^{\circ}47'19''$ West 190.63 feet; North $05^{\circ}04'26''$ West 149.57 feet; North $36^{\circ}11'57''$ West 98.18 feet; North $88^{\circ}42'58''$ West 131.41 feet; South $77^{\circ}19'41''$ West 373.18 feet; South $49^{\circ}57'28''$ West 292.07 feet; South $43^{\circ}01'27''$ West 159.17 feet and North $81^{\circ}23'40''$ West 437.95 feet to the Point of Beginning.

Containing 25.40 acres.

RECEIVED
JAN - 6 1994
WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT A

PARCEL III:

A parcel of land lying within Section 2, Township 41 South, Range 13 West, Willamette Meridian, Curry County, Oregon, being more particularly described as follows:

Beginning at a point South 2703.69 feet and East 3668.73 feet from the northwest corner of said Section 2;
thence South 11°59'58" East 1473.07 feet;
thence South 46°46'09" East 584.95 feet;
thence South 41°54'12" East 644.12 feet;
thence South 16°07'53" East 536.74 feet;
thence South 09°18'13" West 348.44 feet;
thence South 06°45'57" West 235.37 feet to a 5/8" iron rod capped PLS 1868 lying on the easterly boundary of that property described in Book of Records 139, page 1025, Official Records of Curry County;
thence along said boundary the following courses: North 17°25'16" West 241.17 feet; North 02°04'40" West 234.26 feet; North 34°32'00" West 181.81 feet; North 30°53'25" West 388.72 feet; North 24°35'08" West 138.52 feet; North 48°32'52" West 461.52 feet; North 33°34'12" West 249.01 feet; North 29°57'47" West 292.91 feet; North 38°36'29" West 393.55 feet; North 03°37'17" East 981.41 feet and North 05°19'33" East 288.10 feet to the Point of Beginning.

Containing 19.29 acres.

1992 INSTRUMENT 92 10005

page 3

STATE OF OREGON
COUNTY OF CURRY

I ELAINE JOY, COUNTY CLERK, CERTIFY
THAT THE WITHIN DOCUMENT WAS
RECEIVED AND DULY RECORDED IN THE
OFFICIAL RECORDS OF CURRY COUNTY AT

01:26 ON 12-09-92

BY: MW DEPUTY.

FEE \$ 20.00

PAGES: 4

RECEIVED
JAN - 6 1994
WATER RESOURCES DEPT.
SALEM, OREGON

AGREEMENT FOR EASEMENT

THIS AGREEMENT, Made and entered into this *day of* *19* 90
by and between South Coast Lumber Company
hereinafter called the first party, and City of Brookings
hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Curry
County, State of Oregon, to-wit:

Beginning at the southeast corner of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section 34, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon; thence Northerly, along the east line of said SW $\frac{1}{4}$ -SE $\frac{1}{4}$, to the thread of the Chetco River.

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

and has the unrestricted right to grant the easement hereinafter described relative to said real estate;

NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

See Exhibit "A"

(Insert here a full description of the nature and type of the easement granted to the second party.)

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of perpetuity *....., always subject, however, to the following specific conditions, restrictions and considerations:*

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

N/A

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

and second party's right of way shall be parallel with said center line and not more than feet distant from either side thereof.

During the existence of this easement, its maintenance and the cost of said maintenance shall be the responsibility of (check one): the first party; the second party; both parties, share and share alike; both parties, with the first party being responsible for% and the second party being responsible for%. (If the last alternative is selected, the percentages allocated to each party should total 100.)

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties hereto have executed this easement in duplicate.

Dated 12/13, 1990

[Signature]

[Signature]

FIRST PARTY

SECOND PARTY

(If executed by a corporation, affix corporate seal and use the form of acknowledgment opposite.)

STATE OF OREGON, }
County of Curry } ss.

This instrument was acknowledged before me on December 13, 1990, by Ron Garrett

[Signature]
Notary Public for Oregon

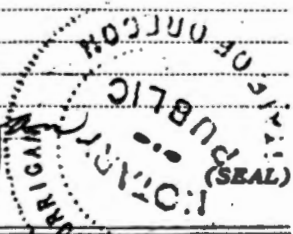
My commission expires: 11/23/93

STATE OF OREGON, }
County of CURRY } ss.

This instrument was acknowledged before me on December 14, 1990, by Dennis W Cluff
as City Manager
of City of Brookings

[Signature]
Notary Public for Oregon

My commission expires: 3/21/92



AGREEMENT FOR EASEMENT BETWEEN

AND

AFTER RECORDING RETURN TO

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, }
County of } ss.

I certify that the within instrument was received for record on the day of, 19....., at o'clockM., and recorded in book/reel/volume No..... on page or as fee/file/instrument/microfilm/reception No....., Record of of said County.

Witness my hand and seal of County affixed.

NAME TITLE
By Deputy

November 26, 1990

EXHIBIT "A"

South Coast to Golf Course
Water System Easement

RECEIVED
JAN - 6 1994
WATER RESOURCES DEPT.
SALEM, OREGON

A 25.00 foot wide easement for installation, maintenance and repair of a water system, lying westerly of, parallel with and adjacent to the following described line:

Beginning at the southeast corner of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section 34, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon; thence Northerly, along the east line of said SW $\frac{1}{4}$ -SE $\frac{1}{4}$, to the thread of the Chetco River.

STATE OF OREGON }
COUNTY OF CURRY } ss

'91 JAN 24 AM 11 19

ELAINE JOY
CURRY COUNTY CLERK

I hereby certify that the within
Instrument was received and duly
recorded in the OFFICIAL RECORDS
OF CURRY COUNTY:

By: mw Deputy
Fee: 4000 Pgs: 3

1991
Instrument 91-00407

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

PIPELINE EASEMENT

The STATE OF OREGON, by and through its Division of State Lands, GRANTOR, for and in consideration of \$250.00, the receipt of which is hereby acknowledged, hereby grants to City of Brookings, GRANTEE, an easement and right to construct, maintain, operate and replace a pipeline in, over, and across the State-owned submerged and submersible land of the Chetco River, in Curry County, Oregon, described as follows:

An easement over submerged and submersible land in the southwest one-quarter of the southeast one-quarter of the Section 34, in Township 40 South, Range 13 West of the Willamette Meridian, Curry County, Oregon, described as follows:

A strip of land 50 feet wide, being 25 feet on each side of the following described centerline:

Commencing at a point on the north line of the South Bank Chetco River Road, Curry County Road No. 808, said point being 174.12 feet North and 1818.00 feet West of the southeast corner of Section 34, Township 40 South, Range 13 West of the Willamette Meridian; thence North 0°00'00" East 120 feet, more or less, to the southerly limit of State of Oregon ownership on the Chetco River and the true point of beginning; thence continuing North 0°00'00" East 80 feet, more or less, to the thread of the Chetco River, and there terminating.

The sidelines of the above-described easement are to be extended or shortened to begin on the southerly limit of State of Oregon ownership and end at the thread of the Chetco River.

The easement areas described above contains 4,000 square feet or 0.09 acres, more or less.

This description is based on the Survey of the Existing Centerline for County Road Establishment, South Bank Chetco River County Road #808, by Darryl J. Niemi, Curry County Surveyor, dated March 1979, and on record at the Curry County Surveyor's Office.

TO HAVE AND TO HOLD the same unto GRANTEE for 40 years, subject to the following conditions:

1. Construction in navigable waters shall conform to standards and specifications set by the U. S. Army Corps of Engineers or the U.S. Coast Guard for this project.

2. The bed and banks of the waterway shall be restored to a condition acceptable to the GRANTOR as soon as construction or maintenance is completed.

RECEIVED

JAN - 6 1994

WATER RESOURCES DEPT.
SALEM, OREGON

3. Any blasting which may be necessary in the construction of the pipeline shall be performed according to the laws of the State.

4. GRANTOR reserves the right to lease or otherwise utilize the State-owned lands within the granted area hereinabove described in a manner and for uses that will not be incompatible with the primary use for which this easement is granted.

5. GRANTOR shall have the right to stop operation of the pipeline for noncompliance with the conditions of this easement or any lawful requirement by a regulatory agency of this State.

6. GRANTEE agrees to defend and hold GRANTOR harmless from any and all claims suffered or alleged to be suffered on the premises. Further, GRANTEE shall be responsible for the payment of any fines or penalties charged against the premises as a result of GRANTEE's action in not complying with laws or regulations affecting the premises.

7. If the facility for which this easement is granted is not used for a period of five (5) consecutive years, this easement may be terminated by written notice from GRANTOR to GRANTEE at its last known address. Upon termination, GRANTEE will have 90 days to remove the pipeline and appurtenances from the State-owned lands.

8. Nothing in this document may be construed as permission, except during construction or maintenance periods, to GRANTEE to interfere with navigation or reduce the public's rights to the free and unimpeded use of the navigable waters of the State of Oregon within the boundaries of this easement; provided, however, that to the extent necessary to facilitate construction and maintenance of these facilities, GRANTEE may so interfere, but shall keep such interference to an absolute minimum.

9. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the leasehold or STATE by the assessing agency.

10. GRANTEE shall use the property subject to this easement only in a manner, or for such purposes, that assure fair and nondiscriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.

10
COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # R73396 ✓

WATERWATCH ✓

ODF&W - ~~2~~¹ copies ✓

WATERMASTER # 19 ✓

REGIONAL MANAGER - SW ✓

CWRE - Kristen R Westermund ✓

DEO ✓

KEN STAHR ✓

OTHER ADDRESSES:

Kalmiopsis Audobon Society PO Box 1265, Port Orford 97465
Emily Tobey, LCD, 1175 Court St NE, Salem 97310

CASEWORKER ES

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: R 73356

(2) Review Date: 12/28/92

S Indicates information was completed or adequately addressed.
 U Indicates information is needed, or incomplete, or inadequately addressed
 N/A Indicates Not Applicable

SUMMARY	
<u>U</u>	Completeness
<u>S</u>	Land Use
<u>N/A</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>U</u>	Conflicts
<u>S</u>	Water Availability

Legal Desc Fees 5 amounts

(3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) U Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 103.25
TOTAL REQUIRED	\$ 303.25
TOTAL SUBMITTED	\$ 200
AMOUNT DUE prior to issuance of permit	\$ 103.25
AMOUNT OVERPAID	
refund due applicant	\$

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP: a Prepared by a CWRE
 ___ Exempt under OAR 690-11-150(3)
 ___ A map or drawing included (non-CWRE)
 ___ No map or drawing in file

- (8) NA A CWRE map is not required for applications filed before November 9, 1987.
- (9) U A written copy of the legal description of the property on which the water is to be used.
- (10) U A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S Storage for IPR use(s) is/~~are~~ classified uses(s) under the S. Coast Basin Program, OAR 690 512-001(S)
- (14) S The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of Curry Co
- (16) N/A The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- (17) S The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) N/A A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) N/A The report from groundwater section has been received.

For reservoir applications:

- (22) NA Plans, specifications and supporting information for the dam and impoundment area.

Application No. 73397
 Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
 Permit No. Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

RECEIVED
MAY - 4 1993

Applicant's Name: CITY OF BROOKINGS WATER RESOURCES DEP.
 Address: 898 ELK DRIVE SALEM, OREGON
 City: BROOKINGS State: OR Zip: 97415 Day Phone: (503) 469-2163

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) 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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
40-13-34 TL 800	EXCLUSIVE FARM USE EFU	X	X	
40-13-35 TL 401	"		X	X
41-13-02 TL 100	"		X	X
101, 102, 200, 208, 300, 307, 401	"		X	X
41-13-11 TL 100, 101	"		X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. CURRY COUNTY, OREGON

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ . Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
CONDITIONAL USE PERMIT	OCZO 3.073 (9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____
 Staff Contact: _____ Phone: _____
 Signature: _____ Date of Information Request: _____

RECEIVED

RECEIVED MAY 13 1993

WATER RESOURCES DEPT.
(For Local Use, Only)
SALEM, OREGON

b) Please provide printed name and written signature.

Name: CHARLES E. NORDBSTROM

Title: PLANNING DIRECTOR

Date: 5/11/93

Phone: 247-7011 x288

Signature: *Charles E. Nordstrom*

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

Additional Comments:

Horizontal lines for providing additional comments.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: CITY OF BROOKINGS
 Address: 898 ELK DRIVE
BROOKINGS, OR 97415
 Phone: (503) 469-2163

RECEIVED

MAY - 4 1993

WATER RESOURCES DEPT.
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

Irrigation (crop type, golf course, nursery or greenhouse): AESTHETICS & IRRIGATION OF 18-HOLE GOLF COURSE WITH 10 PONDS.

Livestock (type of livestock, feedlot, slaughterhouse): _____

RECEIVED

MAY 13 1993

Residential (# units, single or multi-family, # lots if partition or subdivision): _____

WATER RESOURCES DEPT.
 SALEM, OREGON

Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____

Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____

Institutional (i.e., school, library, etc.): _____

Mining (aggregate, metal, open pit, placer, etc.): _____

Recreation (park, campsite, pond, etc.) SEE IRRIGATION NOTE.

Fish and Wildlife (pond, hatchery, etc.): _____

Hydropower (dam, reservoir, power generating or transmitting facilities): _____

Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>CHETCO RIVER</u>	_____ Cubic feet per second. <u>450</u> Gallons per minute. <u>FROM RIVER</u> <u>62.3</u> Acre-Feet <u>IN PONDS</u>
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

TOWNSHIP 41S RANGE 13W W. M. SECTION 2

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
				4-	1-											39660	29479	36854
																60244	45307	56866
																61327		REJECT
																15271042		
																812398		
				RES	RES							RES	RES			R-73396		
				19	195			18	02		59					277	19	103
																73397		

WTL
CON

TOWNSHIP 40S RANGE 13W W. M. SECTION 35

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
								54	48	186	126					37282	27928	34453
																39660	29479	36854
																55156	41603	54967
																57382	44825	4
																58123	44826	-
																68760	49767	54967
																71042		
																R-73396		
																73397		

WTL
CON

TOWNSHIP 41S RANGE 13W W. M. SECTION 11

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																71042		
																R-73396		
																73397		

CON

DATE	INITIALS	MINIMUM REQUIREMENTS TO FILE
5-13-93	KC	Name and mailing address Source of water Quantity of water Location of project Use of water Signature of applicant Allowable use by policy State Engineer withdrawal Legislative withdrawal Land use approved <u>Yes</u> pending _____
FIELD OPERATIONS		
20 May 93	DLB	Application date stamped per money receipt date Stream Indexed Basin <u>15</u> Stream Code _____ Scenic Waterway _____ Findings: 1) Concluded - Scenic-Reg Ack letter 2) Under Study - Scenic-Ack letter 3) Basin 2 - Willamette-Ack letter
5/24/93	DLB	Plat Carded and copy made <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Conflicts (well _____ surface _____) Prior ISWR # _____ Within Irrigation District _____ (name) Notified _____ District excerpt received _____ Entered in Paradox _____ Prepare six copies of Draft Permit _____ Send one copy to Data Center _____
SUPPORT SERVICES		
5/19/93	CAR	Stamp contents with application number Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file Place label on file and card If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section Notify Irrigation District
FIELD OPERATIONS		
		Ownership Statement <input type="checkbox"/> YES <input type="checkbox"/> NO Name and address of all owners _____ Other landowners notified _____ Legal Description _____ Need Commission review _____ Requests greater than 5.0 cfs _____ Dam height greater than 20 feet _____ Storage greater than 100 acre-feet _____ Out of Basin diversion _____ Groundwater recharge project _____ Other substantial public interest _____ GW comments received _____ resolved _____ ODFW comments received _____ resolved _____ DEQ comments received _____ resolved _____ Interest Groups _____ Water availability received _____ Objections received _____ resolved _____ Protest received _____ resolved _____ Management Codes _____

EXAMINATION FEE: _____
 RECORDING FEE: _____

 TOTAL: _____
 REFUND: _____
 DEFICIENT: _____

REMARKS: _____

FAX to
Oregon Water Resources Department
3850 Portland Rd. N.E.
Salem, Oregon 97310

Fax # (503) 378-8130

From:
Ellen Warring
Kalmiopsis Audubon Society
P.O. Box 1265
Port Orford, Oregon 97465

Re: R-73396 City of Brookings
73397 City of Brookings

Note: Hard Copy to Follow

Kalmiopsis Audubon Society
of Curry County
P.O. Box 1265
Port Orford, Oregon 97465

June 22, 1993
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Re: R 73396 City of Brookings
73397 City of Brookings

Under R 73396 the City of Brookings wants ten ponds and storage of waters of Chetco River to be appropriated under application 73397, for aesthetics and irrigation of Jack Creek Gold Course.

We are opposed to this action. We were involved in the planning process for the Jack Creek Golf Course, through the Curry County Planning Department. We appealed a decision of the County Planning Commission in order to protect the waters of Jack Creek, which is a important anadromous fish stream. The issues were resolved to our satisfaction without having to go through the appeal process, by the City agreeing to take their potable water from a well along the Chetco River, not Jack Creek and place a water meter on that well. We did not have problems with their taking winter run off from the Chetco River to be placed in THREE storage lakes on the golf course. This application appears to go FAR beyond the three lakes originally approved. We opposed this additional extraction of water from the Chetco River. We would ask that you not allow this request for water storage.

For the same reasons as listed above, we oppose application 73397 for surface water from the Chetco River. This is very much in excess of the amount of water agreed upon at the time of the conditional use permit process. In fact we commented to the developer, at the public hearing, that "did they understand that their "lakes" would become mud ponds by the end of summer, because of the use of the water for irrigation of the course? The reply was, "we won't be using that much water!" Evidently, now they feel that they need additional water. The river system also needs water, even in high flow times, and this request is beyond what we would consider appropriate.

Sincerely,

Ellen Warring

Ellen Warring, Conservation
Chair. for Land Use and Ocean
Issues

RECEIVED

JUN - 3 1993

WATER RESOURCES DEPT
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s 73396, 73397, _____, _____, _____, _____

Send to: Emily Toby
DLCD
1175 Court Street NE
Salem, OR 97310

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the MAY/19/1993 Public Notice.

RECEIVED

JUN 23 1993

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s R73396, 73397, _____, _____, _____

Send to:

Kalmiopsis Audubon Society
PO Box 1365
Port Orford, Oregon 97465

Please include specific comments or concerns. Use additional sheets if necessary.

see attached letter

Return to:

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the MAY/19/1993 Public Notice.

Kalmiopsis Audubon Society
of Curry County
P.O. Box 1265
Port Orford, Oregon 97465

RECEIVED

JUN 23 1993

WATER RESOURCES DEPT.
SALEM, OREGON

June 22, 1993
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Re: R 73396 City of Brookings
73397 City of Brookings

Under R 73396 the City of Brookings wants ten ponds and storage of waters of Chetco River to be appropriated under application 73397, for aesthetics and irrigation of Jack Creek Gold Course.

We are opposed to this action. We were involved in the planning process for the Jack Creek Golf Course, through the Curry County Planning Department. We appealed a decision of the County Planning Commission in order to protect the waters of Jack Creek, which is a important anadromous fish stream. The issues were resolved to our satisfaction without having to go through the appeal process, by the City agreeing to take their potable water from a well along the Chetco River, not Jack Creek and place a water meter on that well. We did not have problems with their taking winter run off from the Chetco River to be placed in THREE storage lakes on the golf course. This application appears to go FAR beyond the three lakes originally approved. We opposed this additional extraction of water from the Chetco River. We would ask that you not allow this request for water storage.

For the same reasons as listed above, we oppose application 73397 for surface water from the Chetco River. This is very much in excess of the amount of water agreed upon at the time of the conditional use permit process. In fact we commented to the developer, at the public hearing, that "did they understand that their "lakes" would become mud ponds by the end of summer, because of the use of the water for irrigation of the course? The reply was, "we won't be using that much water!" Evidently, now they feel that they need additional water. The river system also needs water, even in high flow times, and this request is beyond what we would consider appropriate.

Sincerely,



Ellen Warring, Conservation
Chair. for Land Use and Ocean
Issues

WaterWatch

O F O R E G O N

RECEIVED

MAY 1 1993

WATER RESOURCES
SALEM, OREGON

May 29, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #R73396, 73397, City of Brookings
Chetco R., Curry Co., Irrigation of Golf Course

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 80% exceedence level?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

Jim Myron

bc:

WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

May 18, 1993

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415

REFERENCE: File(s) R-73396, S-73397

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - R-73396, S-73397

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

Laurie Beth English

Laurie Beth English *by CAL*
Water Rights Program Analyst

cc:CWRE

August 17, 1994

Albert H. Mirati, Jr.
Oregon Department of Fish and Wildlife
P.O. Box 59
Portland, OR 97207

Re: Response to Objections
to Application File Numbers 73396 and 73397

Dear Mr. Mirati:

The Water Resources Department has received your letter of Objection to the proposed water use reported in the Satisfactory Reports of Technical Review announced on Application File Number 73396 and 73397 submitted by the City of Brookings. Your Objections have been reviewed by the Director and as the result of the Director's assessment, **your Objections to the proposed water uses are accepted.**

You have objected to the absence of a fish screening condition on any Chetco River point of diversion. The proposed permit conditions will be amended to include the following condition for any Chetco River point of diversion:

The permittee shall install, maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass device are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

If a timely protest is submitted in the proper form, the protest and the Application File with your Comments will be referred to the Water Resources Commission for review.

If no protests are received, the Application will undergo a public interest review. As the result of that public interest evaluation, a recommendation will be made to reject the proposed use, or issue a permit.

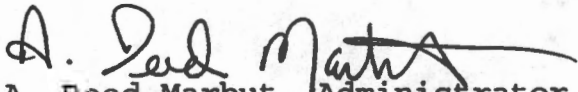


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

ODFW
August 17, 1994
Page 2

If you have any questions, please call us in the Water Rights Division.

Sincerely,

A handwritten signature in black ink that reads "A. Reed Marbut". The signature is written in a cursive style with a long horizontal stroke extending to the right.

A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: City of Brookings
WaterWatch

August 17, 1994

Karen Russell, Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

Re: Denial of Objections
to Application File Numbers R 73396 and S 73397

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Numbers R 73396 and S 73397 submitted by City of Brookings. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on applications R 73396 and S 73397 did include consideration of the elements specified in OAR 690-11-160(1) as is documented by the information contained in the records of the Department including the Application File.



The records of the Department, including the Application File indicate water is available in sufficient quantity to support the proposed use. The water availability assessment of the proposed water use is not inconsistent with the Water Allocation Policy as established by the rules of the Water Resources

A public interest determination must be made before a decision is made whether to issue a permit.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition. If issued, the permit will contain the following measuring and reporting condition:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

WaterWatch
August 17, 1994
Page 3

If a permit is issued on application S 73397, it will be conditioned to allow use of stored water only.

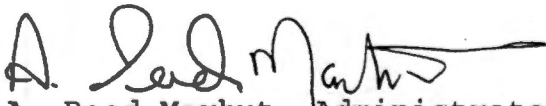
Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department, in Salem, Oregon, no later than 5:00 p.m. on or before SEP 16 1994. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: Tom Davis, Mayor, City of Brookings
ODFW

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **99872**

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

RECEIVED FROM: City of Brookings
BY: _____

APPLICATION	R-733916
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 918.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
842.016	WELL DRILL OPERATOR	\$	842.019	\$
	LANDOWNER'S PERMIT		842.024	\$

EXAM FEE
\$ <u>200.00</u>
\$
\$
EXAM FEE
\$
\$

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$
\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011	POWER LICENSE FEE(FW/WRD)	\$
842.115	HYDRO LICENSE FEE(FW/WRD)	\$

HYDRO APPLICATION

RECEIPT # **99872**

DATED: 5-13-93

BY: Kudler

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **108543**

3850 PORTLAND ROAD NE

SALEM, OR 97310

378-8455 / 378-8130 (FAX)

RECEIVED FROM: City of Brookings
BY: _____

APPLICATION	12-73396
PERMIT	
TRANSFER	

CASH: CHECK: # 2422 OTHER: (IDENTIFY)

TOTAL REC'D \$103.25

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER.#

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:			
840.001	COPY FEES		\$
850.200	RESEARCH FEEDS		\$
880.109	MISC REVENUE: (IDENTIFY)		\$
520.000	OTHER (P-6) (IDENTIFY)		\$
WATER RIGHTS:			
842.001	SURFACE WATER		\$
842.003	GROUND WATER		\$
842.005	TRANSFER		\$
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR		\$
	LANDOWNER'S PERMIT		\$
_____	OTHER (IDENTIFY)		\$

EXAM FEE		RECORD FEE
\$	842.002	\$ 103.25
\$	842.004	\$
\$	842.006	\$
EXAM FEE		LICENSE FEE
\$	842.023	\$
	842.024	\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **108543**

DATED: 1/6/94

BY: Cory Engel

WaterWatch

By FAX and Hand Delivered

February 9, 1995

Reed Marbut
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: City of Brookings Jack Creek Golf Course R73396 and 73397

Dear Mr. Marbut,

I have reviewed the draft permits you faxed to me today and the City's *Jack Creek Golf Course Management Plan*. The draft permits appear to accurately reflect the language we had agreed to at the last meeting with the applicant. With regard to the Golf Course Plan, we appreciate the obvious effort that went into the plan and have found only a few changes that we think need to be made. Several of the changes are intended to clarify how water can be used under the proposed and existing permits, one change incorporates a metering commitment made by Jim Cole in his letter of September 22, 1994 and the remainder we feel are necessary in order to meet the water management planning requirement in the two proposed permits. The comments/proposed changes are as follows:

Page 1:

In order to help clarify the periods of use allowed under the different permits/applications, we suggest that the listing of the permits and applications include a listing of when use is allowed and where the water is diverted. For example,

1. Permit No. 51383, diversion from Chetco for irrigation from March through June;
2. Application No. R 73396/Permit No. ??, diversion from the Chetco for storage of water for irrigation from December through March 1st;
3. Application No. S73397, diversion from storage ponds from March through October for Irrigation . . .

Page 2:

1. Consistent with the existing and proposed permits we recommend that #1 be expanded to read:

1. Water will be diverted directly from the Chetco River for irrigation only during the period of March 1 to June 30 of each year. Water may be diverted from the Chetco for storage for supplemental irrigation from December 1 through March 1st each year. The water in the ponds will be used for irrigation from March 1st to October 31.

5. We understand that shortages are more likely to occur during late summer, however #5 should be changed to limit watering any time water supplies are limited. We recommend deletion of the words "during late summer".

6. Add a sentence that articulates the Golf Courses commitment to meter and report water use from the exempt wells. See letter from Jim Cole to Reed Marbut, September 22, 1994 and "Letter of Agreement" signed by City of Brookings, WJS Golf, Inc., Kalmiopsis Audubon Society and Bob McCallister. We recommend the addition of the following sentence:

Water withdrawals from exempt wells will be metered a log maintained by the Developer. The monthly usage will be logged by the Developer and made available at City Hall in Brookings and reported to the Water Resources Department annually or more frequently.

10. The permit conditions require a program for performing water audits of the system. Currently there is no such program in the plan. We recommend the addition of a program in a new #10 and suggest the following language:

In order to verify efficient use of water the Golf Course shall monitor and record monthly, as part of an ongoing water use audit, water use in volume used and area irrigated. Such record will be available to the Water Resources Department on request. The Golf Course will take all reasonable actions to increase water use efficiency where audits reveal the need for increased efficiency.

Page 3:

The language in the second paragraph is confusing. This section states that there will be no diversions of Chetco River water from July through February. However the reservoir application contemplates diversions of water from December through March 1st. Does this mean that the reservoir application is not needed?

Page 7:

We continue to be concerned about claims that irrigation of the Golf Course will recharge the aquifer and add flows to Rock Creek. These types of return flows are often a sign of inefficient use and overwatering. We do not agree with most of the statements on this page and recommend that most of it be deleted.

Page 8:

2. We are concerned that consultation occur throughout the development of the golf course not just at the very beginning. We recommend that language be added that requires continued coordination as the course is developed. We suggest the following language:

The Golf Course developer will continue to coordinate and communicate with the ODFW, Oregon South Coast Fishermen and Curry County Design Review Board during construction of the Course.

Page 10:

1. We strongly support the statement contained here. As I understand it however, pesticides and fertilizers not requiring a permit will be used and the City has agreed to specific notice requirements. We recommend that these notice requirements be added to this section:

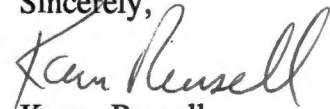
The following agencies will be noticed at least 24 hours before application of chemicals and/or fertilizers:

- A) City of Brookings
- B) Oregon Department of Fish and Wildlife
- C) Dept. of Environmental Quality
- D) Harbor Rural Water Peoples Utility District.

I believe these changes are all consistent with either earlier agreements made by the Golf Course in the land use process or with the agreements reached in the last meeting on the water use applications. I have faxed a copy of this letter to Jim Cole and Mayor Davis at the City and am open to discussion/questions. I may be in Seattle Monday through Wednesday of next week (my office will have a number I can be reached at), but will be in the office for sure Thursday and Friday.

Thanks. Please call me with comments/next steps. As I understand it, once we get the plan finalized WaterWatch will withdraw it's protest and objections and the permits could be issued with the conditions contained in your fax.

Sincerely,



Karen Russell
Assistant Director

PUBLIC INTEREST REVIEW

The proposed water use described in Application #R-73396 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Report of Technical Review for Application #R-73396 proposes allocation of 62.3 ACFT from CHEYENNE RIVER tributary to PACIFIC OCEAN for the purpose(s) of storage for SUPPLEMENTAL IRRIGATION. The Technical Review Report limits the proposed use to STORAGE DURING THE PERIOD DECEMBER 1 THROUGH MARCH 1.

The proposed use described in Application #R-73396 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

Water use Application #R-73396 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

**PUBLIC INTEREST REVIEW
CHECKLIST**

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application #R-73396, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.

- ✓ There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

II. Land use matters.

- ✓ The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.
- ✓ Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.
- ✓ There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.
- ✓ If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.
- ✓ An applicant for municipal water use has submitted information showing the proposed water use is **compatible with comprehensive plan policies** concerning urban services, urban growth boundaries, and Public Facilities Plans.

III. Identified environmental concerns.

✓ The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

IV. The character and extent of other natural resources which are present in the water source basin.

✓ The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.

✓ There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

V. Riparian characteristics.

✓ There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

VI. Recreational use and potential of the water source and its basin area.

✓ There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

VII. Agricultural potential of the area.

✓ There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

VIII. Designated historic, cultural, or natural resource protection areas.

✓ There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

IX. Identified health or safety requirements.

✓ There nothing in the record to indicate any identified health and safety requirements.

**PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS**

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).


The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application #R-73396:

_____ WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

✓ WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.


A. REED MARBUT

 Martha O. Pagel, Director
Water Resources Department

Dated : FEB 22 1995

WaterWatch

RECEIVED
FEB 23 1995
WATERWATCH
SALEM, OREGON

By FAX and Regular Mail

February 21, 1995

Reed Marbut
Water Resources Department
158 12th Street NE
Salem, OR 97310

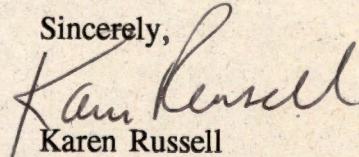
Re: City of Brookings Jack Creek Golf Course, R 73396 and 73396

Dear Mr. Marbut,

I have reviewed the City's revised Golf Course Plan that you faxed to me on February 16th and the draft permits attached to your February 17th letter. The plan and the permit conditions are consistent with the agreement reached on this applications. It is our understanding that if permits are issued on these applications they will contain the conditions in your February 17th letter and the Plan will be implemented as a condition of use of water under these permits.

Since it appears that our concerns over these applications have been resolved we hereby withdraw our protest of these applications. Please send us a final signed copy of the permits as soon as they are issued.

Sincerely,


Karen Russell
Assistant Director

c. Jim Cole



RECEIVED

MAR 11 1994

WATER RIGHTS
SALEM

March 9, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73396 and 73397; Reports of
Technical Review

For Chetco River POD: Because one or more species of game fish are present at the described POD, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests WRD add the following condition to those already proposed:

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Mirati, Jr.".

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-73396.TEC



TOWNSHIP 41S RANGE 13W W. M. SECTION 2

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
				4 ¹	1 ²											39660	29479	3654
					Dom											60244	45307	56656
																61327		REJECT
																71042		
																812398		
				RES	RES							RES	RES			R-73396		
				19	19 ⁵	18 ⁰	0 ²	5 ⁹				27 ²	19 ⁰	10 ³		73397		

WTL
NCS
CON

TOWNSHIP 40S RANGE 13W W. M. SECTION 35

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
								5 ⁴	4 ⁸	18 ⁶	12 ⁶					37282	27928	34453
										0 ¹	1 ⁰					39660	29479	36854
																55156	41603	54457
																57382	44825	4
				16 ³	3 ²											58123	44826	4
				18 ⁹	9 ⁰											68760	47767	CAN
																71042	07983	
																R-73396		
																73397		

NCR
WTL
CON

TOWNSHIP 41S RANGE 13W W. M. SECTION 11

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																71042		
																R-73396		
																73397		

CON



CITY OF BROOKINGS
 898 Elk Drive
 BROOKINGS, OREGON 97415



9-11734
 S-73397
 S-71042

Dallas

Mr. Dallas Miller
 Natural Resource Specialist 2
 Oregon Water Resources Department
 Commerce Building
 158 12th Street NE
 Salem OR 97310-0210

97310+0700

9/17/94 DF

See 75271

Application No.

R-73396

Permit No.

R-11535

CITY OF BROOKINGS

Name 898 ELK DR

Address BROOKINGS, OR 97415

Assigned

Address

Beginning construction

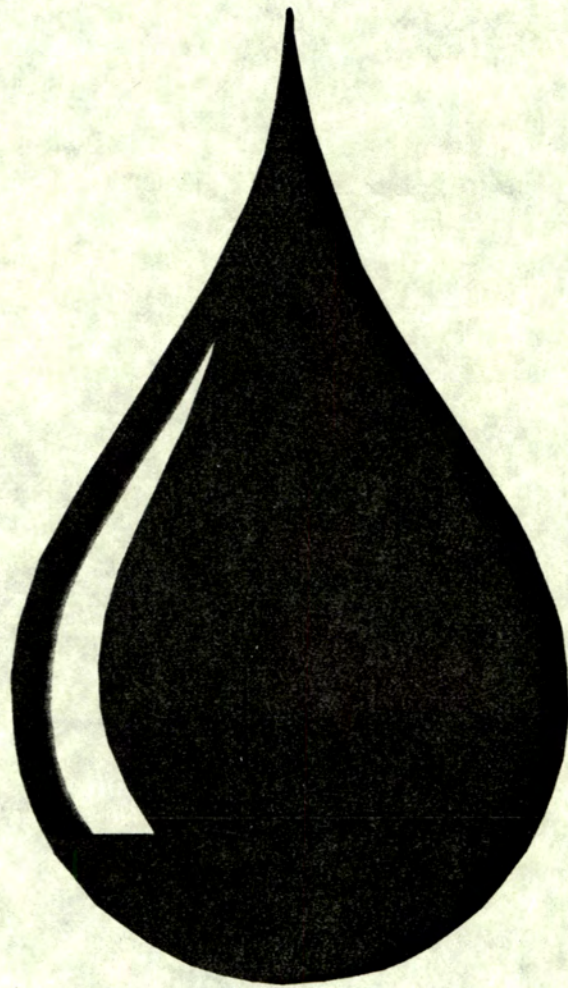
Completion of construction

Extended to

Complete application of water

Extended to

JACK CREEK GOLF COURSE



WATER

JACK CREEK GOLF COURSE WATER

TABBED POINTS

1. APPLICATIONS TO STORE WATER AND USE FOR IRRIGATION
2. WE GOT WATER RIGHT, BUT DID NOT HAVE INFO ON STORAGE AT THE TIME TO APPLY FOR STORAGE AND IRRIGATION.
3. WE RECEIVED TECHNICAL REVIEW AND MUST WAIT UNTIL MARCH 11 FOR OBJECTIONS, IF ANY.
4. HAD NEVER HEARD OF WATER WATCH
5. WATER WATCH OBJECTS WITH A BLANKET OBJECTION
6. REMOVAL OF CATTLE / ONE OF OUR POINTS
7. AUDUBON, ODF&W HAD ALREADY MADE DEMANDS WHICH INCLUDE RIPARIAN WORK BE DONE AND CATTLE REMOVED
8. SEE PAGE 65 - EXAMPLE OF OUR AGREEMENTS WITH ODF&W
9. ODF&W OBJECTS - ONE PHONE CALL RESOLVES THIS
10. CITY ANSWERS WATER WATCH OBJECTIONS
11. GABRIEL SAYS MEET WITH WATER WATCH TO SEE IF ISSUES CAN BE RESOLVED.
12. WHAT WATER WATCH WANTS - I MADE A TRIP IN MAY 2 TO RUSSELL'S OFFICE TO DISCUSS OBJECTIONS
13. KAREN RUSSELL'S RESPONSE TO OUR MEETING MAY 2ND AND CITY'S LETTER
14. LETTER FROM CITY TO WATER WATCH ACCEPTING ADDITIONS TO PERMITS
15. WATER WATCH LETTER TO STEVE BROWN / I CALLED STEVE BROWN WITH SAME INFORMATION
16. ODF&W OBJECTION ACCEPTED BY WATER RESOURCES AND WE ACCEPTED THEM ALSO

17. REED MARBUT DENIES WATER WATCH OBJECTIONS
18. WATER WATCH THREAT TO CITY / WANT TO MEET WITH US AND WATER RESOURCES
19. I CALLED STEVE BROWN - ASKED OPINION ON MEETING - HE SAYS WATER WATCH DOESN'T RUN OWRD - THEY PROBABLY WON'T OBJECT - IF THEY DO WE'LL GO TO COMMISSION IN EARLY NOVEMBER AND WE WILL GET PERMITS
20. STEVE BROWN SAYS DON'T RESPOND
21. WATER WATCH SENDS LETTER / LATER RECEIVE OBJECTION PACKAGE
22. STEVE BROWN SAYS WE WILL GO TO COMMISSION EARLY IN NOVEMBER AND GET PERMITS
23. STEVE BROWN TELLS ME MEETING WITH COMM. IN EARLY NOVEMBER OUT - PROBABLY WON'T GET IN UNTIL JAN. OR FEB. 1995
24. I CALLED REED MARBUT AND ASKED FOR REASON / HE SAYS LET'S MEET WITH WATER WATCH AND SEE IF WE CAN RESOLVE ISSUES
25. EXACTLY WHAT WE COULD HAVE DONE IN MAY OF 1994 AND SETTLED
26. WE MEET AND WATER WATCH WANTS COMPLETE WATER MASTER PLAN
27. I SEND FIRST PLAN TO REED MARBUT AND KAREN RUSSELL OCTOBER 18 / REJECTED - NOT ENOUGH
28. I SENT SECOND COPY TO REED MARBUT AT HIS REQUEST / HE WANTS TO SEE IT BEFORE IT GOES TO WATER WATCH - HE REJECTS IT AS NOT TECHNICAL ENOUGH
29. REED MARBUT SENDS OUTLINE OF WHAT HE WANTS
30. PRESENT WATER MANAGEMENT PLAN

STATE OF OREGON
 COUNTY OF CURRY
 PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF BROOKINGS
 898 ELK DRIVE
 BROOKINGS, OREGON 97415

503-469-2163

to use the waters of CHETCO RIVER, a tributary of PACIFIC OCEAN, for IRRIGATION OF 180.3 ACRES.

This permit is issued approving Application 71042. The date of priority is DECEMBER 12, 1990. The use is limited to not more than 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source. Use of water may only be made March 1 through June 30.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 34, T 40 S, R 13 W, W.M.; 270 FEET NORTH AND 1295 FEET WEST FROM SE CORNER, SECTION 34.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 SW 1/4	1.3 ACRES
SE 1/4 SW 1/4	6.4 ACRES
SECTION 35	
TOWNSHIP 40 SOUTH, RANGE 13 WEST, W.M.	
NW 1/4 NE 1/4	6.1 ACRES
SW 1/4 NE 1/4	23.9 ACRES
SE 1/4 NE 1/4	0.3 ACRE
NE 1/4 NW 1/4	27.7 ACRES
NW 1/4 NW 1/4	9.4 ACRES
SE 1/4 NW 1/4	9.8 ACRES
NW 1/4 SE 1/4	36.3 ACRES
SW 1/4 SE 1/4	25.0 ACRES
SE 1/4 SE 1/4	15.3 ACRES
SECTION 2	
NE 1/4 NE 1/4	18.1 ACRES
NW 1/4 NE 1/4	0.7 ACRES
SECTION 11	
TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M.	

Actual construction work shall begin on or before December 16, 1992, and shall be completed on or before October 1, 1993. Complete application of the water to the use shall be made on or before October 1, 1994.

PAGE TWO

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued this date, DECEMBER 16, 1991.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

Phone (503) 468-2100

CITY OF BROOKINGS

598 Elk Drive
Brookings, Oregon 97415

The Home of Winter Flowers



August 11, 1992

Ellen Warring
Kalmlopsis Audubon Society
of Curry County
P.O. Box 1265
Port Orford, OR 97465

REFERENCE: CITY OF BROOKINGS WATER RIGHT APPLICATION #G-12398

Dear Ellen:


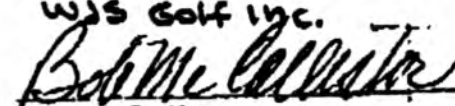
As you are aware, in January, 1991 the city made an application with the State Water Resources Department for a water right pertaining to a potable water well at the golf course site. That application, known as #G-12398, is still being processed by the Water Resources Department.

The city and the golf course developer would prefer to receive potable water from Harbor Water District rather than to drill a well on-site. If Harbor water were made available on-site at the golf course, there would be no overwhelming reason to continue seeking the existing water right application #G-12398 for a potable water well on the golf course site. Under that circumstance, the city council and WJS Golf, Inc., and Bob McCallister, the golf course developer, would be willing to withdraw water right application #G-12398 from the application process.

City of Brookings

Golf Course Developer


Fred Hummel, Mayor


William J. Stone - PRESIDENT
WJS Golf Inc.

Bob McCallister

FILE WJS/BM/ans



August 11, 1992

Ellen Warring
Kalmiopsis Audubon Society
of Curry County
P.O. Box 1265
Port Orford, OR 97465

REFERENCE: CITY OF BROOKINGS WATER RIGHT APPLICATION #G-12398

Dear Ellen:

As you are aware, in January, 1991 the city made an application with the State Water Resources Department for a water right pertaining to a potable water well at the golf course site. That application, known as #G-12398, is still being processed by the Water Resources Department.

The city and the golf course developer would prefer to receive potable water from Harbor Water District rather than to drill a well on-site. If Harbor water were made available on-site at the golf course, there would be no overwhelming reason to continue seeking the existing water right application #G-12398 for a potable water well on the golf course site. Under that circumstance, the city council and WJS Golf, Inc., and Bob McCallister, the golf course developer, would be willing to withdraw water right application #G-12398 from the application process.

City of Brookings

Golf Course Developer

Fred Hummel, Mayor

William J. Stone

Bob McCallister

FH/WJS/BM/dmva

October 19, 1992

Mayor Hummel and City Council
898 Elk Drive
Brookings, OR 97415

REFERENCE: **WATER RIGHT APPLICATION FOR POTABLE WATER WELL
AT JACK CREEK**

Dear Mayor and Council:

On behalf of WJS Golf, Inc., and Bob McCallister I'm asking the city council to withdraw the water right application for a potable water well within the Jack Creek aquifer. In conjunction with this withdrawal I'd like to ask the city to co-sign with us, the golf course developer, a letter agreement with the Kalmiopsis Audubon Society that we will not seek additional potable water wells within the Jack Creek aquifer, (1/4 mile in any direction from Jack Creek), if they withdraw their appeal rights of the Conditional Use Permit for the golf course.

With such an agreement we can proceed with getting potable water from off-site of the golf course, and move forward with the C.U.P.

Bob McCallister
WJS Golf, Inc.

BM/dmva

LETTER OF AGREEMENT

By this Agreement, the parties agree to the following terms:

1. The City of Brookings agrees to withdraw a water right application for a potable water well near Jack Creek;
2. WJS Golf, Inc./Bob McCallister, a Joint Venture, agrees to not seek additional potable water wells within the Jack Creek aquifer, (1/4 mile in any direction from Jack Creek); and,
3. The Kalmiopsis Audubon Society agrees to withdraw its appeal rights for Conditional Use Permit No. C-9205 pertaining to the use of EFU land for a golf course.

DATED _____

City of Brookings, Oregon

WJS Golf, Inc./Bob McCallister
Joint Venture

By _____

By _____

Kalmiopsis Audubon Society

By _____



October 19, 1992

John Drolet
State of Oregon
Watermaster
Coos County Courthouse
Coquille, OR 97423

Dear John:

The City of Brookings requests a letter from your office confirming the following:

The City of Brookings and/or the golf course developer can place a well for potable water at the site of the present irrigation water permit intake. This well will be used to provide not more than 15,000 gallons/day of water for two housing units at the golf course site. In addition, not more than 5,000 gallons/day of water will be provided to the golf course clubhouse site. These maximum gallons/day water usage were extracted from WRD's April, 1990 publication Oregon's Water Rights System. It is our understanding that no permit would be required for the above identified usage.

Sincerely,

Dennis W. Cluff
City Manager



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

10-20-92

Dennis W. Cluff
City Manager
City of Brookings
Brookings, OR 97415

Dear Mr. Cluff:

Reference is made to your October 19 dated letter regarding exempt groundwater uses which may be planned for the proposed Jack Creek Golf Course. Attached, you will find a copy of the Oregon Revised Statute (ORS 537.545) which exempts certain groundwater uses from permitting requirements.

Among those groundwater uses which are exempted are domestic uses of less than 15,000 gallons per day and commercial uses of less than 5,000 gallons per day. It would appear that groundwater uses for the two proposed caretaker residences and the golf course club house will fall within the exempt classification providing that the respective quantities of water are not exceeded.

I would also draw your attention to Oregon Administrative Rules, Chapter 690, Division 250, Section 130, paragraph 1, also attached. Exempt uses may be regulated under certain conditions. For this reason, it would be to the golf course's benefit to locate its wells so as not to interfere or appear to interfere with established water uses, including existing and pending instream rights.

As discussed with Jim Cole, given the level of interest by fisheries groups, it would be prudent, if at all possible, to maintain a quarter mile distance from your proposed exempt groundwater sources to Jack Creek and Chetco River.

Dennis, should you have other questions, please get back in touch.
Sincerely,

John P. Drolet
Watermaster, District XIX

JPD/dt

CF: Alan J. Cook

tions, the public welfare, safety and health require otherwise.

(3) Beneficial use without waste, within the capacity of available sources, be the basis, measure and extent of the right to appropriate ground water.

(4) All claims to rights to appropriate ground water be made a matter of public record.

(5) Adequate and safe supplies of ground water for human consumption be assured, while conserving maximum supplies of ground water for agricultural, commercial, industrial, thermal, recreational and other beneficial uses.

(6) The location, extent, capacity, quality and other characteristics of particular sources of ground water be determined.

(7) Reasonably stable ground water levels be determined and maintained.

(8) Depletion of ground water supplies below economic levels, impairment of natural quality of ground water by pollution and wasteful practices in connection with ground water be prevented or controlled within practicable limits.

(9) Whenever wasteful use of ground water, impairment of or interference with existing rights to appropriate surface water, declining ground water levels, alteration of ground water temperatures that may adversely affect priorities or impair the long-term stability of the thermal properties of the ground water, interference among wells, thermal interference among wells, overdraw of ground water supplies or pollution of ground water exists or impends, controlled use of the ground water concerned be authorized and imposed under voluntary joint action by the Water Resources Commission and the ground water users concerned whenever possible, but by the commission under the police power of the state except as specified in ORS 537.796, when such voluntary joint action is not taken or is ineffective.

(10) Location, construction, depth, capacity, yield and other characteristics of and matters in connection with wells be controlled in accordance with the purposes set forth in this section.

(11) All activities in the state that affect the quality or quantity of ground water shall be consistent with the goal set forth in ORS 468B.155. [1955 c.708 §2; 1985 c.673 §46; 1989 c.201 §2; 1989 c.833 §56]

537.530 [Repealed by 1955 c.708 §38]

537.535 Unlawful use or appropriation of ground water, including well construction and operation. (1) No person or

public agency shall use or attempt to use any ground water, construct or attempt to construct any well or other means of developing and securing ground water or operate or permit the operation of any well owned or controlled by such person or public agency except upon compliance with ORS 537.505 to 537.795 and any applicable order or rule adopted by the Water Resources Commission under ORS 537.505 to 537.795.

(2) Except for those uses exempted under ORS 537.545, the use of ground water for any purpose, without a permit issued under ORS 537.625 or registration under ORS 537.605, is an unlawful appropriation of ground water. [1955 c.708 §4; 1957 c.341 §5; subsection (2) enacted as 1961 c.668 §2; 1985 c.673 §47]

537.540 [Repealed by 1955 c.708 §38]

537.545 Exempt uses. (1) Except as provided in subsection (4) of this section, no registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 is required for the use of ground water for:

(a) Stockwatering purposes;

(b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;

(c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740;

(d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;

(e) Down-hole heat exchange purposes; or

(f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day.

(2) The use of ground water for a use exempt under subsection (1) of this section, to the extent that it is beneficial, constitutes a right to appropriate ground water equal to that established by a ground water right certificate issued under ORS 537.700. The Water Resources Commission may require any person or public agency using ground water for any such purpose to furnish information with regard to such ground water and the use thereof.

(3) If it is necessary for the Water Resources Department to regulate the use or distribution of ground water, including uses exempt under subsection (1) of this section, the department shall use as a priority date for the exempt uses the date indicated in the log for the well filed with the department under ORS 537.765 or other documentation provided by the well owner showing when water use began.

OREGON ADMINISTRATIVE RULES
CHAPTER 690, DIVISION 250 — WATER RESOURCES DEPARTMENT

describing how a call from an appropriator or minimum flow senior to one or more appropriators in the rotation will be honored.

Stat. Auth.: ORS Ch. 540
Hist.: WRD 24-1988, f. & cert. ef. 12-14-88

Entry on Private Property

690-250-090 (1) ORS 536.037(1)(e) empowers the director to "enter upon any private property in the performance of the duties of the director, doing no unnecessary injury to the private property." The director may delegate authority to a watermaster or any other staff member. Authority to enter private property to inspect wells is granted in ORS 537.780(4).

(2) Entry as stated above is restricted to open areas and does not include entry into the house or immediate out buildings except with permission. If an owner or occupant refuses permission to enter or threatens physical harm or obstruction of the watermaster's performance of duties, the watermaster may seek a court order or an administrative search warrant with the aid of the district attorney or a police officer. If the owner or occupant refuses permission to enter, the watermaster may regulate a diversion that is not on the property if it is accessible.

(3) If a watermaster has reason to believe that water is being used illegally, the watermaster may enter private property to inspect, gather evidence, and/or post any unauthorized uses found, if the watermaster restricts entry to open areas. The watermaster may enter open areas of private property if there exists probably cause that the property contains evidence of a violation of the water laws and urgent circumstances justify warrantless entry. If the owner or occupant is present or has been contacted and refuses permission to enter, the watermaster may seek a search warrant or other court order to enter the property.

Stat. Auth.: ORS Ch. 540
Hist.: WRD 24-1988, f. & cert. ef. 12-14-88

Regulation of Surface Water

690-250-100 (1) The watermaster shall investigate and respond to all complaints of water shortages or unlawful use based on a review of appropriate records and performance of field inspections, as judgement may require. The watermaster's response may be oral or written communication to appropriators involved in the complaint or shortages, or by personal visits by the watermaster or assistant watermaster.

(2) The watermaster may begin regulation if investigation reveals a valid complaint of water shortage or unlawful use. Water shall be regulated in accordance with the relative rights or rotation agreements of the appropriators involved in the complaint or shortage.

Stat. Auth.: ORS Ch. 540
Hist.: WRD 24-1988, f. & cert. ef. 12-14-88

Regulation of Ground Water

690-250-110 (1) The watermaster shall respond to complaints based on a review of appropriate records and performance of necessary field

inspections as judgement may require. The watermaster may request the assistance of a ground water geologist. The watermaster's response may be by oral or written communication to appropriators involved in the complaint or by personal visits by the watermaster or assistant watermaster.

(2) The watermaster shall distribute the ground water within the affected areas if substantial interference, or substantial thermal interference, is determined. Ground water shall be distributed in accordance with the relative rights or rotation agreements of the appropriators involved in the complaint. The watermaster may request the assistance of a ground water geologist during any phase of ground water distribution.

Stat. Auth.: ORS Ch. 537 & 540
Hist.: WRD 24-1988, f. & cert. ef. 12-14-88; WRD 18-1990, f. & cert. ef. 12-14-90

Regulation of Ground Water/Surface Water

690-250-120 (1) The watermaster shall respond to complaints based on a review of appropriate records and performance of necessary field inspections as judgement may require. The watermaster may request the assistance of a ground water geologist. The watermaster's response may be by oral or written communication to the ground water and surface appropriators involved in the complaint, or by personal visits by the watermaster or assistant watermaster.

(2) The watermaster shall distribute the surface water and ground water by relative priority within the affected area if ground water and surface water connection and substantial interference are determined. The watermaster may request the assistance of a ground water geologist during any phase of ground water/surface water distribution.

Stat. Auth.: ORS Ch. 540
Hist.: WRD 24-1988, f. & cert. ef. 12-14-88

Regulation of Exempt Groundwater Uses Under ORS 537.545

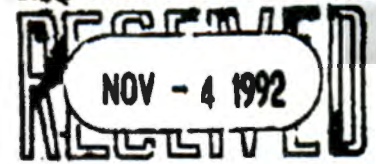
690-250-130 (1) In addition to non-exempt uses, the watermaster may regulate exempt uses of groundwater based on the priority of the exempt uses. The priority date shall be the date the well was completed as shown on the well log.

(2) If no completion date is shown on the well log or if no well log is available for the well, the owner of the well may provide other documentation that shows when water use began, to establish the date of priority. Examples of such documentation include but are not limited to the following:

- (a) Copies of building permits for houses served by the well;
- (b) Records of power use to pump the well; and
- (c) Affidavits from people stating when water use began.

(3) If no completion date is shown on the well log or if no well log is available, the Director or Director's designee may interpret the documentation furnished by the well owner or obtained from Department records and determine a priority date. The watermaster shall use the priority date determined to regulate the exempt use.

CURRY COUNTY PLANNING DEPT.



Kalmiopsis Audubon Society
of Curry County
P.O. Box 1265
Port Orford, Oregon 97465

November 4, 1992

Curry County Planning Department
Chuck Nordstrom, County Planner
Courthouse Annex
Gold Beach, Oregon

Re: Application #C-9205 City of Brookings

Dear Mr. Nordstrom,

On July 31, 1992, Kalmiopsis Audubon Society filed a Notice of Appeal of Application #C-9205 City of Brookings, over the Jack Creek Golf Course.

This letter will serve as notice that we are withdrawing our Appeal Notice, effective this date. The City of Brookings has agreed to place their potable water well along the Chetco River. They have agreed to place a meter on the well, as they do not need a permit from State Water Resources for this well. They will record the flow monthly and record same at the City Hall for public observation.

Attached is a copy of the Agreement for your information and records.

We feel that the aquifer of Jack Creek has been protected from water withdrawal to the best of the legal process.

Sincerely,

Ellen Warring
Chairwoman for Land Use and Ocean
Issues
332-0735



November 4, 1992

Steve Brown
Water Resources Department
3850 Portland Road, SE
Salem, OR 97310

REFERENCE: WITHDRAWAL OF APPLICATION NO. G-12398

Dear Steve:

The City of Brookings is withdrawing Application No. G-12398 for a well in the Jack Creek aquifer to provide potable water for a future golf course clubhouse. Please discontinue the processing of this application and return the application to the city.

If you have questions on this application withdrawal, please call.

Sincerely,

Dennis W. Cluff
City Manager

DWC/dmva

cc: Mayor and Council
Ellen Warring, Kalmiopsis Audubon Society
WJS Golf, Inc.
Bob McCallister

GOLF BOARD



LETTER OF AGREEMENT

By this Agreement, the parties agree to the following terms:

1. The City of Brookings agrees to withdraw a water right application for a potable water well near Jack Creek; and
2. The City of Brookings and WJS Golf, Inc./Bob McCallister, a Joint Venture, agrees to not seek additional potable water wells within the Jack Creek aquifer, (1/4 mile in any direction from Jack Creek or its tributaries), with the exception of the area on the Chetco River side of South Bank Chetco River Road; and
3. The Kalmiopsis Audubon Society agrees to withdraw its appeal rights for Conditional Use Permit No. C-9205 pertaining to the use of EFU land for a golf course; and
4. All parties agree to withdraw the water right application and the Conditional Use Permit appeal, respectively, within three (3) days of final signing of this Letter of Agreement.
5. Potable water wells will be metered. A log will be maintained by Developer. The monthly water usage will be logged by the Developer and made available at City Hall in Brookings.

City of Brookings, Oregon

WJS Golf, Inc.

By: Fred Hansen

By: [Signature] - President

Date: 11-2-92

Date: 10-31-92

Kalmiopsis Audubon Society

Bob McCallister

By: Ellen A. Waring

By: Bob McCallister

Date: 11/2/92

Date: 10/29/92

RECEIVED

OCT 27 1992

CITY OF BROOKINGS

WATER
RESOURCES
DEPARTMENT

October 27, 1992

Ellen Warring
Kalmiopsis Audubon Society of Curry County
P.O. Box 1265
Port Orford, OR 97465

Reference: File G-12398 - City of Brookings
File 70908 - Oregon Department of Fish and Wildlife

Dear Ms. Warring:

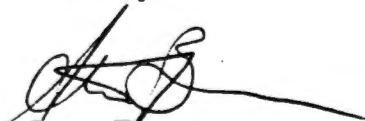
You have requested clarify whether or not the City of Brookings is required to obtain a permit for the use of potable water at their proposed golf course.

The use of water from a well at the golf course for a clubhouse, campground and other ancillary uses is considered to be commercial use. The appropriation of more than 5000 gallons per day from a well for commercial purposes requires a permit issued by our Department.

As of this date, no applications for permit to construct any reservoirs and store water for irrigation purposes have been submitted to this office for the golf course.

The review of application G-12398 will proceed, along with others, in the order of the date received. We will complete technical and public interest reviews of the application as soon as possible. However, instream water right application 70908 has a tentative date of priority superior to G-12398. If application 70908 is approved, as requested, sufficient water will not be available for additional year round permits.

Sincerely,



Steve Brown
Senior Water Rights Specialist
Field Operations Division

cc: Watermaster
City of Brookings
0876



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Application No. _____

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

WE GOT WATER RIGHT, BUT
DID NOT HAVE INFO ON
STORAGE AT THE TIME TO
APPLY FOR STORAGE AND
IRRIGATION.

Applicant(s) CITY OF BROOKINGS
(Please print or type - use dark ink)

Mailing Address: 898 ELK DRIVE
BROOKINGS OR 97415 (503) 469-2163
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: CHETCO RIVER
a tributary of PACIFIC OCEAN

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: _____ cubic feet per second, OR 450 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. INTENDED USE(s) OF WATER: STORAGE FOR AESTHETICS AND IRRIGATION OF JACK CREEK GOLF COURSE

If for more than one use, give the quantity of water from each source for each use: _____

If for DOMESTIC use, state the number of households to be supplied: _____

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served: _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation 119.0 ACRES
Other (describe) _____

25

Application No. _____

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) CITY OF BROOKINGS
(Please print or type - use dark ink)

Mailing Address: 898 ELK DRIVE
BROOKINGS OR 97415 (503) 469-2163
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: CHETCO RIVER
a tributary of PACIFIC OCEAN

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: _____ cubic feet per second, OR 450 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. INTENDED USE(S) OF WATER: STORAGE FOR AESTHETICS AND IRRIGATION OF JACK CREEK GOLF COURSE

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; _____

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation 119.0 ACRES
Other (describe) _____

15

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

INTAKE PUMP - 50 HP CORNELL MODEL # 2 1/2 YHB, 3 PHASE, 440VOLT, 1800 RPM, DISCHARGING 450 GPM @ 100 PSI

MAINLINE - 7100 L.F. 8" AND 4200 L.F. 6" CLASS 160 PVC PIPE

IRRIGATION - WATER PUMPED FROM LAKES 6 AND 10 USING THREE SUBMERSIBLE PUMPS (30 GPM @ 45 PSI)

(120 GPM @ 105 PSI) & (360 GPM @ 105 PSI) THROUGH 4" & 3"

IRRIGATION LINES TO SMALLER LATERALS AND SPRINKLERS. WATER FROM THE REMAINING LAKES WILL BE RELEASED OR PUMPED AT LOW PRESSURE TO RECHARGE LAKES 6 AND 10 THROUGH THE 8" & 6" LINES.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin MAY 1993

Proposed date construction work will be completed NOV. 1994

Proposed date water use will be completed NOV. 1995

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No . If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: DIVERSION SITE & ACCESS:

CHETCO RIVER: DIVISION OF STATE LANDS TAX LOT 800: SOUTH COAST LUMBER CO.
775 SUMMER ST. NE P.O. BOX 670
SALEM, OR 97310 BROOKINGS, OR 97415

QUESTIONS REGARDING PROJECT DESIGN MAY BE DIRECTED TO:

BOB BALDOCK, JR.
BOB BALDOCK AND SON
3001 RED HILL AVENUE, BLDG. 5, SUITE 210
COSTA MESA, CA 92626
(714) 557-2097 FAX (714) 754-0101

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

X *Dennis W. Cluff*
Signature

4-30-93
Date

Signature

Date

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

X *Dennis W. Cluff*
Signature of Applicant

4-30-93
Date

Signature of Co-Applicant, if any

Date

.....
FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

PERMIT NO: _____

CITY OF BROOKINGS
BROOKINGS OREGON 97415

018324

TE INVOICE NO. VOUCHER

TOTAL MEMO

account dr amount dr
201-612 718.00

Amount
Golf Course Permits

*Water Resources Dept.
The City of Brookings
has a \$200.00 credit
for a Reservoir Exam paid
erroneously in December
1990. Please apply that
\$200 credit to this
application. Thanks
Dennis Cluff
City Manager 5-3-93*

ATTACH BEFORE DEPOSITING

CITY OF BROOKINGS

COMMON ACCOUNT
898 ELK DRIVE BROOKINGS, OREGON 97415
(503) 469-2183

BROOKINGS BRANCH
UNITED STATES NATIONAL BANK OF OREGON
BROOKINGS, OREGON 97415

24 - 22
1230

No. 018324

VEN HUNDRED EIGHTEEN AND 00/100

CHECKS VOID AFTER 60 DAYS

DATE	CHECK NO.	AMOUNT
5-1-93	18324	*****718.00

WATER RESOURCE DEPARTMENT

Tom Davis
MAYOR

GOLF COURSE PERMITS

Beverly S. Fields
RECORDER



Application No. _____

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) CITY OF BROOKINGS
(Please print or type - use dark ink)

Mailing Address: 898 ELK DRIVE
BROOKINGS OR 97415 (503) 469-2163
City State Zip Daytime Phone No.

I (We) make application for a permit to construct 10 reservoir^s and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: CHETCO RIVER,
a tributary of PACIFIC OCEAN.
If not in channel of a stream, state how it is to be filled: VIA PIPELINE

2. THE DAM: The maximum height of the structure will be LAKES 1-8, 4
9 & 10, 0 feet above stream bed or ground surface at the centerline.
The dam will be (check one) earthfill, _____ concrete, _____ flashboard, _____ other.
If "other" give description: _____

Give the location, description, and dimensions of the outlet conduit: 8" PVC OUTLET
CONDUIT TO CREEK OR ADJACENT POND (SEE MAP)

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: AESTHETICS AND IRRIGATION
OF JACK CREEK GOLF COURSE

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: DIVERSION SITE & ACCESS:

CHETCO RIVER: DIVISION OF STATE LANDS TAX LOT 800: SOUTH COAST LUMBER CO.
775 SUMMER ST. NE P.O. BOX 670
SALEM, OR 97310 BROOKINGS, OR 97415

QUESTIONS REGARDING PROJECT DESIGN MAY BE DIRECTED TO:

BOB BALDOCK JR., BOB BALDOCK AND SON
3001 RED HILL AVENUE, BLDG. 5, SUITE 210
COSTA MESA CA 92626
(714) 557-2097 FAX (714) 754-0101

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

X Thomas W. Cluff
Signature

4-30-93
Date

Signature

Date

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

X Thomas W. Cluff
Signature of Applicant

4-30-93
Date

Signature of Co-Applicant, if any

Date

.....
FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: CITY OF BROOKINGS
 Address: 898 ELK DRIVE
 City: BROOKINGS State: OR Zip: 97415 Day Phone: (503) 469-2163

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) 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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
40-13-34 TL 800	EXCLUSIVE FARM USE EFU	X	X	
40-13-35 TL 401	"		X	X
41-13-02 TL 100	"		X	X
101, 102, 200, 208, 300, 307, 401	"		X	X
41-13-11 TL 100, 101	"		X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. CURRY COUNTY, OREGON

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed this land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ . Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: CITY OF BROOKINGS
 Address: 898 ELK DRIVE
BROOKINGS, OR 97415
 Phone: (503) 469-2163

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): AESTHETICS & IRRIGATION OF 18-HOLE GOLF COURSE WITH 10 PONDS.
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): SEE IRRIGATION NOTE.
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>CHETCO RIVER</u> _____ _____	_____ Cubic feet per second. <u>450</u> Gallons per minute. <u>FROM RIVER</u> <u>62.3</u> Acre-Feet <u>IN PONDS</u>
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

May 18, 1993

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415

RECEIVED

MAY 24 1993

CITY OF BROOKINGS

REFERENCE: File(s) R-73396, S-73397

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

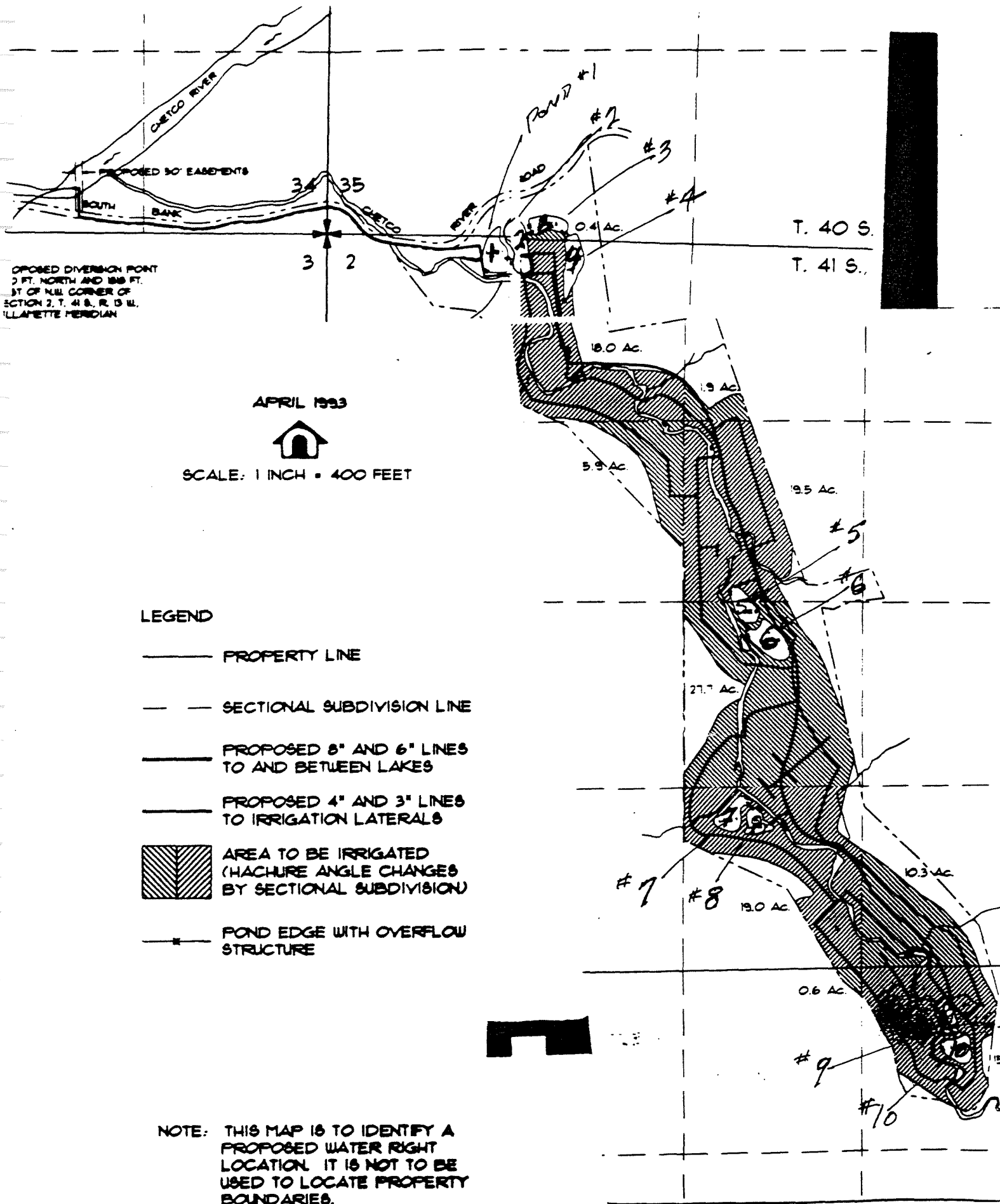
Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.





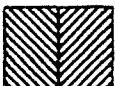
T. 40 S.
T. 41 S.

APRIL 1993



SCALE: 1 INCH = 400 FEET

LEGEND

- PROPERTY LINE
- - - SECTIONAL SUBDIVISION LINE
- PROPOSED 8" AND 6" LINES TO AND BETWEEN LAKES
- PROPOSED 4" AND 3" LINES TO IRRIGATION LATERALS
-  AREA TO BE IRRIGATED (HACHURE ANGLE CHANGES BY SECTIONAL SUBDIVISION)
- +— POND EDGE WITH OVERFLOW STRUCTURE

NOTE: THIS MAP IS TO IDENTIFY A PROPOSED WATER RIGHT LOCATION. IT IS NOT TO BE USED TO LOCATE PROPERTY BOUNDARIES.

Oregon

December 30, 1993

WATER
RESOURCES
DEPARTMENT

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 9741

Reference: File 73397

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

a copy of written authorization or easement permitting access to land not owned by you, the applicant;

documentation of ownership, including names and mailing addresses of all legal owners of all property involved in the proposed development;

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

SB\eg

cc: Kristen R. Westersund, CWRE

WE RECEIVED TECHNICAL
REVIEW AND MUST WAIT
UNTIL MARCH 11 FOR
OBJECTIONS, IF ANY. 3

HAD NEVER HEARD OF
WATER WATCH 4



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130 Z 7

December 30, 1993

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 9741

Reference: File 73397

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

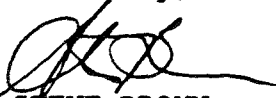
a copy of written authorization or easement permitting access to land not owned by you, the applicant;

documentation of ownership, including names and mailing addresses of all legal owners of all property involved in the proposed development;

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

SB\eg

cc: Kristen R. Westersund, CWRE



December 30, 1993

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 9741

Reference: File 73397

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before March 11, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: December 30, 1993

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: March 11, 1994

1. APPLICATION FILE NUMBER - 73397
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:
CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 97415
CURRY COUNTY 503-469-2163

Date application received for filing and/or tentative date of priority: 5/13/1993

SOURCE: CHETCO RIVER
10 RESERVOIRS

TRIBUTARY TO: PACIFIC OCEAN
CHETCO RIVER

Purpose and/or use: SUPPLEMENTAL IRRIGATION

Flow: 450 gpm

Point of Diversion Location:
SW 1/4 SE 1/4 SECTION 34, T 40 S, R 13 W, W.M.; 350 FEET NORTH AND 1818 FEET WEST FROM THE NORTHWEST CORNER OF SECTION 2, T 41 S, R 13 W, W.M.

Place of use:
SESW 0.4 Acres
Section 35
T 40 S, R 13 W, W.M.

NWNE	1.9	Acres
SWNE	19.5	Acres
NENW	18.0	Acres
NWNW	0.2	Acres
SENE	5.9	Acres
NWSE	27.7	Acres
SWSE	19.0	Acres
SESE	10.3	Acres

Section 2
T 41 S, R 13 W, W.M.

- T = 118⁶ Acres

NENE 15.5 Acres
NWNE 0.6 Acres
Section 11
T 41 S, R 13 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are existing rights from this point of diversion. See proposed permit conditions.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 450 gpm is likely available for 2 months from live flow and for eight months from stored water. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: 73397

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: Live flow - March 1 through April 30 of each year. Stored water - March 1 through October 31 of each year.
3. Rate of use: 450 gpm
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.
10. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
11. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage.

December 30, 1993

RECEIVED
JAN 3 1994

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 9741

CITY OF BROOKINGS

Reference: File R 73396

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

permit fees in the amount of \$103.25;

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

a copy of written authorization or easement permitting access to land not owned by you, the applicant;

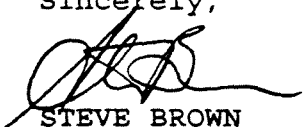
documentation of ownership, including names and mailing addresses of all legal owners of all property involved in the proposed development;

You have a conflicting water right situation on the property involved in the application. This problem must be resolved before a permit could be issued.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,


STEVE BROWN
Manager
Water Rights Division

SB\eg

cc: Kristen R. Westersund, CWRE





Oregon

WATER
RESOURCES
DEPARTMENT

December 30, 1993

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 9741

Reference: File R 73396

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

ER

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

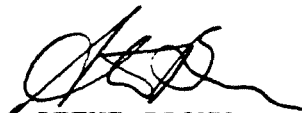
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before March 11, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: December 30, 1993

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: March 11, 1994

1. APPLICATION FILE NUMBER - R 73396
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:
CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OR 97415
CURRY COUNTY 503-469-2163

Date application received for filing and/or tentative date of priority: 5/13/1993

SOURCE: CHETCO RIVER TRIBUTARY TO: PACIFIC OCEAN

Purpose and/or use: STORAGE FOR IRRIGATION

Volume: RESERVOIR 1 - 7.4 acre-feet
RESERVOIR 2 - 8.3 acre-feet
RESERVOIR 3 - 4.9 acre-feet
RESERVOIR 4 - 7.7 acre-feet
RESERVOIR 5 - 5.3 acre-feet
RESERVOIR 6 - 8.3 acre-feet
RESERVOIR 7 - 5.3 acre-feet
RESERVOIR 8 - 3.7 acre-feet
RESERVOIR 9 - 3.4 acre-feet
RESERVOIR 10 - 8.0 acre-feet

62.3 AF

Point of Diversion Location:
SW 1/4 SE 1/4 SECTION 34, T 40 S, R 13 W, W.M.; 350 FEET NORTH AND 1818 FEET WEST FROM THE NORTHWEST CORNER OF SECTION 2, T 41 S, R 13 W, W.M.

Place of use:
SWSW
SESW
Section 35
T 40 S, R 13 W, W.M.

NENW
NWNW
SWNE
NWSE
SWSE
Section 2
T 41 S, R 13 W, W.M.

NENE
Section 11
T 41 S, R 13 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 62.3 acre-feet is likely available for 5 months. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

- B. The permittee 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. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
 7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
 8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
 9. The total area proposed to be submerged by Reservoir 1, when full is 1.1 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 2, when full is 1.2 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 3, when full is 0.7 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 4, when full is 1.1 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 5, when full is 0.8 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 6, when full is 1.2 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 7, when full is 0.8 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 8, when full is 0.6 acres; the proposed maximum depth of water in feet is 9; the maximum height of the dam is 4 feet. The total area proposed to be submerged by Reservoir 9, when full is 0.4 acres; the proposed maximum depth of water in feet is 13; the maximum height of the dam is 0 feet. The total area proposed to be submerged by Reservoir 10, when full is 0.8 acres; the proposed maximum depth of water in feet is 13; the maximum height of the dam is 0 feet.

10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.
12. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
13. Regulating devices shall be installed pursuant to ORS 340.310. Plans and specifications shall be approved by the watermaster before installation. Work shall be done under the general supervision of the watermaster. Weirs will be required both upstream and downstream of the reservoirs.

PIPELINE EASEMENT

The STATE OF OREGON, by and through its Division of State Lands, GRANTOR, for and in consideration of \$250.00, the receipt of which is hereby acknowledged, hereby grants to City of Brookings, GRANTEE, an easement and right to construct, maintain, operate and replace a pipeline in, over, and across the State-owned submerged and submersible land of the Chetco River, in Curry County, Oregon, described as follows:

An easement over submerged and submersible land in the southwest one-quarter of the southeast one-quarter of the Section 34, in Township 40 South, Range 13 West of the Willamette Meridian, Curry County, Oregon, described as follows:

A strip of land 50 feet wide, being 25 feet on each side of the following described centerline:

Commencing at a point on the north line of the South Bank Chetco River Road, Curry County Road No. 808, said point being 174.12 feet North and 1818.00 feet West of the southeast corner of Section 34, Township 40 South, Range 13 West of the Willamette Meridian; thence North 0°00'00" East 120 feet, more or less, to the southerly limit of State of Oregon ownership on the Chetco River and the true point of beginning; thence continuing North 0°00'00" East 80 feet, more or less, to the thread of the Chetco River, and there terminating.

The sidelines of the above-described easement are to be extended or shortened to begin on the southerly limit of State of Oregon ownership and end at the thread of the Chetco River.

The easement areas described above contains 4,000 square feet or 0.09 acres, more or less.

This description is based on the Survey of the Existing Centerline for County Road Establishment, South Bank Chetco River County Road #808, by Darryl J. Niemi, Curry County Surveyor, dated March 1979, and on record at the Curry County Surveyor's Office.

TO HAVE AND TO HOLD the same unto GRANTEE for 40 years, subject to the following conditions:

1. Construction in navigable waters shall conform to standards and specifications set by the U. S. Army Corps of Engineers or the U.S. Coast Guard for this project.

2. The bed and banks of the waterway shall be restored to a condition acceptable to the GRANTOR as soon as construction or maintenance is completed.

3. Any blasting which may be necessary in the construction of the pipeline shall be performed according to the laws of the State.

4. GRANTOR reserves the right to lease or otherwise utilize the State-owned lands within the granted area hereinabove described in a manner and for uses that will not be incompatible with the primary use for which this easement is granted.

5. GRANTOR shall have the right to stop operation of the pipeline for noncompliance with the conditions of this easement or any lawful requirement by a regulatory agency of this State.

6. GRANTEE agrees to defend and hold GRANTOR harmless from any and all claims suffered or alleged to be suffered on the premises. Further, GRANTEE shall be responsible for the payment of any fines or penalties charged against the premises as a result of GRANTEE's action in not complying with laws or regulations affecting the premises.

7. If the facility for which this easement is granted is not used for a period of five (5) consecutive years, this easement may be terminated by written notice from GRANTOR to GRANTEE at its last known address. Upon termination, GRANTEE will have 90 days to remove the pipeline and appurtenances from the State-owned lands.

8. Nothing in this document may be construed as permission, except during construction or maintenance periods, to GRANTEE to interfere with navigation or reduce the public's rights to the free and unimpeded use of the navigable waters of the State of Oregon within the boundaries of this easement; provided, however, that to the extent necessary to facilitate construction and maintenance of these facilities, GRANTEE may so interfere, but shall keep such interference to an absolute minimum.

9. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the leasehold or STATE by the assessing agency.

10. GRANTEE shall use the property subject to this easement only in a manner, or for such purposes, that assure fair and nondiscriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.

PURCHASE ORDER

THE NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES, ETC.

ORDER NO. **0251**

TO Jack Creek Golf Course	
ADDRESS 99040 So. Bank Chetco River Rd.	DATE 11-19-92
SHIP TO Bill Address P.O. Box 1160	REQ. NO. OR DEPT.
PHONE 503-464-7888	FOR Brookings One 91415 Irrigation for Golf Course

PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO SHIP COMPLETE ORDER BY DATE SPECIFIED

QUANTITY	PLEASE SUPPLY ITEMS LISTED BELOW	PRICE
1	Cornell Pump (packing)	3018 00
2	Model # 2 1/2 YHR 50 HP	
3	3 phase 1800 R.P.M	
4	Mechanical seal N/A	
5	700lbs shipping	150 00
6	start Code G	
7	260 VOLT - 61 max amps	
8		3168 00
9		
10	by Bob Mc Callister Gen. Partner	

DATE REQUIRED 12-10-92	HOW SHIP Best Way	PLEASE SEND Bob Mc Callister	COPIES OF YOUR INVOICE
TERMS 2% Cash discount		PURCHASING AGENT	

FORM 37

RECEIVED

90-10-118

File No. _____

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Dennis W. Cluff for the City of Brookings
Name

898 Elk Drive
Mailing Address

Brookings OR 97415
City State Zip

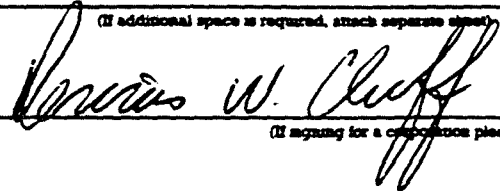
- record owner of water permit No. 51383, do hereby request that the time in which to:
- complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1993 be extended to October 1, 1994; and/or the time in which to
 - accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19 , be extended to October 1, 19 .

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

- (1) within the past year The golf course developer is currently gearing up for the off-site pipeline installation. The 3-phase pump has been ordered and available for installation. A work order with Coos-Curry Electric has been paid for the electrical power extension to the pump.
- (2) prior to this past year _____

PAID

- (3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

(If additional space is required, attach separate sheet)


(If signing for a corporation please identify your title) City Manager

Dated August 12, 1993

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 FOR EACH PERMIT TO:



April 6, 1994

**State Representative Veral Tarno
310 E. First St.
Coquille, OR 97423**

**REFERENCE: PROCUREMENT OF WATER RIGHTS FOR JACK CREEK GOLF
COURSE SITE**

Dear Representative Tarno:

The attached page is a running history of our attempt to procure the water rights and supplemental permits for the Jack Creek Golf Course site.

As of this writing we have a water right which had to be extended in 1993 because we had not received the two additional water use permits required for this project.

The water use permits that we are waiting for, one for the storage of irrigation water, and one for the use of that water for the irrigation of the golf course site, are required by the State even though we have a valid water right to procure water for irrigation of the golf course.

We have distributed a "Request for Proposals" (RFP) to 21 prospective developers. We have asked them to give us a proposal to build the golf course. At this time we have a number of interested parties, but none want to get involved even in proposing on this project unless we have all of our water permits in hand.

We need your help in this matter, to see if something can be done to expedite our request at the Water Resources Department.

The south coast needs this development. We were given the land as a gift from South Coast Lumber Company to construct a golf course in 1987 and have spent many hours on this project. Now that we are finally ready and have prospective developers, we need to overcome this hurdle.

Thank you for any assistance.



Tom Davis, Mayor



Jim Cole, Golf Board Chair



April 6, 1994

State Senator Bill Bradbury
P.O. Box 1499
Bandon, OR 97411

REFERENCE: PROCUREMENT OF WATER RIGHTS FOR JACK CREEK GOLF COURSE SITE

Dear Senator Bradbury:

The attached page is a running history of our attempt to procure the water rights and supplemental permits for the Jack Creek Golf Course site.

As of this writing we have a water right which had to be extended in 1993 because we had not received the two additional water use permits required for this project.

The water use permits that we are waiting for, one for the storage of irrigation water, and one for the use of that water for the irrigation of the golf course site, are required by the State even though we have a valid water right to procure water for irrigation of the golf course.

We have distributed a "Request for Proposals" (RFP) to 21 prospective developers. We have asked them to give us a proposal to build the golf course. At this time we have a number of interested parties, but none want to get involved even in proposing on this project unless we have all of our water permits in hand.

We need your help in this matter, to see if something can be done to expedite our request at the Water Resources Department.

The south coast needs this development. We were given the land as a gift from South Coast Lumber Company to construct a golf course in 1987 and have spent many hours on this project. Now that we are finally ready and have prospective developers, we need to overcome this hurdle.

Thank you for any assistance.



Tom Davis, Mayor



Jim Cole, Golf Board Chair

HISTORY GOLF COURSE WATER RIGHTS AND SUPPLEMENTAL PERMITS

① WATER RIGHT

ISSUED		12/16/91	} WATER FOR POND OR DIRECT IRRIGATION
APPLICATION #		97042	
PERMIT #		51383	

② WATER RIGHT PERMIT EXTENSION

ISSUED		8/12/93
EXTENSION #		015067
EXPIRES		10/1/94

③ WATER USE PERMIT (STORAGE FOR IRRIGATION)

APPLIED FOR		5/13/93	} STORAGE POND FOR WATER
FILE #		7354	
TECHNICAL REVIEW APPROVED		3/11/94	

④ WATER USE PERMIT (SUPPLEMENTAL IRRIGATION)

APPLIED FOR		5/13/93	} USE OF STORED WATER
FILE #		73397	
TECHNICAL REVIEW APPROVED		3/11/94	

WATER RESOURCES KAREN 378 8455 A208 - ED GABRIEL X 332 (51)

RECEIVED
APR 13 1994

Hand Delivered

March 11, 1994 **CITY OF BROOKINGS**

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: **Objection to Technical Report for:**
73095, Cate, Domestic, Stock & Irrigation, Chetco
72073, Smith, Domestic, Chetco
R 73396, 73397, City of Brookings, Irrigation, Chetco
71889, Loring, Domestic & Stock, Chetco
72779, Gardner, Domestic & Irrigation, First Crk/Chetco
71355, Hauser, Domestic, Unnamed/NF Chetco
73450, Nichols, Domestic, Unnamed/ Pistol
71117, Walker, Domestic & Irrigation, Pistol
70930, Cogswell, Domestic, WF Millicoma
72483, Kuni, Domestic, WF Millicoma
73117, Wineman, Irrigation & Recreation, Millicoma
72420, Kruse, Domestic & Irrigation, Millicoma
72648, Rood, Livestock and Irrigation, Millicoma
72531, Mahaffy, Irrigation, Millicoma
Coos Co., South Coast

WATER WATCH OBJECTS
WITH A BLANKET
OBJECTION

5

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- The analyses fail to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights

WaterWatch

O F O R E G O N

RECEIVED
APR 13 1994

Hand Delivered

March 11, 1994

CITY OF BROOKINGS

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
73095, Cate, Domestic, Stock & Irrigation, Chetco
72073, Smith, Domestic, Chetco
R 73396, 73397, City of Brookings, Irrigation, Chetco
71889, Loring, Domestic & Stock, Chetco
72779, Gardner, Domestic & Irrigation, First Crk/Chetco
71355, Hauser, Domestic, Unnamed/NF Chetco
73450, Nichols, Domestic, Unnamed/ Pistol
71117, Walker, Domestic & Irrigation, Pistol
70930, Cogswell, Domestic, WF Millicoma
72483, Kuni, Domestic, WF Millicoma
73117, Wineman, Irrigation & Recreation, Millicoma
72420, Kruse, Domestic & Irrigation, Millicoma
72648, Rood, Livestock and Irrigation, Millicoma
72531, Mahaffy, Irrigation, Millicoma
Coos Co., South Coast

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- The analyses fail to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights

are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analyses for the proposed new uses of the Chetco River fail to take into account the requested flows in the senior pending instream water right applications for the Chetco system. The analysis for the proposed new uses of flows in the Pistol River fail to take into account the requested flows in the senior instream water right application pending for that river. The analysis for the proposed new uses of Millicoma River system water failed to take into account requested flows in the senior pending instream water right applications for this river system.

◆ **The Uses As Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.170 and are contrary to the South Coast basin program. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed uses are not in the public interest because they will interfere with flows needed to support public instream uses of water.**

The proposed uses of water for the Chetco, Pistol and Millicoma Rivers will deplete flows needed for numerous public instream uses of these river systems. These systems support a variety of fish life including cutthroat trout, winter steelhead fall chinook, and coho salmon. Petitions have been filed requesting listing of coastal coho and steelhead under the Federal Endangered Species Act. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by among other things exposing spawning gravel and reducing feeding and rearing areas in these rivers. In addition, water diversions create problems for fish passage and survival in these basins.

Currently there are pending instream water right applications for these Rivers. These pending applications request flows needed for fish life in these systems. The technical reports for the reservoir applications proposes to allow additional storage project and allow storage of water from December through April in the Chetco River. The dams used to stored water will create fish passage problems. Both the storage and diversion of stored water change the hydrology of the stream system - eliminating flood events needed for habitat maintenance, blocking passage, and storing water during times of low flows. In

addition, the use of water irrigation will result in additions of pesticides and fertilizers to the river system which will, unless regulated, will degrade stream quality.

In addition, the failure to require stream bank enclosures to as a condition of stock use in order to prevent cattle from entering the stream and riparian areas results in further degradation of water quality. Thus, the proposed uses are not in the public interest because they will preclude flows needed for the pending instream water right application.

The public uses reflected in the instream water right applications (protection and conservation of fish life) have a "reasonable expectation of being developed" as evidenced by the pending instream water right applications. These instream uses provides greater benefit to the public at large than the proposed use. These fish populations have statewide and even national significance and streamflows are essential for maintenance of these fish. These proposed uses will divert water needed for these streamflows and will create passage problems they should be denied.

2. Measurement and reporting.

These conditions should allow the Director to require measurement and reporting of both rate and duty of water stored and used. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

The surface waters of the these three river systems are overallocated during the summer months. The information generated by these proposed conditions are essential to the management and control of the water resource. If these uses were to be permitted, water use measurement and reporting should be a mandatory condition of use. This information is essential for protection of the public interest in the resource. However, we question the Department's ability to control these uses, even with these requirements.

The technical reports propose to limit the months of storage and water use limit the type of use during certain months of the year. The Department's enforce is already incapable of control existing rights to use water in the south coast basin proposed uses add yet another enforcement responsibility on top of an already un load. Under these circumstances, it is difficult if not impossible for the state to ensure that these applicants will, at all times, use water in compliance with the permit conditions. Given the critical state of the water resource in the basin and the Department's inability to control this use, even with measurement and reporting, these uses are not in the public interest.

SEE PAGE 65 - EXAMPLE OF
OUR AGREEMENTS WITH
ODF&W

8

54

addition, the use of water irrigation will result in additions of pesticides and fertilizers to the river system which will, unless regulated, will degrade stream quality.

In addition, the failure to require stream bank enclosures to as a condition of stock use in order to prevent cattle from entering the stream and riparian areas results in further degradation of water quality. Thus, the proposed uses are not in the public interest because they will preclude flows needed for the pending instream water right application.

The public uses reflected in the instream water right applications (protection and conservation of fish life) have a "reasonable expectation of being developed" as evidenced by the pending instream water right applications. These instream uses provides greater benefit to the public at large than the proposed use. These fish populations have statewide and even national significance and streamflows are essential for maintenance of these fish. These proposed uses will divert water needed for these streamflows and will create passage problems they should be denied.

2. Measurement and reporting.

These conditions should allow the Director to require measurement and reporting of both rate and duty of water stored and used. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

The surface waters of the these three river systems are overallocated during the summer months. The information generated by these proposed conditions are essential to the management and control of the water resource. If these uses were to be permitted, water use measurement and reporting should be a mandatory condition of use. This information is essential for protection of the public interest in the resource. However, we question the Department's ability to control these uses, even with these requirements.

The technical reports propose to limit the months of storage and water use. They also limit the type of use during certain months of the year. The Department's enforcement staff is already incapable of control existing rights to use water in the south coast basin. These proposed uses add yet another enforcement responsibility on top of an already unmanageable load. Under these circumstances, it is difficult if not impossible for the state to ensure that these applicants will, at all times, use water in compliance with the permit conditions. Given the critical state of the water resource in the basin and the Department's inability to control this use, even with measurement and reporting, these uses are not in the public interest.

3. **The uses will impair the public interest because fish screening and passage facilities are not a condition of use.**

Given the critical status of fish populations and the adverse effects diversions and storage projects have on fish habitat, screening and passage should clearly be required to be in place before any diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition in any permit issued which clearly states these requirements.

4. **The proposed uses are contrary to Oregon policy.**

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

If hypothetically, these proposed uses were allowed they will be junior to the existing instream water right applications and should be conditioned to protect the senior instream flows. Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such as measuring and reporting streamflows or contributing funds for installation and maintenance of gauging stations in key locations.

The recent petition for listing of coho and steelhead populations coast wide makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of this application.

Domestic Use

Allowing the proposed domestic and human consumption uses is contrary to the Commission's Water Allocation Policy. The policy allows additional uses on

overappropriated streams only "where public interest in those uses is high and uses are conditioned to protect instream values." OAR 690-410-070(1)(a) (emphasis added). While the exceptions contained in the existing instream water rights in the South Coast basin seem to indicate high public interest in the proposed uses of human consumption, livestock and irrigation of non-commercial gardens, they are not included in the pending senior instream water right applications.¹

In addition, the mere fact that the proposed use of human consumption seem to fall within the exception in the existing instream water rights does not relieve the Department from its duty to consider and protect the public interest, including the public value of instream flows and the needs of anadromous fish. Furthermore, the proposed uses fails to fit within the exception because it is impossible to condition these uses in a way that will protect instream values. *See above.*

The exceptions in the instream water right certificates are narrowly worded and should not be applied unless there is absolutely no other alternative sources of water. It is bad public policy to automatically apply this exemption without looking for other possible sources that can accommodate this water use. Human beings can go elsewhere for water, fish can not.

Failure of the State to look for or provide other sources of water, in the face of potential listing of the coastal coho creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the creek provide critical habitat for fish - without water instream there is no habitat. Continuing to issue water rights on a river with a possibility of a listed species, as well as existing water availability and water quality problems makes little sense.

There are many small domestic uses in the basin consuming both ground and surface waters, all vital sources for instream flow. Individually, the quantity of water consumed may not be large, but cumulatively these uses adversely effect instream flows and water quality. Ignoring this problem is bad public policy. The state should be looking for alternate sources for these uses and ways to provide regional water supplies for these uses in a way that will result in the least amount of impact for the resource.

Conservation

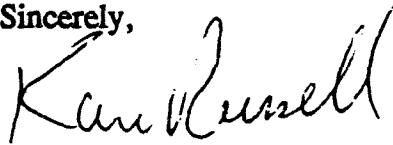
Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of

¹ An exception for human consumption has been proposed in the technical reports for the instream water right applications - however, this does not necessarily mean that the instream water right when issued will include this unlimited exception.

Water Resources Department
Page 6

water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. Given the presence of potentially listed species, the water quality problems and the fact water diversions are one of the causes of anadromous fish declines it is imperative that the water use be as efficient as possible. The proposed uses should be held to a high efficiency standard prior to any permit issuance.

Sincerely,

A handwritten signature in black ink that reads "Karen Russell". The signature is written in a cursive style with a large, prominent "K" and "R".

Karen A. Russell
Assistant Director

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE



MAR 11 1994

March 9, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73396 and 73397; Reports of
Technical Review

For Chetco River POD: Because one or more species of game
fish are present at the described POD, ODFW will require
the applicant to provide fish screening pursuant to ORS
498.248. Therefore, ODFW requests WRD add the following
condition to those already proposed:

*The permittee shall install, maintain, and operate
fish screening and by-pass devices as required by the
Oregon Department of Fish and Wildlife to prevent fish
from entering the proposed diversion. The required
screens and by-pass devices are to be in place,
functional, inspected and approved by an ODFW
representative prior to diversion of any water.*

Thank you for the opportunity to comment.

Sincerely,

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-73396.TEC

*229 6967 x 438
MIRATI*

ODF&W OBJECTS - ONE
PHONE CALL RESOLVES
THIS 9



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459 Jg



RECEIVED
MAR 11 1994

March 9, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73396 and 73397; Reports of
Technical Review

For Chetco River POD: Because one or more species of game
fish are present at the described POD, ODFW will require
the applicant to provide fish screening pursuant to ORS
498.248. Therefore, ODFW requests WRD add the following
condition to those already proposed:

*The permittee shall install, maintain, and operate
fish screening and by-pass devices as required by the
Oregon Department of Fish and Wildlife to prevent fish
from entering the proposed diversion. The required
screens and by-pass devices are to be in place,
functional, inspected and approved by an ODFW
representative prior to diversion of any water.*

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Mirati, Jr." with a stylized flourish at the end.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-73396.TEC

229 6967 X 438
MIRATI





April 15, 1994

COPY

**Karen A. Russell
Water Watch of Oregon
921 SW Morrison, Suite 438
Portland, OR 97205**

**REFERENCE: WATER WATCH OBJECTIONS, DATED MARCH 11, 1994, TO
PROPOSED WATER RIGHT APPLICATIONS**

Dear Ms. Russell:

The City of Brookings is responding to your letter of objections to the Oregon Water Resources Department, dated March 11, 1994. We will herein seek to address your objections as they pertain to our two specific applications, R73396 and R73397.

The request for the above two water rights are in conjunction with an existing water permit (#51383) which has a priority date of December 12, 1990. This permit is to use up to one (1) cubic foot per second of Chetco River water for irrigation purposes on 180 acres of proposed golf course, from March 1 through June 30, annually. The above applications are to store the water from the Chetco River and for irrigation during the low flow (dry) months of July through October. ODF&W, Water Resources Department, local Audubon Society and all other local water, environmental and fishing interests agree there is more than enough water flowing in the Chetco River during the time period of water withdrawal listed in our permit.

Jack Creek is a tributary to the Chetco River that meanders through the 180 acres of the golf course. The stored water will be in 10 ponds on the golf course, totally independent and separate from Jack Creek. No dams or blockages will be put into Jack Creek for any golf course water storage.

Currently, Jack Creek surface water dries up during the summer months, leaving isolated shallow pools where salmon fries are stranded and die. With summer month irrigation of the golf course, the Jack Creek aquifer will receive some water recharging. This may be sufficient to, at least periodically, have enough surface water in Jack Creek to allow the late hatching fries to escape to the Chetco River. This provides a very positive and healthy impact to the fish issue and the environment (more water in the Jack Creek aquifer). In addition, as part of the Conditional Use Permit for a golf course on this 180 acres, the City has agreed to a variety of safeguards for the environment (see attached Conditional Use).

**CITY ANSWERS WATER
WATCH OBJECTIONS**

10

59



April 15, 1994

COPY

**Karen A. Russell
Water Watch of Oregon
921 SW Morrison, Suite 438
Portland, OR 97205**

**REFERENCE: WATER WATCH OBJECTIONS, DATED MARCH 11, 1994, TO
PROPOSED WATER RIGHT APPLICATIONS**

Dear Ms. Russell:

The City of Brookings is responding to your letter of objections to the Oregon Water Resources Department, dated March 11, 1994. We will herein seek to address your objections as they pertain to our two specific applications, R73396 and R73397.

The request for the above two water rights are in conjunction with an existing water permit (#51383) which has a priority date of December 12, 1990. This permit is to use up to one (1) cubic foot per second of Chetco River water for irrigation purposes on 180 acres of proposed golf course, from March 1 through June 30, annually. The above applications are to store the water from the Chetco River and for irrigation during the low flow (dry) months of July through October. ODF&W, Water Resources Department, local Audubon Society and all other local water, environmental and fishing interests agree there is more than enough water flowing in the Chetco River during the time period of water withdrawal listed in our permit.

Jack Creek is a tributary to the Chetco River that meanders through the 180 acres of the golf course. The stored water will be in 10 ponds on the golf course, totally independent and separate from Jack Creek. No dams or blockages will be put into Jack Creek for any golf course water storage.

Currently, Jack Creek surface water dries up during the summer months, leaving isolated shallow pools where salmon fries are stranded and die. With summer month irrigation of the golf course, the Jack Creek aquifer will receive some water recharging. This may be sufficient to, at least periodically, have enough surface water in Jack Creek to allow the late hatching fries to escape to the Chetco River. This provides a very positive and healthy impact to the fish issue and the environment (more water in the Jack Creek aquifer). In addition, as part of the Conditional Use Permit for a golf course on this 180 acres, the City has agreed to a variety of safeguards for the environment (see attached copy of Conditional Use).

Karen A. Russell
Water Watch of Oregon
April 15, 1994
Page 2

Response to Objections

1. *The proposed uses are not in the public interest because they will interfere with flows needed to support public instream uses of water.*

Answer - As already stated, water to be stored will be taken from the Chetco River during high flow periods and will not interfere with ODF&W's proposed instream water rights. If for any reason lower flows occur during the allowed water withdrawal period, the Watermaster has the authority to limit or stop water withdrawals. No water will be withdrawn from Jack Creek. In reality, Jack Creek's meager or non-existent summer flow will be enhanced through irrigation with the stored water. No dams, blockage or other means of diversion will be used in either withdrawing the water from the Chetco River, or storing the water on-site of the golf course.

Most golf courses use some pesticides and fertilizer. Limited use and extensive precautionary guidelines have been dictated to the golf course operator through the Conditional Use Permit. Included in these guidelines is the requirement to notify key interested parties at least 24 hours prior to applying chemicals, pesticides or fertilizers. Additionally, Jack Creek water will be tested before the golf course is developed in order to establish a water baseline. Subsequently, Jack Creek will be re-tested periodically to monitor the creek. Once the golf course is developed there will be no animal stock on the course at all. Creek banks along Jack Creek will also be enhanced in accordance to guidelines from ODF&W, so as to upgrade the creek's riparian area.

2. *Measurement and Reporting*

Answer - The water pump moving water from the Chetco River to the irrigation ponds on the golf course will be metered. Monthly power usage and flow estimates will be available at city hall.

The Water Resource Department, more particularly the local Watermaster, has the specific responsibility to monitor the City's water use compliance. However, other local agencies and groups such as ODF&W, Kalmiopsis Audubon Society, and South Coast Fisherman's Association have been involved in reviewing the golf course issues and plan to monitor the golf course activities during and after construction.

Karen A. Russell
Water Watch of Oregon
April 15, 1994
Page 3

3. *The uses will impair the public interest because fish screening and passage are not a condition of use.*

Answer - The water intake line at the Chetco River will have an exterior screening device on it to keep debris and fish out. To do otherwise would not only harm fish but also ruin the pump. Fish passage is not an issue with the two City water right applications for neither impediments nor obstacles are being placed in the Chetco River or Jack Creek to impede fish passage in any way.

- 4.A) *The proposed uses are contrary to Oregon policy.*

Answer - The water permit and all monitoring agencies and groups as well as the City, agreed that water withdrawal from the Chetco River will only occur during periods of sufficient high flow of the Chetco River. Since irrigation of the golf course will occur during low flow of the Chetco River and Jack Creek, the process of storing water in ponds and subsequently irrigating from those ponds will actually enhance the water flow into the Jack Creek and Chetco River aquifers. Rather than be contrary to Oregon policy, the City's proposed application will be in compliance with the goal of OAR 690-410-030(1).

- 4.B) *Domestic Use*

Answer - The two water right applications from the City of Brookings are not for domestic use. One application is for storage of water and the other application is to remove water for irrigation purposes from that stored water.

- 4.C) *Conservation*

Answer - No water will be withdrawn from the Chetco River during times when river water levels are critical for any anadromous or other type of fish. Water subsequently withdrawn from the storage ponds for irrigation purposes will only be the amount needed to keep the key golf turf areas well groomed. The storage ponds themselves will be part of the golf course landscape. Thus irrigation is not the only use made of these ponds. They lend to the golf game's "hazard" quality and add aesthetic value to the golf course.

Karen A. Russell
Water Watch of Oregon
April 15, 1994
Page 4

CONCLUSION AND REQUEST

In this response to your objections we have tried to show that your objections don't specifically apply to the two applications from the City of Brookings. As you may have been able to tell from some of our response information, the City has sought consensus from interested parties all through the golf course permitting process. We were unaware of your group's concerns on water issues or we would have included you in our discussion process.

The golf course project has been pursued generally over the past nine years and more aggressively for the past five years. With the loss of fishing and timber in our community, tourism is deemed to be our best way to stabilize our local economy. This City golf course will be the only 18-hole course within 100 miles, and will help establish a better tourism base. We need it desperately.

Through this response and the above declared need, we respectfully request you and your agency to withdraw your objections as they pertain to the City's applications R73396 and R73397.

If you would like to discuss this matter and these issues in person, we would be very willing to visit with you at your convenience. We thank you for your thoughtful consideration.



Tom Davis, Mayor



Jim Cole, Golf Board Chair

DWC/JC/dmva

Attachments (8)

cc: Governor Barbara Roberts
State Senator Bill Bradbury
State Representative Verel Tarno
Bruce Laird, Economic Development Department
Ed Gabriel, Water Resources Department
Brookings City Council

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Dennis W. Cluff
Name
898 Elk Drive
Mailing Address
Brookings, Oregon 97415
City State Zip

- record owner of water permit No. 51383, do hereby request that the time in which to:
- complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1994, be extended to October 1, 1995 and/or the time in which to
 - accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1994 be extended to October 1, 1995

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

- (1) within the past year Golf course developer lost funding and forfeited lease agreement with city. New developer being sought who will also comply with the water permit requirements.
- (2) prior to this past year 3-phase pump ordered. Work order for electrical power line extension to pump site approved by Coos-Curry Electric Cooperative.

(3) and have accomplished beneficial use of water to the extent of FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED)

PAID

(If additional space is required, attach separate sheet)
Dennis W. Cluff
(If signing for a corporation please identify your title)

Dated April 18, 1994

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 FOR EACH PERMIT TO:

GABRIEL SAYS MEET WITH WATER WATCH TO SEE IF ISSUES CAN BE RESOLVED.

11

April 18, 1994

FAXED

RECEIVED

APR 21 1994

WHAT WATER WATCH WANTS - I MADE A TRIP IN MAY 2 TO RUSSELL'S OFFICE TO DISCUSS OBJECTIONS

1
2

DEPARTMENT

Rep. Veral Tarno
301 E. First St.
Coquille, OR 97423

CITY OF BROOKINGS

Re: City of Brookings Water Right Application Nos. R73396 and 73397

Dear Representative Trano:

On April 13, 1994 I talked with Dennis Cluff, Brookings City Manager, and Jim Cole, Golf Board Chair, regarding the above referenced water right applications. During the discussions I advised them that they might want to contact WaterWatch of Oregon, who objected to their applications, to see if they could resolve the issues raised in the objections.

I advised Mr. Cluff and Mr. Cole that there were a considerable number of objections that had been received prior to the City's, that their application was relatively new in relationship to other applications and that WRD was trying to process applications and objections in the order in which they were received. This is being done in accordance with direction the Department had received from the 1993 Legislature. I also advised them that to respond to the objections to their application would be placing them ahead of more senior applications for appropriations from the Chetco River.

If we respond to the objections in the order in which they were received as directed by the legislature, it will be several months before we will get to the City of Brookings applications.

I hope this update on the status of the City of Brookings applications answers any questions you may have.

If you do have any questions, please call.

Sincerely,



Ed Gabriel
Water Rights Examiner
Water Rights and Adjudications Division



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

64

FUT
FIT

Oregon

FAXED

RECEIVED

April 18, 1994

APR 21 1994

WATER
RESOURCES
DEPARTMENT

CITY OF BROOKINGS

Rep. Veral Tarno
301 E. First St.
Coquille, OR 97423

Re: City of Brookings Water Right Application Nos. R73396 and 73397

Dear Representative Trano:

On April 13, 1994 I talked with Dennis Cluff, Brookings City Manager, and Jim Cole, Golf Board Chair, regarding the above referenced water right applications. During the discussions I advised them that they might want to contact WaterWatch of Oregon, who objected to their applications, to see if they could resolve the issues raised in the objections.

I advised Mr. Cluff and Mr. Cole that there were a considerable number of objections that had been received prior to the City's, that their application was relatively new in relationship to other applications and that WRD was trying to process applications and objections in the order in which they were received. This is being done in accordance with direction the Department had received from the 1993 Legislature. I also advised them that to respond to the objections to their application would be placing them ahead of more senior applications for appropriations from the Chetco River.

If we respond to the objections in the order in which they were received as directed by the legislature, it will be several months before we will get to the City of Brookings applications.

I hope this update on the status of the City of Brookings applications answers any questions you may have.

If you do have any questions, please call.

Sincerely,


Ed Gabriel

Water Rights Examiner
Water Rights and Adjudications Division



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

64

mailed 5/13/94

OREGON SOUTH COAST FISHERMEN, Inc.
Brookings, Oregon
P.O.Box 2709 Harbor, OR 97415

4 May, 1994

Water Watch of Oregon
Attn: Karen A. Russell
921 SW Morrison, Suite 438
Portland, OR 97205

Ref: Water Use Applications R73396 & R73397 Chetco River

Dear Karen;

Oregon South Coast Fishermen, Inc. has been active in restoration and protection of the anadromous fish population primarily in the Chetco River and throughout the South coast. We worked hard and long to get the fish population in the river built up to where it sustains at a high level. We can report success to you at this date based on returns of salmon and steelhead in the past two years.

We worked with the City of Brookings over a period of several years helping them and ODF&W work out solutions for water use from the Chetco River at Jack Creek for the golf course proposed there. One of our strongest reasons for support of the golf course is that it helps protect the fish rearing facility at Jack Creek. The present use of the property for cattle grazing wreaks havoc with the stream banks and cover. The referenced applications restrict water removal from the Chetco to the high flow conditions and further enhance Jack Creek with recharging from irrigation ponds. This, along with removal of the cattle, will enhance the quality of the habitat in both Jack Creek and the Chetco.

We laud your efforts to protect the State's water from any degradation potentials. Our membership of some 100 families is dedicated to that cause on behalf of the fish in the rivers of the south coast of Oregon. We urge you to withdraw any objections to the referenced applications and to support development of the proposed golf course on Jack Creek.

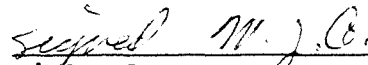
You might be interested in an ongoing study the city of Brookings is conducting. This study, supported by OSCFI, has been in the works for two years. A copy of a plan of approach which I provided to the City is attached for your reference. You might also be interested to know that some of the tasks our organization performs with ODF&W are annual. We will shortly begin the cycle of seining for juveniles to get a measure of the health of the Chetco this year. Each fall we seine for adults for brood stock for ODF&W. Last year, a poor water quantity fall period, we were

pleasantly surprised by the large number of salmon of good size which were in the Chetco system. We also operate a trap at Jack Creek and had a large return of steelhead which were counted and passed over to spawn.

If you need data or existing knowledge of the river condition for any of the other applications which are on your list please contact us. We may be able to help you sort out the problems from the non-problems. Some of our members have been working on the health of the Chetco river fish for two decades or more.

Again, we ask for your support of the golf course development based on the limited water access described in the referenced applications.

Yours very truly,



Michael J. Cosgrove, President
Oregon South Coast Fishermen, Inc.

cc: Brookings City Council
Ed Gabriel, Water Resources Dept.
ODF&W

WaterWatch

May 23, 1994

Tom Davis, Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

KAREN RUSSELL'S
RESPONSE TO OUR
MEETING MAY 2ND AND
CITY'S LETTER 13

Re: WaterWatch's objections to applications 73396 and R 73397

Dear Mayor Davis;

This letter is in response to your letter of April 15 and our phone conversation today regarding the above referenced applications. After reviewing the materials we have received on the proposed golf course and talking to local citizens in the area, WaterWatch agrees that the golf course can be a good, environmentally sensitive project, if the water rights are properly conditioned. As I understand from our discussion today, the City's intent is to create an environmentally sensitive project.

As I understand it, the proposed site of the golf course is land that was given to the City to be used as a golf course. If the City does not use the property for such a purpose, the land will revert back to the original owner. Currently, the property is used for grazing of cattle, which have destroyed, and are continuing to destroy, the riparian areas around Jack Creek. The City plans to use its existing water use permit #51383 to divert water from the Chetco River from March through June. This water will be stored in 10 ponds located on the golf course under application R 73396. The water in the ponds will be used from March 1 through October 31st for irrigation of the golf course under application 73397. No water will be diverted directly from the Chetco River under application 73397.

With this understanding of the proposed use of water, WaterWatch is willing to withdraw its objections to these two applications if the following conditions are added to any permits issued for these applications:

Measurement and Reporting

Your letter of 4/15/94 stated that the City will have a meter on the pump that diverts water from the Chetco River to the ponds. The Water Resources Department (Department) has proposed a measurement and reporting condition for both of the applications. In general, we support the Department's proposed condition with changes to (1) require that the City measure and report the rate (the maximum flow of water being diverted at any point in time) and duty (the total amount of water diverted in a season); (2) require meters as measuring devices; (3) require reporting of general water use information; and (4) on the reservoir application, a clear requirement of measurement of the water being pumped into the ponds:

WaterWatch

May 23, 1994

Tom Davis, Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: WaterWatch's objections to applications 73396 and R 73397

Dear Mayor Davis;

This letter is in response to your letter of April 15 and our phone conversation today regarding the above referenced applications. After reviewing the materials we have received on the proposed golf course and talking to local citizens in the area, WaterWatch agrees that the golf course can be a good, environmentally sensitive project, if the water rights are properly conditioned. As I understand from our discussion today, the City's intent is to create an environmentally sensitive project.

As I understand it, the proposed site of the golf course is land that was given to the City to be used as a golf course. If the City does not use the property for such a purpose, the land will revert back to the original owner. Currently, the property is used for grazing of cattle, which have destroyed, and are continuing to destroy, the riparian areas around Jack Creek. The City plans to use its existing water use permit #51383 to divert water from the Chetco River from March through June. This water will be stored in 10 ponds located on the golf course under application R 73396. The water in the ponds will be used from March 1 through October 31st for irrigation of the golf course under application 73397. No water will be diverted directly from the Chetco River under application 73397.

With this understanding of the proposed use of water, WaterWatch is willing to withdraw its objections to these two applications if the following conditions are added to any permits issued for these applications:

Measurement and Reporting

Your letter of 4/15/94 stated that the City will have a meter on the pump that diverts water from the Chetco River to the ponds. The Water Resources Department (Department) has proposed a measurement and reporting condition for both of the applications. In general, we support the Department's proposed condition with changes to (1) require that the City measure and report the rate (the maximum flow of water being diverted at any point in time) and duty (the total amount of water diverted in a season); (2) require meters as measuring devices; (3) require reporting of general water use information; and (4) on the reservoir application, a clear requirement of measurement of the water being pumped into the ponds:

R 73396

Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and duty of water put into the ponds each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use of water under the permit.

The permittee 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 water master shall request access upon reasonable notice.

73397

Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and duty of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use of water under the permit.

The permittee 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 water master shall request access upon reasonable notice.

Source and type of use of water for application 73397

As mentioned above, the only water diverted directly from the Chetco will be pursuant to the City's existing water use permit. That being the case, the Department's proposed condition # 2 for application 73397 should be amended to only allow use of stored water. In addition, as we understand it, this water will be used as a primary - not a supplemental-- source of water. The condition should read:

Period of allowed use: Stored water - March 1 through October 31 of each year.

Proposed condition #10 should be deleted and a condition should be added which states that the use is for irrigation.¹

¹ It is unclear why the Department labeled this application as supplemental irrigation. Perhaps it is because your existing permit allows irrigation of the same lands. It may be that

Screening

Since these applications do not propose to allow diversion of water directly from the Chetco River and do not involve in-river storage, we agree that diversion and storage facilities that would be permitted under these applications do not need to be screened or meet passage requirements. However, the existing water use permit, #51383, which provides the water for storage and use under these applications does involve a diversion from the Chetco. Therefore we request the following conditions:

R73396

Storage of water under this permit is contingent upon compliance with the screening and passage requirements in permit 51383.

73397

Use of water under this permit is contingent upon compliance with the screening and passage requirements in permit 51383.

Type of Use

(1) As mentioned above, the property, if it ceases to be used as a golf course, reverts back to the original owner. We are concerned that, if such a transaction were to happen, these water rights might be used in the future for some different kind of development of the property - a development that may not be as environmentally friendly. We request a condition be put on the permits to prohibit transfer of the permits or certificates to any other type of use, to address this concern.

73397

Water appropriated under this permit shall be used only for irrigation and any water right certificate issued to perfect this permit shall be conditioned to prohibit any change in the use of the water right.

R73396

Water stored under this permit shall be used only for irrigation and any water right certificate issued to perfect this permit shall be conditioned to prohibit any change in the use of the water right.

Water Management Plan - Conservation/Water Quality/Riparian Area Protection

There are three remaining issues of concern to WaterWatch: (1) ensuring water use efficiency, (2) ensuring protection of water quality of ground and surface waters, and (3) ensuring protection of riparian areas around Jack Creek and the Chetco River. I understand

the City's existing permit needs to be amended to better reflect the use the City is contemplating.

that the City is sensitive to these concerns. To ensure that water use pursuant to these proposed permits is efficient and does not result in degradation of water quality or riparian areas or the surrounding environment, we request that the City be required to develop and implement a water management plan for the Golf Course.

Within three months of the issuance of this permit, the City shall submit to the Director for review its water management plan for the Golf Course. The plan shall contain (1) measures to increase water use efficiency including installation and use of water saving devices and a program for performing water audits of the irrigation system (2) operational and maintenance guidelines for the golf course that will result in efficient use of water and (3) measures to implement the conditions in the Final Order of the Curry County Planning Commission, dated July 8, 1992, approving application C-9205. After a sixty-day public comment period, the Director shall review and approve the plan if she finds that the plan will result in efficient use of water and protection of ground and surface water quality and riparian areas. The permittee shall include a report on the implementation of the plan as part of the general water use reporting requirement of this permit.

Please do not hesitate to call me if you have any questions or concerns regarding these conditions.

Sincerely,

TRAF *Kind of help you need!*
KT
Karen Russell

Karen Russell
Assistant Director

Feedback please

AUDUBON, ODF&W HAD ALREADY MADE DEMANDS WHICH INCLUDE RIPARIAN WORK BE DONE AND CATTLE REMOVED

- c. Jim Cole, Golf Board Chair
- Ellen Warring, Kalmiopsis Audubon Society
- State Senator Bill Bradbury
- Michael J. Cosgrove, Oregon South Coast Fishermen
- Ed Gabriel, Water Resources Department
- State Representative Vernal Tarno

that the City is sensitive to these concerns. To ensure that water use pursuant to these proposed permits is efficient and does not result in degradation of water quality or riparian areas or the surrounding environment, we request that the City be required to develop and implement a water management plan for the Golf Course.

Within three months of the issuance of this permit, the City shall submit to the Director for review its water management plan for the Golf Course. The plan shall contain (1) measures to increase water use efficiency including installation and use of water saving devices and a program for performing water audits of the irrigation system (2) operational and maintenance guidelines for the golf course that will result in efficient use of water and (3) measures to implement the conditions in the Final Order of the Curry County Planning Commission, dated July 8, 1992, approving application C-9205. After a sixty-day public comment period, the Director shall review and approve the plan if she finds that the plan will result in efficient use of water and protection of ground and surface water quality and riparian areas. The permittee shall include a report on the implementation of the plan as part of the general water use reporting requirement of this permit.

Please do not hesitate to call me if you have any questions or concerns regarding these conditions.

Sincerely,

TRATT *kind of who you will get*
Karen Russell
Karen Russell
Assistant Director

Handwritten signature/initials in a circle

- c. Jim Cole, Golf Board Chair
- Ellen Warring, Kalmiopsis Audubon Society
- State Senator Bill Bradbury
- Michael J. Cosgrove, Oregon South Coast Fishermen
- Ed Gabriel, Water Resources Department
- State Representative Vernal Tarno

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE



May 23, 1994

Jim Cole
City of Brookings
898 Elk Dr.
Brookings, OR 97415

RE: Source and Design; Self-cleaning Screen

Dear Jim:

Attached is the subject information we discussed by phone. This is the most sophisticated set-up I have seen. I do not know off-hand whether it can be used in the "temporary installation" mode you described. A call to Stettler Supply should get your questions answered.

Good luck with the project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Albert H. Mirati, Jr.", written over a horizontal line.

Albert H. Mirati, Jr.
Fish Passage Coordinator

File: ODFW/Information Request



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459

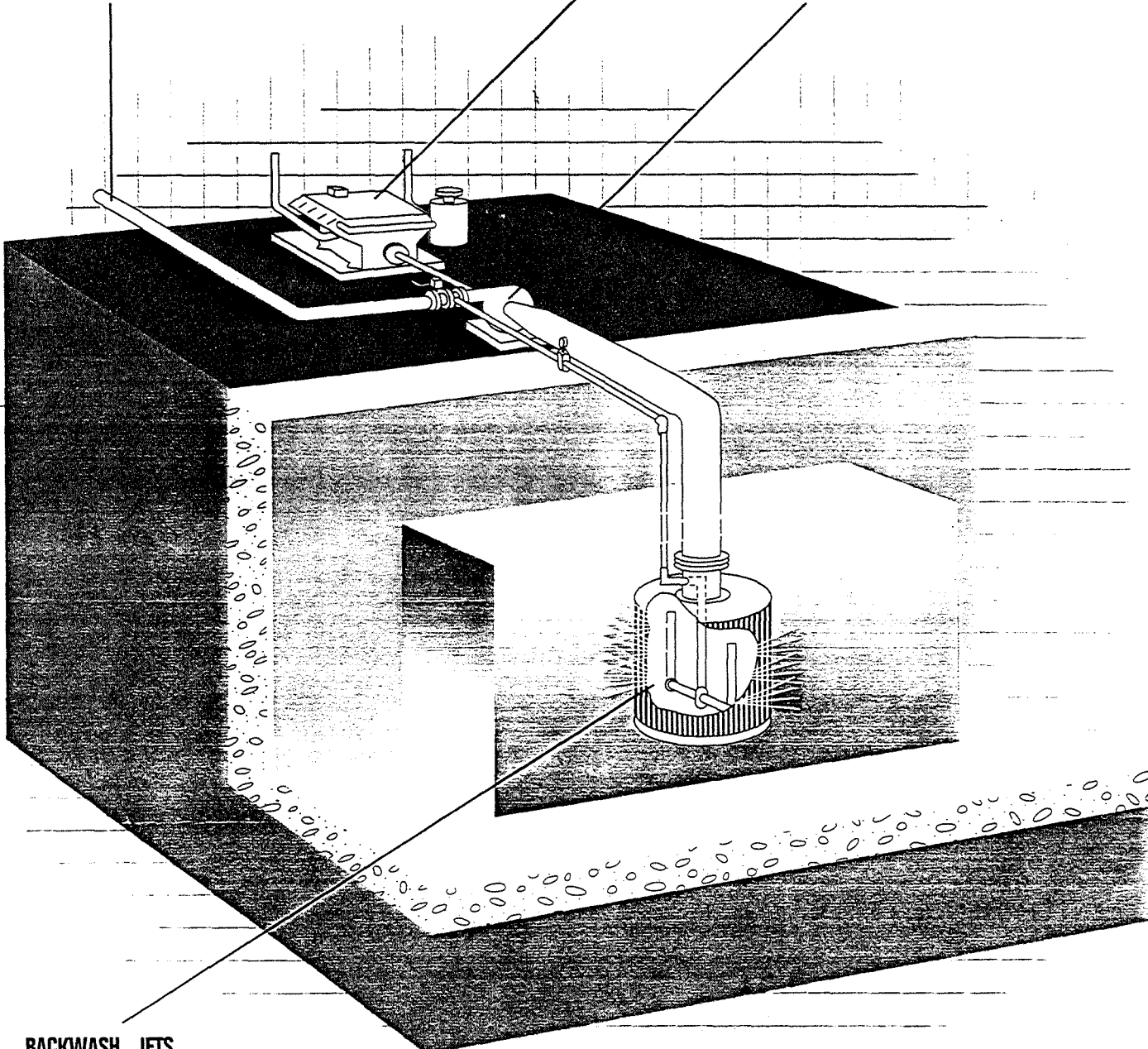
Typical Application



DISCHARGE PIPE TO SYSTEM

POWER UNIT

PUMP



BACKWASH JETS

"We won't sell it if we can't guarantee it!"



Clearwater Self-Cleaning Suction Screen



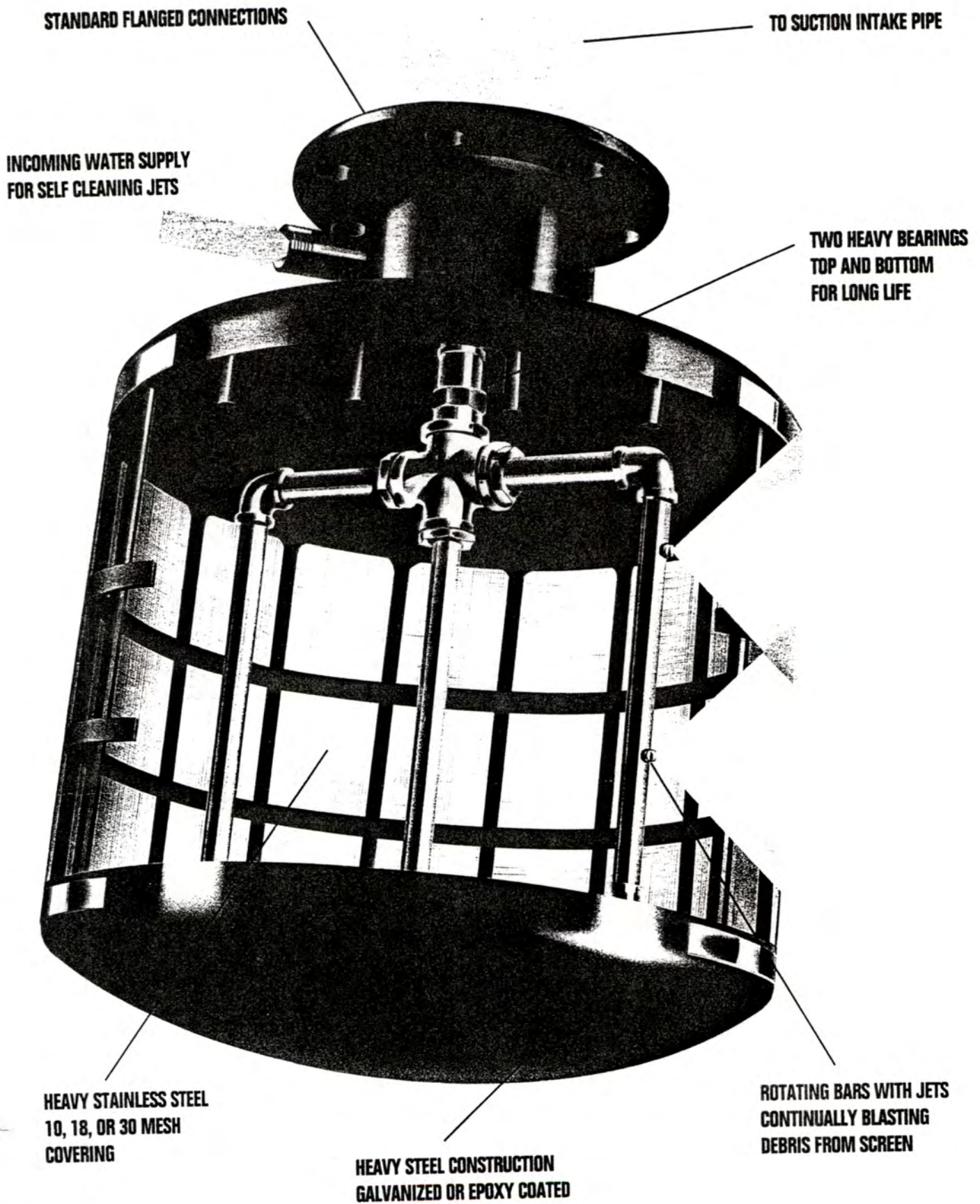
Field Tested, Dependable
Protection for Pumps
and Water Systems



STETTLER SUPPLY CO.
1810 Lana Ave. N.E.
Salem, Oregon 97303
(503) 585-5550

 **CLEMONS**
SALES CORPORATION

Clearwater Self-Cleaning Suction Screen



If you irrigate, you know how important it is to keep equipment running smoothly and water flowing freely. Whether you are pumping water from a waste treatment facility, manure lagoon, stream, canal, river, irrigation ditch, pit or sump, or a golf course pond, you need the water to be free of trash and debris that could block water flow and damage the pump or clog water-distribution equipment.

The Clearwater Self-Cleaning Suction Screen is galvanized or epoxy coated and utilizes a heavy 10, 18 or 30 mesh stainless steel screen designed to increase pump efficiency. The screen continuously removes trash and debris from irrigation water that costs time and money in fuel, pumping efficiency and maintenance costs. And it can be used for agricultural, turf, industrial, centrifugal or turbine pump applications.

The suction screen is attached to the end of the pump in the water source. All water pulled in must

go through the screen before entering the intake pipe. The screen stops trash and debris from entering, plugging lines and causing costly maintenance repairs. The pump discharge return line drives two spray bars that continually rotate, jet water at the screen and blast debris away from the screen.

The Clearwater screen — unlike its competitors — has no exterior moving parts that can break down or need repair. It can be installed at any attitude without the operation being affected and is uncollapsible and corrosion resistant. It also has a standard flanged connection, and other connects are available upon request. The Y Strainer — an essential extra — provides easy access for cleaning and prevents the supply line to the screen and the spray nozzle from plugging.

Let Clearwater clear your water for worry-free irrigating!



Model	Flow U.S GPM 10/18m	30M	Screen Length	Total Length	Diameter	Flange Size	Return Inlet	Rec. Operate. Pressure	Weight Lbs.
CW200	325	225	12"	24.3"	12"	4"	1 1/4"	35	38
CW400	550	400	15"	29.6"	16"	6"	1 1/4"	40	57
CW600	750	525	16"	33.5"	24"	8"	1 1/2"	40	101
CW800	950	700	18"	35.5"	24"	10"	1 1/2"	45	108
CW1000	1350	950	23"	40.5"	24"	10"	1 1/2"	50	116
CW1400	1650	1200	26"	43.5"	24"	12"	1 1/2"	55	128
CW1700	1950	1400	28"	47.0"	26"	12"	2"	55	148
CW2000	2350	1650	32"	51.0"	26"	14"	2"	60	160
CW2400	2600	1800	35"	55.5"	30"	16"	2"	65	223

SPECIFICATIONS



May 31, 1994

Karen Russell
Water Watch
921 SW Morrison, Suite 438
Portland, OR 97205

RE: Water Watch's Objections to applications 73396 and R73397

**LETTER FROM CITY TO
WATER WATCH ACCEPTING
ADDITIONS TO PERMITS**
14

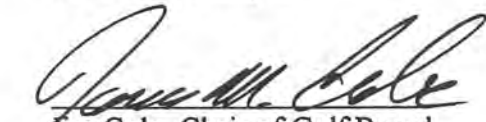
Dear Karen,

We have read your letter of May 23, 1994 outlining the conditions you would like to see added to our two permits, and agree to these conditions.

Please send a fax releasing your original objections to the above applications to the Water Resources Department, C/O Steve Brown (FAX 378-8130) and a copy to the City of Brookings (FAX 469-3650). Thank you for your cooperation.

Sincerely,


Tom Davis, Mayor


Jim Cole, Chair of Golf Board

cc: City Manager





May 31, 1994

Karen Russell
Water Watch
921 SW Morrison, Suite 438
Portland, OR 97205


RE: Water Watch's Objections to applications 73396 and R73397

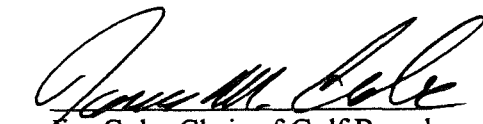
Dear Karen,

We have read your letter of May 23, 1994 outlining the conditions you would like to see added to our two permits, and agree to these conditions.

Please send a fax releasing your original objections to the above applications to the Water Resources Department, C/O Steve Brown (FAX 378-8130) and a copy to the City of Brookings (FAX 469-3650). Thank you for your cooperation.

Sincerely,


Tom Davis, Mayor


Jim Cole, Chair of Golf Board

cc: City Manager



WaterWatch

By FAX and Regular Mail

May 31, 1994

Steve Brown
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: WaterWatch Objections to Applications 73396 and R 73397

Dear Steve,

On May 23, 1994, I sent a letter to City of Brookings Mayor Davis re above referenced applications stating that we would withdraw our objections to the above referenced applications if the conditions outlined in our letter were added to the permit. Gabriel of your Department should have received a copy of the letter.

WATER WATCH LETTER TO STEVE BROWN / I CALLED STEVE BROWN WITH SAME INFORMATION

15

The City faxed a letter to us today agreeing to the conditions outlined in our May 23 letter. Thus, we hereby withdraw our objections if the Department incorporates our conditions into any permits issued on these applications. As always, our objections are not formally withdrawn until we have an opportunity to review the proposed final permits.

Please call if you have any questions.

Sincerely,

Karen Russell
Assistant Director

encl.

- c. Tom Davis, Mayor
- Jim Cole, Chair of Golf Board
- Ellen Warring, Kalmiopsis Audubon Society
- State Senator Bill Bradbury
- Michael Cosgrove, Oregon South Coast Fishermen

.76

WaterWatch

By FAX and Regular Mail

May 31, 1994

Steve Brown
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: WaterWatch Objections to Applications 73396 and R 73397

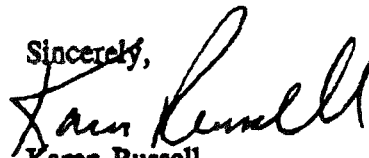
Dear Steve,

On May 23, 1994, I sent a letter to City of Brookings Mayor Davis regarding the above referenced applications stating that we would withdraw our objections to the above referenced applications if the conditions outlined in our letter were added to the permit. Ed Gabriel of your Department should have received a copy of the letter.

The City faxed a letter to us today agreeing to the conditions outlined in our May letter. Thus, we hereby withdraw our objections if the Department incorporates our conditions into any permits issued on these applications. As always, our objections are not formally withdrawn until we have an opportunity to review the proposed final permits.

Please call if you have any questions.

Sincerely,



Karen Russell
Assistant Director

encl.

- c. Tom Davis, Mayor
- Jim Cole, Chair of Golf Board
- Ellen Warring, Kalmiopsis Audubon Society
- State Senator Bill Bradbury
- Michael Cosgrove, Oregon South Coast Fishermen

WATER
RESOURCES
DEPARTMENT



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

FACSIMILE TRANSMISSION SHEET

DATE: 7/25 TIME: 5:00 PM PAGE 1 OF 2

TO: MR. JIM COLE
CITY OF BROOKINGS

FAX #: 503-469-3650

FROM: STEVE BROWN

COMMENTS: _____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF AN APPLICATION)
 FOR EXTENSION OF THE TIME TO) ORDER
 COMPLETE CONSTRUCTION WORK AND)
 MAKE COMPLETE APPLICATION OF WATER)
 UNDER PERMIT 51383 IN THE NAME OF)
 THE CITY OF BROOKINGS)

STATEMENT OF FACTS

The City of Brookings is the holder of Permit 51383 which grants the right to appropriate not to exceed 1.0 cubic foot per second of water from the Chetco River for irrigation purposes. The time limits for the completion of construction and complete application of water to beneficial use under Permit 51383 is October 1, 1994.

The City submitted an application for extension of the time limits to complete the construction work and to complete application of water to beneficial use.

The Water Resources Director is authorized under the provision of ORS 537.230 to grant extension of time for good cause shown, within which to complete construction work and to apply water to beneficial use to perfect a water right under a permit.

FINDINGS OF FACT

The applicant has provided evidence of good cause to allow extension of the time limits of the permit to complete construction work and to complete application of water to beneficial use.

ORDER

It is hereby ORDERED that the time limits to complete construction and to complete application of water to beneficial use under Permit 51383 be extended to October 1, 1995.

Dated at Salem, Oregon this 25th day of July, 1994.

Martha O. Pagel

 Martha O. Pagel
 Director

July 27, 1994

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS OR 97415

REFERENCE: File 71042

Your application for extension of time to complete work under Permit Number 51383 along with your check in the amount of \$100 has been received. Our Receipt Number 111436 is enclosed.

Your request is approved by Special Order Volume 48, Page 195. The time limit for completion of work is extended to October 1, 1995.

Certain water right holders that serve as water suppliers will be required to submit water management and conservation plans at some point in the future. You should be advised that the Water Resources Commission may adopt administrative rules that will require you to prepare and submit such plans in the future.

If you are interested in receiving periodic information concerning the conservation program or the development and adoption of management and conservation rules, please contact the Water Conservation staff at the Salem office of the Water Resources Department.

If you have questions concerning this extension or other water right matters, please call the Water Rights/Adjudication Division. All Divisions of the Department may be reached at the following telephone numbers:

(800) 624-1399 or (503) 378-3739

Sincerely,



A. REED MARBUT
Water Rights/Adjudication Division

ARM:jh

Enclosure



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF AN APPLICATION)
FOR EXTENSION OF THE TIME TO) ORDER
COMPLETE CONSTRUCTION WORK AND)
MAKE COMPLETE APPLICATION OF WATER)
UNDER PERMIT 51383 IN THE NAME OF)
THE CITY OF BROOKINGS)

STATEMENT OF FACTS

The City of Brookings is the holder of Permit 51383 which grants the right to appropriate not to exceed 1.0 cubic foot per second of water from the Chetco River for irrigation purposes. The time limits for the completion of construction and complete application of water to beneficial use under Permit 51383 is October 1, 1994.

The City submitted an application for extension of the time limits to complete the construction work and to complete application of water to beneficial use.

The Water Resources Director is authorized under the provision of ORS 537.230 to grant extension of time for good cause shown, within which to complete construction work and to apply water to beneficial use to perfect a water right under a permit.

FINDINGS OF FACT

The applicant has provided evidence of good cause to allow extension of the time limits of the permit to complete construction work and to complete application of water to beneficial use.

ORDER

It is hereby ORDERED that the time limits to complete construction and to complete application of water to beneficial use under Permit 51383 be extended to October 1, 1995.

Dated at Salem, Oregon this 25th day of July, 1994.

A. Reed Marbo

A. REED MARBO
Martha O. Pagel
Director

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 158 12TH ST. N.E.
 SALEM, OR 97310-0210
 378-8455 / 378-8130 (FAX)

RECEIPT # **111436**

RECEIVED FROM: City of Brookings
 BY: _____

APPLICATION	71042
PERMIT	51383
TRANSFER	

CASH: CHECK: # X24.22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.-

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
 VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:		
840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
880.109	MISC REVENUE: (IDENTIFY)	\$ <u>100.-</u> <i>Extension of time</i>
520.000	OTHER (P-6) (IDENTIFY)	\$
WATER RIGHTS:		
842.001	SURFACE WATER	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	\$
_____	LANDOWNER'S PERMIT	\$
_____	OTHER (IDENTIFY)	\$

EXAM FEE		RECORD FEE
\$	842.002	\$
\$	842.004	\$
\$	842.006	\$
EXAM FEE		LICENSE FEE
\$	842.023	\$
	842.024	\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **111436** DATED: 4-25-94 BY: D. Bushnell
 Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

(1) Policy

The elimination of waste and improving the efficiency of water use are high priorities. Use of water without waste is required by state statute and the prior appropriation doctrine. Programs to eliminate waste shall be implemented. In addition, improving the efficiency of water use through implementation of voluntary conservation measures can help restore instream flows and provide for future needs including public uses and continued economic development. Priority shall be given to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and of water quality problems.

(2) Principles

Programs to achieve the policy in section (1) of this rule shall be guided by the following principles:

(a) Water users shall construct, operate and maintain their water systems in a manner which prevents waste and minimizes harm to the waters of the state and injury to other water rights.

(b) Major water users and suppliers shall prepare water management plans under the guidance of schedules, criteria and procedures which shall be adopted by rule. The plans shall evaluate opportunities for conservation and include a quantification of losses of water from the systems, an evaluation of the effectiveness and costs of alternative measures to reduce losses, and an implementation schedule for all feasible measures. During the planning processes, consideration shall be given to the environmental impacts from and time needed for implementation of system modifications. The Department shall assist water users and suppliers in the preparation of the water management plans.

(c) The Commission shall encourage and facilitate the development of subbasin conservation plans throughout the state by local advisory committees. Subbasin conservation plans shall include measures to assist water users in eliminating waste, other methods to improve water use efficiency in the subbasin, funding proposals to implement the measures and procedures to protect water dedicated to instream uses from further diversion. Priority shall be given to development of subbasin conservation plans in serious water management problem areas, critical ground water areas and other areas where water supplies are not sufficient to meet demands. The Commission shall adopt rules to guide formation of broad-based committees, the preparation of subbasin plans, and the submittal of plans

to the Commission for approval.

(d) When wasteful practices are identified in water management plans and subbasin conservation plans, the Commission shall adopt rules prescribing statewide and subbasin standards and practices that ensure beneficial use without waste. The rules shall recognize that conditions vary for different parts of the state and for different uses.

(e) A conservation element shall be developed and included in each basin plan when a major plan review and update is performed.

(f) The collection, analysis and distribution of information on water use and availability are necessary to ensure that the waters of the state are managed for maximum beneficial use and to protect the public welfare, safety and health. The ability to measure flows at authorized points of diversion is essential to the management of water and the elimination of waste.

(g) The Commission shall support public education programs, research and demonstration projects to increase citizen and water user awareness of water conservation issues and measures in the state.

(h) The Commission shall support programs to provide economic assistance to water users to implement desired conservation measures, particularly where the benefits of implementing the measures are high.

WATER
RESOURCES
DEPARTMENT



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

FACSIMILE TRANSMISSION SHEET

DATE: 8/17 TIME: 4 pm PAGE 1 OF 6

TO: Jim Cole
City of Brookings

ODF&W OBJECTION
ACCEPTED BY WATER
RESOURCES AND WE
ACCEPTED THEM ALSO 16

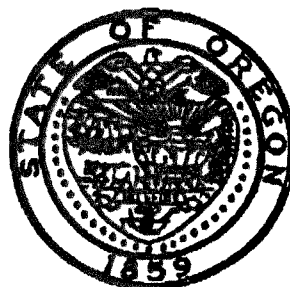
FAX #: 503-469-3650

FROM: _____

COMMENTS: _____

84

WATER
RESOURCES
DEPARTMENT



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

FACSIMILE TRANSMISSION SHEET

DATE: 8/17 TIME: 4 pm PAGE 1 OF 6

TO: Jim Cole
City of Brookings

FAX #: 503-469-3650

FROM: _____

COMMENTS: _____

Oregon

WATER
RESOURCES
DEPARTMENT

August 17, 1994

Albert H. Mirati, Jr.
Oregon Department of Fish and Wildlife
P.O. Box 59
Portland, OR 97207

Re: Response to Objections
to Application File Numbers 73396 and 73397

Dear Mr. Mirati:

The Water Resources Department has received your letter of Objection to the proposed water use reported in the Satisfactory Reports of Technical Review announced on Application File Number 73396 and 73397 submitted by the City of Brookings. Your Objections have been reviewed by the Director and as the result of the Director's assessment, your Objections to the proposed water uses are accepted.

You have objected to the absence of a fish screening condition on any Chetco River point of diversion. The proposed permit conditions will be amended to include the following condition for any Chetco River point of diversion:

The permittee shall install, maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass device are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

If a timely protest is submitted in the proper form, the protest and the Application File with your Comments will be referred to the Water Resources Commission for review.

If no protests are received, the Application will undergo a public interest review. As the result of that public interest evaluation, a recommendation will be made to reject the proposed use, or issue a permit.

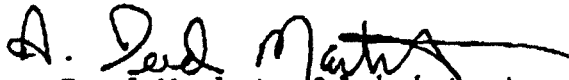


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

ODFW
August 17, 1994
Page 2

If you have any questions, please call us in the Water Rights Division.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: City of Brookings
WaterWatch



WATER
RESOURCES
DEPARTMENT

August 17, 1994

Karen Russell, Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

Re: Denial of Objections
to Application File Numbers R 73396 and S 73397

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Numbers R 73396 and S 73397 submitted by City of Brookings. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on applications R 73396 and S 73397 did include consideration of the elements specified in OAR 690-11-160 (1) as is documented by the information contained in the records of the Department including the Application File.



Commerce Building
156 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

WaterWatch
August 17, 1994
Page 2

The records of the Department, including the Application File indicate water is available in sufficient quantity to support the proposed use. The water availability assessment of the proposed water use is not inconsistent with the Water Allocation Policy as established by the rules of the Water Resources

A public interest determination must be made before a decision is made whether to issue a permit.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition. If issued, the permit will contain the following measuring and reporting condition:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

WaterWatch
August 17, 1994
Page 3

If a permit is issued on application S 73397, it will be conditioned to allow use of stored water only.

Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department, Salem, Oregon, no later than 5:00 p.m. on or before SEP 16 1994. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: Tom Davis, Mayor, City of Brookings
ODFW

M:\o\1\7339667.wv

August 17, 1994

Karen Russell, Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

RECEIVED
AUG 22 1994

WATER
RESOURCES
DEPARTMENT

CITY OF BROOKINGS

Re: Denial of Objections
to Application File Numbers R 73396 and S 73397

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Numbers R 73396 and S 73397 submitted by City of Brookings. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require technical review analysis include the elements cont 690-11-160(1)(a)-(h). There is no requirement that technical review include those elements. In order clarity and simplicity, a number of technical review included in the file checklists are not contained i

REED MARBUT DENIES
WATER WATCH
OBJECTIONS

17

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on applications R 73396 and S 73397 did include consideration of the elements specified in OAR 690-11-160 (1) as is documented by the information contained in the records of the Department including the Application File.

*MARBUT DENIES
OCT. 28TH
262*



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

90

RECEIVED

AUG 22 1994

CITY OF BROOKINGS

August 17, 1994

Karen Russell, Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

Re: Denial of Objections
to Application File Numbers R 73396 and S 73397

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Numbers R 73396 and S 73397 submitted by City of Brookings. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on applications R 73396 and S 73397 did include consideration of the elements specified in OAR 690-11-160 (1) as is documented by the information contained in the records of the Department including the Application File.

MARTHA P
OCT. 28TH
262



The records of the Department, including the Application File indicate water is available in sufficient quantity to support the proposed use. The water availability assessment of the proposed water use is not inconsistent with the Water Allocation Policy as established by the rules of the Water Resources

A public interest determination must be made before a decision is made whether to issue a permit.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition. If issued, the permit will contain the following measuring and reporting condition:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee 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.

WaterWatch
August 17, 1994
Page 3

If a permit is issued on application S 73397, it will be conditioned to allow use of stored water only.

Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department, Salem, Oregon, no later than 5:00 p.m. on or before **SEP 16 1994**. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: Tom Davis, Mayor, City of Brookings
ODFW

M:\o\1\73396&7.wv

August 17, 1994

Albert H. Mirati, Jr.
Oregon Department of Fish and Wildlife
P.O. Box 59
Portland, OR 97207

Re: Response to Objections
to Application File Numbers 73396 and 73397

Dear Mr. Mirati:

The Water Resources Department has received your letter of Objection to the proposed water use reported in the Satisfactory Reports of Technical Review announced on Application File Number 73396 and 73397 submitted by the City of Brookings. Your Objections have been reviewed by the Director and as the result of the Director's assessment, **your Objections to the proposed water uses are accepted.**

You have objected to the absence of a fish screening condition on any Chetco River point of diversion. The proposed permit conditions will be amended to include the following condition for any Chetco River point of diversion:

The permittee shall install, maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass device are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

If a timely protest is submitted in the proper form, the protest and the Application File with your Comments will be referred to the Water Resources Commission for review.

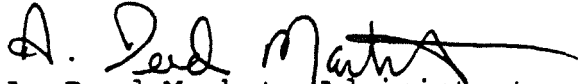
If no protests are received, the Application will undergo a public interest review. As the result of that public interest evaluation, a recommendation will be made to reject the proposed use, or issue a permit.



ODFW
August 17, 1994
Page 2

If you have any questions, please call us in the Water Rights Division.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: City of Brookings
WaterWatch



March 9, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73396 and 73397; Reports of
Technical Review

For Chetco River POD: Because one or more species of game
fish are present at the described POD, ODFW will require
the applicant to provide fish screening pursuant to ORS
498.248. Therefore, ODFW requests WRD add the following
condition to those already proposed:

*The permittee shall install, maintain, and operate
fish screening and by-pass devices as required by the
Oregon Department of Fish and Wildlife to prevent fish
from entering the proposed diversion. The required
screens and by-pass devices are to be in place,
functional, inspected and approved by an ODFW
representative prior to diversion of any water.*

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Mirati, Jr.", written over the typed name.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Unterwegner, Gold Beach

FILE: R-73396.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459

WaterWatch

O F O R E G O N

Hand Delivered

March 11, 1994

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: **Objection to Technical Report for:**
73095, Cate, Domestic, Stock & Irrigation, Chetco
72073, Smith, Domestic, Chetco
R 73396, 73397, City of Brookings, Irrigation, Chetco
71889, Loring, Domestic & Stock, Chetco
72779, Gardner, Domestic & Irrigation, First Crk/Chetco
71355, Hauser, Domestic, Unnamed/NF Chetco
73450, Nichols, Domestic, Unnamed/ Pistol
71117, Walker, Domestic & Irrigation, Pistol
70930, Cogswell, Domestic, WF Millicoma
72483, Kuni, Domestic, WF Millicoma
73117, Wineman, Irrigation & Recreation, Millicoma
72420, Kruse, Domestic & Irrigation, Millicoma
72648, Rood, Livestock and Irrigation, Millicoma
72531, Mahaffy, Irrigation, Millicoma
Coos Co., South Coast

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- The analyses fail to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights

are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analyses for the proposed new uses of the Chetco River fail to take into account the requested flows in the senior pending instream water right applications for the Chetco system. The analysis for the proposed new uses of flows in the Pistol River fail to take into account the requested flows in the senior instream water right application pending for that river. The analysis for the proposed new uses of Millicoma River system water failed to take into account requested flows in the senior pending instream water right applications for this river system.

◆ **The Uses As Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.170 and are contrary to the South Coast basin program. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. The proposed uses are not in the public interest because they will interfere with flows needed to support public instream uses of water.

The proposed uses of water for the Chetco, Pistol and Millicoma Rivers will deplete flows needed for numerous public instream uses of these river systems. These systems support a variety of fish life including cutthroat trout, winter steelhead fall chinook, and coho salmon. Petitions have been filed requesting listing of coastal coho and steelhead under the Federal Endangered Species Act. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by among other things exposing spawning gravel and reducing feeding and rearing areas in these rivers. In addition, water diversions create problems for fish passage and survival in these basins.

Currently there are pending instream water right applications for these Rivers. These pending applications request flows needed for fish life in these systems. The technical reports for the reservoir applications proposes to allow additional storage project and allow storage of water from December through April in the Chetco River. The dams used to stored water will create fish passage problems. Both the storage and diversion of stored water change the hydrology of the stream system - eliminating flood events needed for habitat maintenance, blocking passage, and storing water during times of low flows. In

addition, the use of water irrigation will result in additions of pesticides and fertilizers to the river system which will, unless regulated, will degrade stream quality.

In addition, the failure to require stream bank enclosures to as a condition of stock use in order to prevent cattle from entering the stream and riparian areas results in further degradation of water quality. Thus, the proposed uses are not in the public interest because they will preclude flows needed for the pending instream water right application.

The public uses reflected in the instream water right applications (protection and conservation of fish life) have a "reasonable expectation of being developed" as evidenced by the pending instream water right applications. These instream uses provides greater benefit to the public at large than the proposed use. These fish populations have statewide and even national significance and streamflows are essential for maintenance of these fish. These proposed uses will divert water needed for these streamflows and will create passage problems they should be denied.

2. Measurement and reporting.

These conditions should allow the Director to require measurement and reporting of both rate and duty of water stored and used. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

The surface waters of the these three river systems are overallocated during the summer months. The information generated by these proposed conditions are essential to the management and control of the water resource. If these uses were to be permitted, water use measurement and reporting should be a mandatory condition of use. This information is essential for protection of the public interest in the resource. However, we question the Department's ability to control these uses, even with these requirements.

The technical reports propose to limit the months of storage and water use. They also limit the type of use during certain months of the year. The Department's enforcement staff is already incapable of control existing rights to use water in the south coast basin. These proposed uses add yet another enforcement responsibility on top of an already unmanageable load. Under these circumstances, it is difficult if not impossible for the state to ensure that these applicants will, **at all times**, use water in compliance with the permit conditions. Given the critical state of the water resource in the basin and the Department's inability to control this use, even with measurement and reporting, these uses are not in the public interest.

- 3. The uses will impair the public interest because fish screening and passage facilities are not a condition of use.**

Given the critical status of fish populations and the adverse effects diversions and storage projects have on fish habitat, screening and passage should clearly be required to be in place before any diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition in any permit issued which clearly states these requirements.

- 4. The proposed uses are contrary to Oregon policy.**

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

If hypothetically, these proposed uses were allowed they will be junior to the existing instream water right applications and should be conditioned to protect the senior instream flows. Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such as measuring and reporting streamflows or contributing funds for installation and maintenance of gauging stations in key locations.

The recent petition for listing of coho and steelhead populations coast wide makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of this application.

Domestic Use

Allowing the proposed domestic and human consumption uses is contrary to the Commission's Water Allocation Policy. The policy allows additional uses on

overappropriated streams only "where public interest in those uses is high and uses are conditioned to protect instream values." OAR 690-410-070(1)(a) (emphasis added). While the exceptions contained in the existing instream water rights in the South Coast basin seem to indicate high public interest in the proposed uses of human consumption, livestock and irrigation of non-commercial gardens, they are not included in the pending senior instream water right applications.¹

In addition, the mere fact that the proposed use of human consumption seem to fall within the exception in the existing instream water rights does not relieve the Department from its duty to consider and protect the public interest, including the public value of instream flows and the needs of anadromous fish. Furthermore, the proposed uses fails to fit within the exception because it is impossible to condition these uses in a way that will protect instream values. *See above.*

The exceptions in the instream water right certificates are narrowly worded and should not be applied unless there is absolutely no other alternative sources of water. It is bad public policy to automatically apply this exemption without looking for other possible sources that can accommodate this water use. Human beings can go elsewhere for water, fish can not.

Failure of the State to look for or provide other sources of water, in the face of potential listing of the coastal coho creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the creek provide critical habitat for fish - without water instream there is no habitat. Continuing to issue water rights on a river with a possibility of a listed species, as well as existing water availability and water quality problems makes little sense.

There are many small domestic uses in the basin consuming both ground and surface waters, all vital sources for instream flow. Individually, the quantity of water consumed may not be large, but cumulatively these uses adversely effect instream flows and water quality. Ignoring this problem is bad public policy. The state should be looking for alternate sources for these uses and ways to provide regional water supplies for these uses in a way that will result in the least amount of impact for the resource.

Conservation

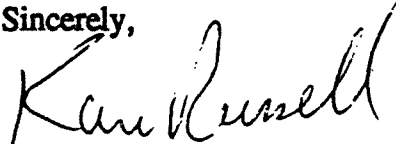
Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of

¹ An exception for human consumption has been proposed in the technical reports for the instream water right applications - however, this does not necessarily mean that the instream water right when issued will include this unlimited exception.

Water Resources Department
Page 6

water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. Given the presence of potentially listed species, the water quality problems and the fact water diversions are one of the causes of anadromous fish declines it is imperative that the water use be as efficient as possible. The proposed uses should be held to a high efficiency standard prior to any permit issuance.

Sincerely,



Karen A. Russell
Assistant Director

WaterWatch

R

WATER WATCH THREAT TO
CITY / WANT TO MEET
WITH US AND WATER
RESOURCES 18

By FAX (503)469-3650

CITY

Au

I CALLED STEVE BROWN -
ASKED OPINION ON
MEETING - HE SAYS WATER
WATCH DOESN'T RUN
OWRD - THEY PROBABLY
WON'T OBJECT - IF THEY
DO WE'LL GO TO
COMMISSION IN EARLY
NOVEMBER AND WE WILL
GET PERMITS 19

Jim Cole, Golf Course Chair
Tom Davis, Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: City's applications 73396 and R 73397

Dear Mr. Cole and Mayor Davis;

I just received a letter from the Water Resources Department regard applications. Evidently you also received a copy of the letter. As you wel spent a great deal of time negotiating permit conditions that would address concerns and provide for the issuance of your permits. We stand by the ag reached. We assume the City does to.

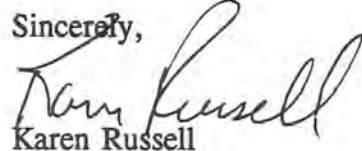
STEVE BROWN SAYS DON'T
RESPOND 20

Unfortunately, the Department's is totally nonresponsive to the issues raised in our objections and addressed in our agreement, despite WaterWatch's attempts to get Department feedback on the agreement that WaterWatch and the City reached on these applications. The Department letter requires that WaterWatch file a formal protest of your applications by September 16th.

I see two options for WaterWatch and the City. First, we could both contact the Department and demand a meeting to discuss the agreement to see if we can resolve the Department's problems, if any, with the agreed upon conditions. Second, we could decide not to negotiate with the Department and request that the Department take your applications and the agreed upon conditions immediately to the Water Resources Commission to resolve any differences and issue the permits with the agreed upon conditions. We prefer going directly to the Commission.

Either way, we remain committed to the agreement reached and willing to work with you to try to resolve this matter as quickly as possible.

Sincerely,


Karen Russell
Assistant Director

c. Martha Pagel

WaterWatch

RECEIVED

AUG 27 1994

CITY OF BROOKINGS

August 25, 1994

By FAX (503)469-3650

Jim Cole, Golf Course Chair
Tom Davis, Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: City's applications 73396 and R 73397

Dear Mr. Cole and Mayor Davis;

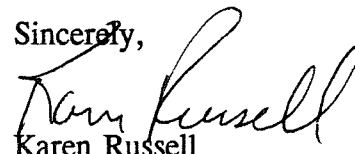
I just received a letter from the Water Resources Department regarding your applications. Evidently you also received a copy of the letter. As you well know, we all spent a great deal of time negotiating permit conditions that would address WaterWatch's concerns and provide for the issuance of your permits. We stand by the agreement we reached. We assume the City does to.

Unfortunately, the Department's is totally nonresponsive to the issues raised in our objections and addressed in our agreement, despite WaterWatch's attempts to get Department feedback on the agreement that WaterWatch and the City reached on these applications. The Department letter requires that WaterWatch file a formal protest of your applications by September 16th.

I see two options for WaterWatch and the City. First, we could both contact the Department and demand a meeting to discuss the agreement to see if we can resolve the Department's problems, if any, with the agreed upon conditions. Second, we could decide not to negotiate with the Department and request that the Department take your applications and the agreed upon conditions immediately to the Water Resources Commission to resolve any differences and issue the permits with the agreed upon conditions. We prefer going directly to the Commission.

Either way, we remain committed to the agreement reached and willing to work with you to try to resolve this matter as quickly as possible.

Sincerely,


Karen Russell
Assistant Director

c. Martha Pagel

WaterWatch

September 16, 1994

Tom Davis, Mayor
Jim Cole, Golf Course Chair
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

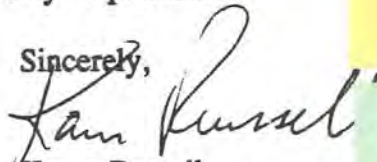
Re: City of Brookings applications R 73396 and 73397

Dear Mayor Davis and Mr. Cole,

On August 25, 1994 I sent a letter by facsimile and regular mail to you regarding these applications and the Water Resources Department's response to our agreed upon conditions. We have yet to receive a response to our letter, thus we are forced to file this protest.

As always, we remain committed to the agreement reached in May and will continue to work with you to try to resolve this matter as quickly as possible.

Sincerely,



Karen Russell
Assistant Director

WATER WATCH SENDS
LETTER / LATER RECEIVE
OBJECTION PACKAGE 21

STEVE BROWN SAYS WE
WILL GO TO COMMISSION
EARLY IN NOVEMBER AND
GET PERMITS 22

WaterWatch

September 16, 1994

Tom Davis, Mayor
Jim Cole, Golf Course Chair
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

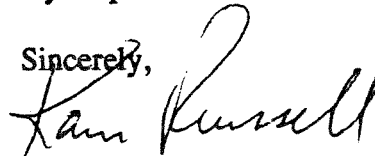
Re: City of Brookings applications R 73396 and 73397

Dear Mayor Davis and Mr. Cole,

On August 25, 1994 I sent a letter by facsimile and regular mail to you regarding these applications and the Water Resources Department's response to our agreed upon conditions. We have yet to receive a response to our letter, thus we are forced to file this protest.

As always, we remain committed to the agreement reached in May and are willing to work with you to try to resolve this matter as quickly as possible.

Sincerely,



Karen Russell
Assistant Director

WaterWatch

Messenger Delivered

September 16, 1994

Water Rights Section
Water Resources Department
158 12th Street N.E.
Salem, Oregon 97310

Re: Protest of Application Files R 73396 and 73397
City of Brookings, Irrigation, Golf Course, Chetco River

Dear Water Rights Section:

In March 1994, WaterWatch filed objections to the above referenced applications. Subsequent to the filing of objections, the applicant contacted WaterWatch and expressed an interest in resolving WaterWatch's concerns. After several meetings and discussions, WaterWatch sent a May 23, 1994 letter to the applicant outlining conditions that could be added to the proposed permit to address our concerns. See Attachment A. The Water Resources Department was copied with this letter.

On May 31 the applicant sent us a letter agreeing to the conditions requested in our May 23rd letter and asking us to withdraw our objections. See Attachment B. On the same day, WaterWatch faxed a letter to Steve Brown of the Department indicating we would withdraw our objections to these applications in the Department incorporated the agreed upon conditions. See Attachment C. By July 27th, we had not received any response from the Department. In a meeting with Reed Marbut, on that date, we discussed with him the proposed conditions and asked for specific responses by the Department on any conditions that raised concerns by the Department and indicated a willingness to work with the Department and the applicant on structuring the conditions in a fashion that was acceptable to all the parties.

On August 22, 1994, WaterWatch received the Department's denial of WaterWatch's objections. This "denial" letter not only failed to respond directly to many of the issues raised in the objection, it failed to even acknowledge, much less respond to the conditions agreed upon by WaterWatch and the Applicant. The Department's unexplained rejection of an agreement between WaterWatch and the applicant leaves us no alternative but to protest these applications. For the reasons outlined in the protest and our objections, we file this protest and a fee¹ pursuant to OAR 690-11-175(5) and 690-02-030 to 080:

¹ OAR 690-02-040 requires submission of a filing fee of \$25 per protest. Since WaterWatch is filing a single protest to this applicants two applications, we have interpreted

A. Facts

The use proposed in the technical report

According to the December 30, 1993 technical reports, the applicant proposes to divert water from the Chetco River to store 62.3 acre feet of water in 10 reservoirs and then to divert 450 gallons per minute from the Chetco River and 10 reservoirs to irrigate its golf course. The proposed conditions in the technical report for the reservoirs limit diversion of water for storage from the Chetco River from December through April. The proposed conditions in the technical report for the surface water application allow diversion of water from the Chetco River from March through April and from the reservoirs from March through October. The proposed conditions in the technical report for the reservoir application required installation of a measuring device and water use reporting. The proposed conditions in the technical report for the surface water application required installation of a measuring device but did not require the applicant to automatically report water use. Neither condition required the applicant to report general water use information along with the rate and duty of water use. Neither technical report contained screening and passage requirements.

The resource

The Chetco River system supports a variety of fish life including cutthroat trout, winter steelhead fall chinook, and coho salmon. Currently there are pending instream water right applications for the Chetco system which are senior to these applications and which request flows needed for fish life. Petitions have been filed requesting listing of coastal coho and steelhead under the Federal Endangered Species Act. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by, among other things, exposing spawning gravel and reducing feeding and rearing areas in these rivers. In addition, water diversions create problems for fish passage and survival in the basin.

A portion of the Chetco River is federally designated as a Wild and Scenic River. Anadromous fish and water quality are two values which are protected by this designation. The Siskiyou National Forest has identified low water and high temperatures downstream from the Wild and Scenic river as one of the most significant threats to the anadromous fishery that resides for part of the year in the designated section. See Attachment D. There is evidence that these fish runs are already significantly affected. Further water withdrawals during low flows will exacerbate existing problems.

this rule as requiring only a \$25 filing fee. However, in order to avoid potential problems with filing this protest, we have included a check for \$50. We request that the Department make a determination on whether a \$25 or \$50 fee is required.

The "denial" letter

The only substantive response in the Department's August 17th, 1994 letter to WaterWatch, related to measurement and reporting. In the letter, the Department modified the proposed measurement and reporting condition in the technical reports to require mandatory measurement and reporting of water use. The proposed condition does not, however, incorporate the conditions agreed upon by the applicant and WaterWatch which would require measurement and reporting of both rate and duty, and reporting of place of general use information. The Department also, in a letter to the Oregon Department of Fish and Wildlife regarding this application, included a proposed screening a passage condition.

B. Relief Requested

WaterWatch requests that these applications, as currently proposed, be denied.

C. Name and address of Persons having Interest in Proceeding

The following people are known to WaterWatch as having an interest in this proceeding:

Tom Davis
Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Al Mirati, Stephanie Burchfield
ODFW
1501 SW First Avenue
PO Box 59
Portland, OR 97207

Ellen Warring
Kalmiopsis Audubon Society
P.O. Box 1265
Port Orford, Oregon 97465

D. Legal Authority and Basis for Claim

This protest is filed pursuant to OAR 690-11-175(5) and 690-01-030 to 080. Under Oregon law the Department/Commission must deny applications unless the agency can ensure that the use will not impair or be detrimental to the public interest. ORS 537.170. When making the public interest determination, the agency must consider, among other things,

preserving the water for all purposes including fish, wildlife and recreation, the control of the water resource, water availability and Oregon's water resources policies. OAR 537.170(5). The Division 11, Division 400 and Division 410 rules further refine the public interest standards set out in the statute. In addition, when considering this application, the agency has a duty to ensure that water is available for the proposed use in light of other competing uses and that the quality of surface waters will not be impaired. ORS 537.170(5)(a) & (c), ORS 537.525(9), (11), ORS 468B.155, and ORS 468B.015.

The federal and state Endangered Species Acts also place a burden on the Commission. Under the state act the Commission is required to consult with the Oregon Department of Fish and Wildlife (ODFW) to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species, or, if no plan is in place, that the action will not "reduce the likelihood of the survival or recovery" of the state listed species. ORS 496.182(2). Under the federal Act, there is a prohibition against "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Listing under these Acts is a sign, not only of the health of a particular species, but also a warning signal for the health of the human environment.

The proposed use will harm the public interest in surface water resource because:

- The proposed use will deplete streamflows in the Chetco system that are needed for pending instream water right applications and for petitioned species in the Chetco River system. The public interest determination requires the Department to take into account instream flows needed for public uses when reviewing this application. ORS 537.170. The agency also has a duty to protect native fish, water quality, riparian areas and other public uses of water and to manage Oregon's waters in an integrated and coordinated water manner. ORS 496.435, OAR 690-410-030, OAR 690-410-070, ORS 536.220(1), (2), OAR 690-11-195(4)(c)(A), (d), (e), (f), (h) and statutes and rules cited above. In addition, the proposed use is contrary to other Oregon policies, including the Statewide Allocation Policy which requires use within the capacity of the resource and requires that instream flow needs be considered when reviewing applications for new uses. OAR 690-410-070.

The Department did not consider senior pending instream water right application pending for the Chetco River, as requested by ODFW when determining whether water was available for this proposed use. This use, individually and in connection with other pending applications and existing permitted uses, will significantly impair the public's interest in the surface water resource.

In addition, the Department failed to incorporate permit conditions contained in Attachment A which were agreed to by WaterWatch and the applicant that

would have ensured protection of these issues, thus, the use as proposed is not in the public interest.

- While the Department's "denial" letter requires measurement and reporting of the total duty of water used, it still does not require measurement and reporting of both rate and duty and does not require reporting of the place of use, as agreed to by the applicant and WaterWatch. These requirements are necessary in order to control of the proposed use and to ensure protection of the resource. See WaterWatch objections and ORS 536.220, ORS 390.835.

In addition, the following requirements of Division 11 and other procedural requirements were not followed:

- The Department's denial states that "(a) public interest determination must be made before a decision is made whether to issue a permit." This statement essentially makes it impossible for WaterWatch, or any interested party, that has raised public interest issues, to determine whether or not their public interest concerns will be addressed. It also makes it impossible for an interested party that has determined that the proposed conditions do address their public interest to determine whether their concerns will continue to be addressed if the public interest determination is made and when a permit is issued.

The public interest determination should be made before the parties are required to respond to the Department's proposal to issue a permit so that the parties can determine whether their concerns have been addressed. This "moving target" approach to public participation does not provide the public with the ability to participate meaningfully in water allocation decisions.

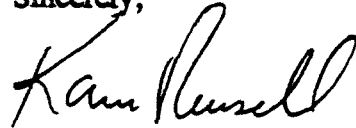
There is nothing in the rules that allow the Department to make changes to conditions without notice to interested parties. While we agree that as new information comes forward, the agency has a duty to ensure that conditions are modified to protect the resource, the Department should give parties in the proceeding notice and an opportunity to comment on any changes.

- The technical report failed to contain many of the elements and evaluations required in OAR 690-11-160(1). The Department's response in the denial letter, these elements were not included in the report in order to "maintain clarity and simplicity" is not supported in the rules. The purpose of the technical report is to give interested parties information that is crucial in order to evaluate whether or not the application is of concern.

Protest to appl. R 73396 and 73397
Page 6

For the reasons outlined above and in our objections to these applications, we file this protest.

Sincerely,

A handwritten signature in black ink that reads "Karen Russell". The signature is written in a cursive style with a large, looping initial "K".

Karen Russell
Assistant Director

Certificate of Service

I certify that on this 16th day of September, 1994, a copy of WaterWatch's Protest of Applications R 73396 and 73397 was served on each of the following by first class mail, postage paid, in the United States Mail from Portland, Oregon, enclosed in a sealed envelope and addressed as follows:

Tom Davis
Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Al Mirati, Stephanie Burchfield
ODFW
1501 SW First Avenue
PO Box 59
Portland, OR 97207

Ellen Warring
Kalmiopsis Audubon Society
P.O. Box 1265
Port Orford, Oregon 97465

Signed this 16th day of September, 1994


Karen Russell
Karen Russell

May 23, 1994

Tom Davis, Mayor
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: WaterWatch's objections to applications 73396 and R 73397

Dear Mayor Davis;

This letter is in response to your letter of April 15 and our phone conversation today regarding the above referenced applications. After reviewing the materials we have received on the proposed golf course and talking to local citizens in the area, WaterWatch agrees that the golf course can be a good, environmentally sensitive project, if the water rights are properly conditioned. As I understand from our discussion today, the City's intent is to create an environmentally sensitive project.

As I understand it, the proposed site of the golf course is land that was given to the City to be used as a golf course. If the City does not use the property for such a purpose, the land will revert back to the original owner. Currently, the property is used for grazing of cattle, which have destroyed, and are continuing to destroy, the riparian areas around Jack Creek. The City plans to use its existing water use permit #51383 to divert water from the Chetco River from March through June. This water will be stored in 10 ponds located on the golf course under application R 73396. The water in the ponds will be used from March 1 through October 31st for irrigation of the golf course under application 73397. No water will be diverted directly from the Chetco River under application 73397.

With this understanding of the proposed use of water, WaterWatch is willing to withdraw its objections to these two applications if the following conditions are added to any permits issued for these applications:

Measurement and Reporting

Your letter of 4/15/94 stated that the City will have a meter on the pump that diverts water from the Chetco River to the ponds. The Water Resources Department (Department) has proposed a measurement and reporting condition for both of the applications. In general, we support the Department's proposed condition with changes to (1) require that the City measure and report the rate (the maximum flow of water being diverted at any point in time) and duty (the total amount of water diverted in a season); (2) require meters as measuring devices; (3) require reporting of general water use information; and (4) on the reservoir application, a clear requirement of measurement of the water being pumped into the ponds:

R 73396

Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and duty of water put into the ponds each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use of water under the permit.

The permittee 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 water master shall request access upon reasonable notice.

73397

Before water use may begin under this permit, the permittee shall install a meter. The permittee shall maintain the meter in good working order, shall keep a complete record of the rate and duty of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. The permittee shall also report general water use information, including the place and nature of use of water under the permit.

The permittee 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 water master shall request access upon reasonable notice.

Source and type of use of water for application 73397

As mentioned above, the only water diverted directly from the Chetco will be pursuant to the City's existing water use permit. That being the case, the Department's proposed condition # 2 for application 73397 should be amended to only allow use of stored water. In addition, as we understand it, this water will be used as a primary - not a supplemental- source of water. The condition should read:

Period of allowed use: Stored water - March 1 through October 31 of each year.

Proposed condition #10 should be deleted and a condition should be added which states that the use is for irrigation.¹

¹ It is unclear why the Department labeled this application as supplemental irrigation. Perhaps it is because your existing permit allows irrigation of the same lands. It may be that

Screening

Since these applications do not propose to allow diversion of water directly from the Chetco River and do not involve in-river storage, we agree that diversion and storage facilities that would be permitted under these applications do not need to be screened or meet passage requirements. However, the existing water use permit, #51383, which provides the water for storage and use under these applications does involve a diversion from the Chetco. Therefore we request the following conditions:

R73396

Storage of water under this permit is contingent upon compliance with the screening and passage requirements in permit 51383.

73397

Use of water under this permit is contingent upon compliance with the screening and passage requirements in permit 51383.

Type of Use

As mentioned above, the property, if it ceases to be used as a golf course, reverts back to the original owner. We are concerned that, if such a transaction were to happen, these water rights might be used in the future for some different kind of development of the property - a development that may not be as environmentally friendly. We request a condition be put on the permits to prohibit transfer of the permits or certificates to any other type of use, to address this concern.

73397

Water appropriated under this permit shall be used only for irrigation and any water right certificate issued to perfect this permit shall be conditioned to prohibit any change in the use of the water right.

R73396

Water stored under this permit shall be used only for irrigation and any water right certificate issued to perfect this permit shall be conditioned to prohibit any change in the use of the water right.

Water Management Plan - Conservation/Water Quality/Riparian Area Protection

There are three remaining issues of concern to WaterWatch: (1) ensuring water use efficiency, (2) ensuring protection of water quality of ground and surface waters, and (3) ensuring protection of riparian areas around Jack Creek and the Chetco River. I understand

the City's existing permit needs to be amended to better reflect the use the City is contemplating.

that the City is sensitive to these concerns. To ensure that water use pursuant to these proposed permits is efficient and does not result in degradation of water quality or riparian areas or the surrounding environment, we request that the City be required to develop and implement a water management plan for the Golf Course.

Within three months of the issuance of this permit, the City shall submit to the Director for review its water management plan for the Golf Course. The plan shall contain (1) measures to increase water use efficiency including installation and use of water saving devices and a program for performing water audits of the irrigation system (2) operational and maintenance guidelines for the golf course that will result in efficient use of water and (3) measures to implement the conditions in the Final Order of the Curry County Planning Commission, dated July 8, 1992, approving application C-9205. After a sixty-day public comment period, the Director shall review and approve the plan if she finds that the plan will result in efficient use of water and protection of ground and surface water quality and riparian areas. The permittee shall include a report on the implementation of the plan as part of the general water use reporting requirement of this permit.

Please do not hesitate to call me if you have any questions or concerns regarding these conditions.

Sincerely,



Karen Russell
Assistant Director

- c. Jim Cole, Golf Board Chair
- Ellen Warring, Kalmiopsis Audubon Society
- State Senator Bill Bradbury
- Michael J. Cosgrove, Oregon South Coast Fishermen
- Ed Gabriel, Water Resources Department
- State Representative Vernal Tamo

Phone (503) 469-2163

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415

"The Home of Winter Flowers"



May 31, 1994

Karen Russell
Water Watch
921 SW Morrison, Suite 438
Portland, OR 97205


RE: Water Watch's Objections to applications 73396 and R73397

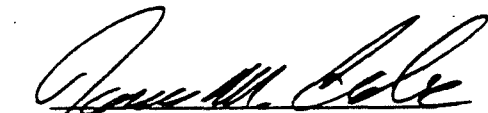
Dear Karen,

We have read your letter of May 23, 1994 outlining the conditions you would like to see added to our two permits, and agree to these conditions.

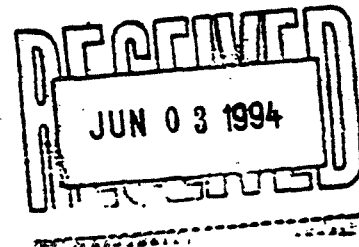
Please send a fax releasing your original objections to the above applications to the Water Resources Department, C/O Steve Brown (FAX 378-8130) and a copy to the City of Brookings (FAX 469-3650). Thank you for your cooperation.

Sincerely,


Tom Davis, Mayor


Jim Cole, Chair of Golf Board

cc: City Manager



By FAX and Regular Mail

May 31, 1994

Steve Brown
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: WaterWatch Objections to Applications T3396 and R T3397

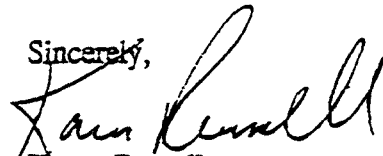
Dear Steve,

On May 23, 1994, I sent a letter to City of Brookings Mayor Davis regarding the above referenced applications stating that we would withdraw our objections to the above referenced applications if the conditions outlined in our letter were added to the permit. Ed Gabriel of your Department should have received a copy of the letter.

The City faxed a letter to us today agreeing to the conditions outlined in our May letter. Thus, we hereby withdraw our objections if the Department incorporates our conditions into any permits issued on these applications. As always, our objections are not formally withdrawn until we have an opportunity to review the proposed final permits.

Please call if you have any questions.

Sincerely,



Karen Russell
Assistant Director

encl.

- c. Tom Davis, Mayor
- Jim Cole, Chair of Golf Board
- Ellen Warring, Kalmiopsis Audubon Society
- State Senator Bill Bradbury
- Michael Cosgrove, Oregon South Coast Fishermen

Attachment D

United States
Department of
Agriculture

Forest
Service

Siskiyou
National
Forest

Chetco Ranger District
555 Fifth Street
Brookings, Oregon 97415

Reply To: 2510 Watershed Planning
2540 Water Uses

Date: June 22, 1992

City of Brookings
Mayor and City Council
City Hall
898 Elk Drive
Brookings, OR 97415

I'm enclosing for your attention letters I've written to South Coast Fishermen and to the Curry County Commissioners concerning water uses on the Chetco River in general and, more specifically, your golf course proposal. The essence of these letters is my concern that minimum streamflows be maintained in the Chetco River to ensure that anadromous fisheries are not jeopardized.

It's important that you understand why the Siskiyou National Forest is concerned in this matter and why the concern is surfacing at this time. You'll remember that the Chetco River was federally designated as a Wild and Scenic River by the Oregon Omnibus Wild and Scenic Rivers Act of 1988. The Siskiyou National Forest is directed to prepare a management plan for the river to protect the values for which it was designated and other associated river values. That management plan is nearing completion now.

Anadromous fisheries and water quality were identified in the Act as the values for which the Chetco was designated. Planning for protection of fishery values required a comprehensive look at limiting factors in the stream environment. Only recently has it become clear that perhaps one of the most significant threats to the anadromous fishery is downstream from the National Forest, below the Wild and Scenic sections of the river. That is the threat to smolt survival as the fish migrate to the lower river in late summer/early fall and find low water and high temperature. Based on inferences from available streamflow data and observations from fishery management professionals, the Chetco anadromous fish runs (especially Chinook salmon) are already being significantly affected. Any further withdrawals during the low flow period can only increase those effects.

This realization has cast new light on prospects for growth and development dependent on Chetco River water. It seems clear that we need a comprehensive, long-term evaluation of water supply and demand before making further commitments of water during the low-flow period. To help accomplish that task, I could offer our fishery management and hydrology professionals to help in a partnership among City and County Government, Oregon Department of Fish and Wildlife, and the State Water Resources Department.

In the meantime, I have a concern about the pending commitments on the golf course project. The current plan does not guarantee adequate irrigation water supplies without using river water during the low streamflow period. There is a very low probability of finding substantial water by drilling deep wells. And a reservoir of the size currently proposed would not be adequate to irrigate even five acres for a period of three or more months. I must conclude that if the proposal were implemented as currently planned, it is inevitable that the remaining water would have to come from either Brookings or Harbor's municipal water system. I urge you to weigh this issue carefully as you consider going forth with this project as it is currently proposed. I am optimistic that plans can be amended to provide for adequate water without impacting the fishery.

I appreciate the difficult position you find yourselves in as you try to balance the need for a stimulus to the local economy with appropriate concern for resource protection. The Forest Service mission, too, has both resource protection and economic diversification/stabilization components. This latter mission has been given special emphasis by Congress in the last few years as we've seen many communities like Brookings impacted by reductions in timber sale programs and other commodity uses. We have been involved in a number of projects regionally and locally to assist local communities with economic diversification. At the same time, our direction from the Endangered Species Act and, in this case, the Wild and Scenic Rivers Act, is clearly to preserve conditions necessary for survival of species or significant races or populations of fish and wildlife.

Please call if I could help clarify these issues or provide additional information.



MICHAEL FRAZIER
District Ranger

cc: Tim Unterwegner, ODFW; Michael Mattick, Oregon State Water Resources Board;
Ann Ramp, South Coast Fishermen; Curry County Commissioners.

United States
Department of
Agriculture

Forest
Service

Siskiyou
National
Forest

Chetco Ranger District
555 Fifth Street
Brookings, Oregon 97415

Reply To: 2510 Watershed Planning
2540 Water Uses

Date: June 16, 1992

Curry County Commissioners
Curry County Courthouse
Gold Beach, OR 97444

Dear Rocky, Peg, Terry:

I have been dealing with South Coast Fishermen intermittently over the last few months about questions they had about water and geology in the Chetco watershed. The focus of their concern was the Jack Creek golf course proposal and whether the water use proposed there would impact the Chetco fishery. Numerous questions came up about water flows, the probability of finding a substantial aquifer underlying the area at the golf course, etc. Their questions finally culminated in a letter which asked several very broad, open-ended questions relating to these issues.

I answered their letter with the letter I'm attaching. As you'll see in my letter, their concerns about the fishery in the Chetco parallel concerns that have become clear to us as we've worked our way through planning for the Chetco Wild and Scenic River Management Plan. The Oregon Omnibus Wild and Scenic Rivers Act of 1988 that designated the Chetco River charged the Forest Service with the responsibility to "assist, advise and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect and manage river resources." (Section 11(b)(1)).

The essence of the attached letter is that the Chetco is below the minimum streamflow considered necessary for the health and survival of fish during much of August and September in most years. In the last few years, because of the extended drought, the situation is even worse than that. Critical conditions now occur over longer periods. Chetco streamflow is pushing the thresholds on low minimum flows during most of August and September, some of October, and even in late July every year. The other important point is that the probability of finding additional water unrelated to stream flows by drilling deep wells is very slim.

Chinook smolts migrate to the lower mainstem of the river by the late summer period. The low flows exacerbate the already high temperatures in the lower river, creating conditions that are severely stressing fish. Incidents of smolts being killed by extreme conditions have even been reported. This is the current situation.

With potential growth in municipal water system hook-ups in Brookings and Harbor, it is easy to imagine the situation getting enough worse that few smolts survive to reach the ocean. Certainly Brookings and Harbor currently have enough water rights with early enough priority dates to bring the river to that condition, if their rights were fully exercised in the low flow season.

I won't presume to advise you about the proper outcome of the application for the golf course. I understand that assurances have been made that water won't be used from the river for irrigation during the low flow season. The irrigation water right has restrictions that guarantee that, and wells won't be allowed to supplement river water if they are hydraulically connected to stream flow. However, if there's any chance that once the investment is made, the operation will switch to using Brookings or Harbor municipal water for irrigation during the low flow season, I believe it should not proceed.

It's my opinion that this and other decisions about future growth of water demand from the Chetco River must be made very carefully if we are to avoid causing the Chetco Chinook race to go extinct. There are a few things we can do to mitigate the late summer high temperatures, but these possibilities are limited and will be easily nullified by lower water conditions. I would recommend that a comprehensive, long-term evaluation of water supply and demand be made to provide a context for future decisions on development proposals. There are many water conservation measures available for consideration to help stretch available supplies. If you do decide to undertake such an evaluation, we have staff available on the Siskiyou National Forest who could help in such an effort.

I should point out that conditions on the lower Winchuck River are roughly the same as for the Chetco. There is no gauging station on the Winchuck, so actual flow data are not available. And there are no municipal system withdrawals. However, the pace of development (and associated water withdrawals) appears to be placing similar kinds of pressures on the river. Visual examination of flows in the late summer indicates that the same problems exist there.

I'd be happy to discuss these issues with you further if there is any clarification or additional information I could provide.



MICHAEL FRAZIER
District Ranger

cc: Tim Unterwegner, ODFW; Michael Mattick, Oregon State Water Resources Board;
Ann Ramp, South Coast Fishermen

United States
Department of
Agriculture

Forest
Service

Siskiyou
National
Forest

Chetco Ranger District
555 Fifth Street
Brookings, Oregon 97415

Reply To: 2510 Watershed Planning
2540 Water Uses

Date: May 27, 1992

Oregon South Coast Fishermen
Attention: Ann Ramp
P.O. Box 2709
Harbor, OR 97415

Dear Ann:

I received your May 2 letter inquiring about several aspects of the water situation in the Chetco River watershed. A few of your questions cover subject matter outside the scope of U.S. Forest Service responsibility or knowledge. However, most of your questions bear directly or indirectly on subjects we have examined in the process of planning for administration of the portion of the Chetco River Federally designated as a Wild/Scenic/Recreational River.

The Federally designated section of the Chetco River ends at the Siskiyou National Forest boundary, just upstream from second bridge. However, we have examined issues relating to many of the questions you raise for the entire river to the mouth. That is necessary because the Chetco's anadromous fishery was identified as one of the principal river values for which the river was designated, and which we're obligated under the law to protect in our management plan.

We are currently in the final stages of completing the management plan for the Chetco. Many steps have been completed, including the Resource Assessment and a Water Quality/Quantity Report. Reference to these documents provides the following answers to most of your questions.

The watershed of the Chetco River covers approximately 350 square miles: about 270 (78%) are part of the Siskiyou National Forest; 15 (4%) are managed by Bureau of Land Management; and the rest are privately owned. The river is about 55 miles long and originates in the Klamath mountains, in the Kalmiopsis Wilderness Area. Topography varies from gentle coastal slopes to steep mountainous terrain, with peaks about 5,000 feet. The river falls at 300 feet per mile in the headwaters area; and at less than ten feet per mile near the mouth.

The watershed receives 100-160 inches of precipitation per year, mostly as rain. Some years see a small accumulation of snow. Streamflow is extremely variable from winter to summer and is relatively quickly responsive to basin precipitation. It is estimated that approximately 60% of the annual precipitation appears as runoff in this geological formation. U.S. Geological Survey (USGS) has maintained a water-stage recorder and crest-stage gauge near second bridge for many years. The last published period of record was the period from October, 1969 to October, 1987. Within that period, the river averaged a flow volume of 2,364 cubic feet/second (cfs). Extremes for the period were a maximum of 65,800 cfs and a minimum of 45 cfs.

There are no substantial diversions or withdrawals above the gauge. Water rights are on record for a total of about 0.08 cfs. There are more than 60 water rights on record for the area downstream from the National Forest boundary, for more than 52 cfs. In addition to these water rights, Oregon Department of Fish and Wildlife (ODFW) has instream water rights for minimum flows of 80 cfs at the low flow part of the year. The priority date on this latter right is 1964 above the North Fork confluence, and 1980 from North Fork to tidewater. ODFW has applied (11/8/90) for an increase in these instream minimum flows to 235 cfs for the low flow season. This application is pending.

It's clear that the 45 cfs recorded low flow is below the 80 cfs minimum flow ODFW says is needed for fish habitat. In fact, flows were below 80 cfs 25% of the time in August and just under 50% of the time in September during the period 1970-1987 (U.S.G.S. Open-File Report 90-118). It's important to note in this context that these low flows are upstream of the major withdrawals. It's also appropriate to consider that the drought cycle that began at the tail end of this data period has continued to the present.

These late summer, early fall low flows are of significant concern for the management of the anadromous fishery. Low flows worsen summer heating effects in the lower river. A joint assessment of the fish habitat conditions in the basin was completed by U.S. Forest Service and Oregon Department of Fish and Wildlife personnel in 1986. This effort identified high temperatures (70 to 75 degrees) in the lower mainstem as a major habitat limitation for salmonids, especially Chinook salmon.

Sand and gravel in the lower Chetco has been moved downstream during higher flow periods. It enters the stream mostly as cobbles and boulders as a result of natural erosional processes in the headwaters and is broken down into finer gravels as a result of the rolling action moving downstream.

Your questions about wells and about an aquifer are somewhat related. The geological formation underlying much of the watershed, including all the western portion, is the Dothan Formation. This consists of graywacke sandstone, with interbedded siltstone and shale, occasional pillow lavas, volcanic breccia, chert and conglomerate. Water storage within the Dothan Formation is generally of very limited extent due to the faulted and sheared nature of the rocks. Relatively permeable rock types which could provide aquifers, are extremely limited in extent. Water may be stored within the numerous fractures in the bedrock. However, there is very low probability of finding a large contiguous body of stored water in this formation. The only way to be sure about the presence or absence of substantial stored water at any given point in this geological formation is to do controlled drilling studies.

A cursory examination of the county well records seems to support this prediction of a very limited aquifer. The only wells with any substantial yield appear to be those that tap underground stream flow from river gravels.

You asked about salt water intrusions. I have no information about salt water intrusions in the lower river beyond what I've read in the newspaper. I'd suggest checking with the City of Brookings for information on that issue.

I hope this information is complete enough to answer most of your questions. If there are points you'd like to discuss further or source material you'd like to examine, please don't hesitate to call me.



MICHAEL FRAZIER
District Ranger

cc: Tim Unterwegner, ODFW; Michael Mattick, Oregon State Water Resources Board



September 22, 1994

COPY

Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

REFERENCE: BROOKINGS GOLF COURSE PROJECT

Dear Reed:

Thank you for your time and effort on the part of the Brookings Golf Course project at your offices yesterday.

For some reason I drew a blank on the potable water situation that we have agreed to with the Audubon Society, Oregon Department of Fish and Wildlife and the U.S. Forest Service concerning a well in the Jack Creek aquifer.

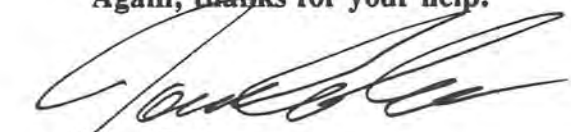
I am faxing to you with this letter the information that was agreed to that resolved this problem.

The developer will drill a well at the irrigation water intake site and this water needs for the two residences and the club house at the golf course.

As stated, this well will be on a separate meter and we will generate a separate flow from this well.

Again, I am really sorry that this got by me at the meeting. Maybe it was the many other matters concerning this project, but I really drew a blank.

Again, thanks for your help.


Jim Cole
Chair, Brookings Golf Board

JC/dmvr

STEVE BROWN TELLS ME MEETING WITH COMM. IN EARLY NOVEMBER OUT - PROBABLY WON'T GET IN UNTIL JAN. OR FEB. 1995

I CALLED REED MARBUT AND ASKED FOR REASON / HE SAYS LET'S MEET WITH WATER WATCH AND SEE IF WE CAN RESOLVE ISSUES

EXACTLY WHAT WE COULD HAVE DONE IN MAY OF 1994 AND SETTLED



September 22, 1994

COPY

**Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310**

REFERENCE: BROOKINGS GOLF COURSE PROJECT

Dear Reed:

Thank you for your time and effort on the part of the Brookings Golf Course project at your offices yesterday.

For some reason I drew a blank on the potable water situation that we have agreed to with the Audubon Society, Oregon Department of Fish and Wildlife and the U.S. Forest Service concerning a well in the Jack Creek aquifer.

I am faxing to you with this letter the information that was agreed to that resolved this problem.

The developer will drill a well at the irrigation water intake site and this well will supply the water needs for the two residences and the club house at the golf course site.

As stated, this well will be on a separate meter and we will generate a separate report to you on the flow from this well.

Again, I am really sorry that this got by me at the meeting. Maybe it was the long drive or the many other matters concerning this project, but I really drew a blank.

Again, thanks for your help.

**Jim Cole
Chair, Brookings Golf Board**

JC/dmvm



October 18, 1994

Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

REFERENCE: BROOKINGS GOLF COURSE PROJECT

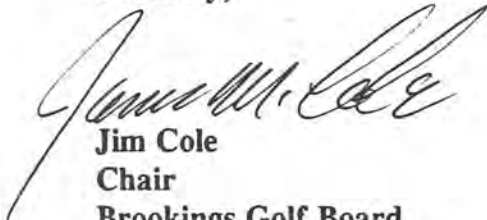
Dear Reed:

Enclosed please find a copy of the letter from William J. Stone which which was previously faxed to you. Today we received the original letter in the mail with all of the information attached, which we are forwarding on to you.

I hope this information will be sufficient for you to now proceed with the drafting and issuance of our permits #73396 and 73397.

Please note I am sending a copy of the enclosed to Karen Russell at Water Watch.

Sincerely,


Jim Cole
Chair
Brookings Golf Board

JC/dmvr



October 18, 1994

**Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310**

REFERENCE: BROOKINGS GOLF COURSE PROJECT

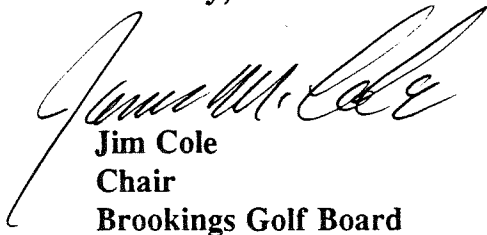
Dear Reed:

Enclosed please find a copy of the letter from William J. Stone which which was previously faxed to you. Today we received the original letter in the mail with all of the information attached, which we are forwarding on to you.

I hope this information will be sufficient for you to now proceed with the drafting and issuance of our permits #73396 and 73397.

Please note I am sending a copy of the enclosed to Karen Russell at Water Watch.

Sincerely,


**Jim Cole
Chair
Brookings Golf Board**

JC/dmvm

WJS William J. Stone & Associates, Inc.

141 B South El Camino Real #177
Encinitas, CA 92024

(619) 759-0956
(619) 759-1453 FAX

FAX TRANSMITTAL

Number of Pages
Including Transmittal 3

DATE: October 17, 1994

TO: Jim Cole FAX NO. (503) 469-3650

COMPANY: Brookings Golf Board

FROM: Bill Stone

RE: Jack Creek Golf Course

Jim:

I have faxed the cover letter for your meeting tonight. The
package with all the backup is coming via mail.

WJS William J. Stone & Associates, Inc.

October 17, 1994

Mr. Jim Cole
Chairman
Brookings Golf Board
898 Elk Drive
Brookings, OR 97415

Re: Jack Creek Golf Course

Dear Jim:

Please excuse the delay in getting the information you requested per your Fax of 9/26/94. Bob and I however wanted to review all the information that had been submitted to date, because we were sure that all of the issues that are raised in the Fax have been addressed and answered before. In our review we found that they had all been answered numerous times previously and were part of the public record. We have enclosed excerpts from those documents for everyones review and use. We will however below try and summarize that information.

1. The screening is a directed issue and we agree to comply with the approved screen.
2. 73397 and R73396 are agreed on per the C.U.P.
3. Water Use Efficiency:
 - A. Overwatering of the golf course is in itself destructive. We are using an on-line system with quick couplers, rather than automatic for better supervision and control (See planned use schedule).
 - B. We plan on gathering the winter rains in the seven (7) lakes per a controlled run-off program.
 - C. We will control any run-off from irrigation to return to the lakes.
4. Protection of Ground and Surface Water Quality
 - A. Due to the apparent moisture of the soil very little use of chemicals is anticipated.
 - B. Fertilizer would be the only major chemical used. The area is not susceptible to fungus or insects.
 - C. A baseline water quality will be set and then tested quarterly, any change in the quality would require the removal of any chemical causing degradation in the quality.
 - D. 48 hours before the use of any chemical the following agencies will be notified, City of Brookings, Oregon Dept. of Fish & Wildlife, Dept. of Environmental Quality and Harbor Water District.

4. Cont.
 - E. French drain type filters will be installed in the parking lot to catch any run-off.
 - F. The installation of turf grass acts as a natural filter and leaches out harmful chemicals (See Leaching Studies).
5. Riparian Area Protection
 - A. All greens will be located at least 50 feet from Jack Creek.
 - B. There will be a 50 foot buffer zone between the golf course and Jack Creek. Additional foliage will be added in those areas.
 - C. Bridges will be added to cross Jack Creek.
 - D. Native vegetation will be added along the stream banks to aid in stabilization of the banks and provide cover for wildlife.

The above covers a number of items we have agreed to do to insure the quality and protection of the surrounding water ways. All of these items plus others are contained in the various reports and permits which are of public record. We will continue to work with the applicable and proper agencies in insuring the quality of these natural resources. If there is any additional information you may need please let us know.

Sincerely



William J. Stone
President

Enclosure

cc: B. McCallister

A;JCww1017

WaterWatch

November 4, 1994

Tom Davis, Mayor
Jim Cole, Golf Course Chair
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

I SEND FIRST PLAN TO REED
MARBUT AND KAREN
RUSSELL OCTOBER 18 /
REJECTED - NOT ENOUGH 27

Re: City of Brookings applications R 73396 and 73397

Dear Mayor Davis and Mr. Cole,

Thank you for copying us with the information you sent to the Department. However, it is unclear to us how this information will be used to meet the water management plan condition we agreed to.

I have talked to Reed Marbut about the information and where we go from here. As I understand it, he will be contacting you within the next few days to discuss the information you submitted and how a water management plan can be developed. Reed is also working to get out a draft of the permit for us all to review as soon as possible so that we can keep the process moving.

As always, we remain committed to the agreement reached last May and in our September meeting and working with you to try to resolve this matter as quickly as possible. Please call if you have any questions.

Sincerely,


Karen Russell
Assistant Director

c. Reed Marbut

WaterWatch

November 4, 1994

Tom Davis, Mayor
Jim Cole, Golf Course Chair
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: City of Brookings applications R 73396 and 73397

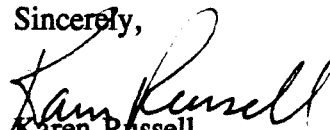
Dear Mayor Davis and Mr. Cole,

Thank you for copying us with the information you sent to the Department. However, it is unclear to us how this information will be used to meet the water management plan condition we agreed to.

I have talked to Reed Marbut about the information and where we go from here. As I understand it, he will be contacting you within the next few days to discuss the information you submitted and how a water management plan can be developed. Reed is also working to get out a draft of the permit for us all to review as soon as possible so that we can keep the process moving.

As always, we remain committed to the agreement reached last May and in our September meeting and working with you to try to resolve this matter as quickly as possible. Please call if you have any questions.

Sincerely,


Karen Russell
Assistant Director

c. Reed Marbut

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415
Phone (503) 469-2163
Fax (503) 469-3850

OFFICE OF THE MAYOR



November 28, 1994

Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

I SENT SECOND COPY TO
REED MARBUT AT HIS
REQUEST / HE WANTS TO
SEE IT BEFORE IT GOES TO
WATER WATCH -
HE REJECTS IT AS NOT
TECHNICAL ENOUGH 28

REFERENCE: BROOKINGS GOLF COURSE PROJECT
WATER MANAGEMENT PLAN

Dear Reed:

As per the request from Water Watch the following is the outline and explanation of the Water Management Plan that will be followed by the City of Brookings in developing and maintaining the Jack Creek Golf Course project.

This plan includes WATER CONSERVATION - WATER QUALITY - AND RIPARIAN PROTECTION.

Sincerely,

Tom Davis
Mayor
City of Brookings

Jim Cole
Chair
Brookings Golf Board

JC/dmvr

Attachment (1)

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415
Phone (503) 469-2163
Fax (503) 469-3650

OFFICE OF THE MAYOR



November 28, 1994

Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

REFERENCE: BROOKINGS GOLF COURSE PROJECT
WATER MANAGEMENT PLAN

Dear Reed:

As per the request from Water Watch the following is the outline and explanation of the Water Management Plan that will be followed by the City of Brookings in developing and maintaining the Jack Creek Golf Course project.

This plan includes WATER CONSERVATION - WATER QUALITY - AND RIPARIAN PROTECTION.

Sincerely,

Tom Davis
Mayor
City of Brookings

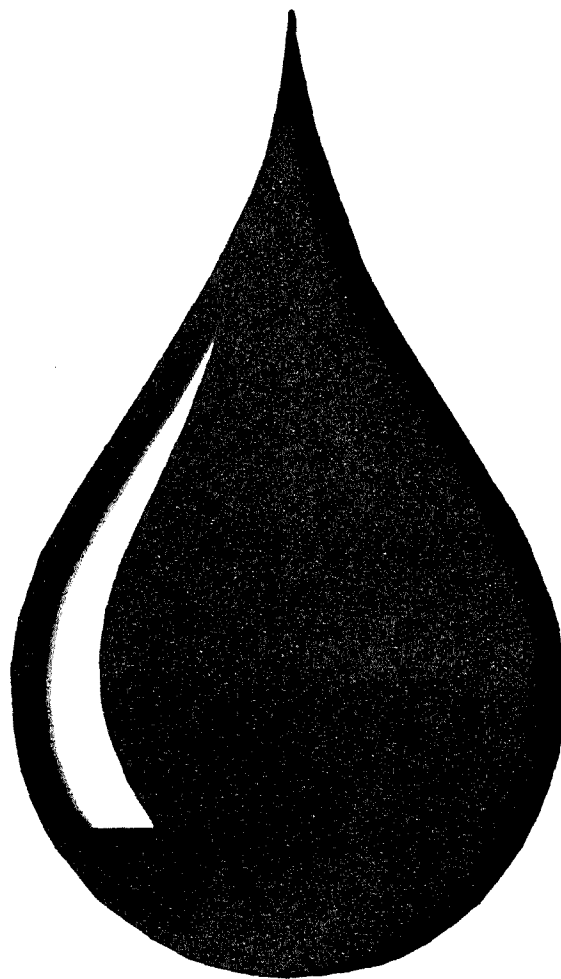
Jim Cole
Chair
Brookings Golf Board

JC/dmvr

Attachment (1)

*REJECTED
BY
REED WILKINSON*

JACK CREEK GOLF COURSE



WATER MANAGEMENT PLAN

WATER CONSERVATION (IRRIGATION)

A) Impact: The impact of the golf course on the quality and quantity of surface water and the aquifer in the Jack Creek Basin is an issue that has been raised. The Jack Creek stream flow will not be diminished. In fact the amount of irrigation water coming from sources that do not affect Jack Creek flows (Chetco River) may actually increase Jack Creek flows by recharging the upper unconfined aquifer. Through the legal rights established by the State of Oregon Water Permit No. 71042, sufficient water quantities are available for year-round golf course irrigation. Adequate water storage capability is proposed to maintain the turf of the golf course in playable condition year-round and to maintain water levels in the 10 lakes to also provide a water habitat for wildlife.

B) Area and lakes: Approximately 80 acres of the total 182 acres of land that makes up the Jack Creek site will be irrigated. The 10 lakes on the site will act as reservoirs from which water will be pumped to irrigate the golf course. There will be no seepage from the lakes as they will be lined with PVC lake lining material. To minimize water loss through evaporation the golf course will be watered at night and in the early morning hours, thereby reducing this loss potential. Due to the climate conditions in the Brookings area, evaporation from the lakes will be minimal.

C) System Regulators: The irrigation system will be of the latest design. All tees, greens and approaches will be on an automatic system which works on a preset timer arrangement. This system also includes a "rain off" switch to prevent over irrigation if there should be sufficient rain to take care of the irrigation requirements during a watering cycle. The greens will be monitored with moisture gauges to ensure over watering does not occur which could cause fungus and mold. This area represents about 10 acres of the 80 acres being irrigated. The balance of the area, approximately 70 acres, will

be irrigated by a close coupler system. This allows the operator to control the irrigation of the fairway areas of the golf course by demand.

If water quantity is low during certain times of the year the operator can reduce the output in some areas while expanding it in areas of greater need. This is an important feature as water will become a critical item during the late summer months. During these late summer months, if necessary due to a lack of water, only the tees, greens and approaches will be watered, again reducing the irrigation needs and conserving water. This gives the players a new challenge and does not impact the golf course in any way.

D) Metering of water use: All water taken from the Chetco River will be metered. This information will be made available to the Water Resources Department as per their demands and schedule. That same water will be pumped into 10 holding ponds on the golf course grounds. The total capacity of these holding ponds will be approximately 20,000,000 gallons of water. These ponds will be interconnected, thus keeping the water level in all ponds the same at all times.

All water that is pumped from these ponds onto the golf course for irrigation will be metered and again this information will be available as per instructions from Water Resources Department.

E) Water Demand to Irrigate the Golf Course: **The following**
is an estimate of the monthly water requirements to irrigate the Jack Creek
Golf Course site. November through February historically are wet months in
this area and will require little or no supplementary irrigation beyond that
coming from rainfall.

Month	Gallons	
January	300,000	
February	300,000	
March	500,000	
April	900,000	
May	1,600,000	
June	2,900,000	
July	3,800,000	
August	3,100,000	
September	2,300,000	
October	1,600,000	
November	900,000	
December	500,000	
	18,700,000	Gallons per year

F) The demand of irrigating and lake filling: As per water permit No. 71042, 77,500,000 gallons of water can be pumped from March 1 - June 30. During this period the lakes will be filled to their 20,000,000 gallon capacity and kept topped off while the golf course will be irrigated from these same lakes. It will be extremely important that the lakes be at full capacity on June 30 of each year.

500,000 gallons	March irrigation
900,000 gallons	April irrigation
1,600,000 gallons	May irrigation
2,900,000 gallons	June irrigation
20,000,000 gallons	to fill three lakes
	10
25,900,000 gallons	TOTAL

During the period of July 1 through February 28, no Chetco River water may be appropriated. Therefore, the golf course will be irrigated with water from the 10 lakes on the course. The irrigation demand from July 1 through October 31 will be heavy on the lake storage and the irrigation, schedule as stated earlier will be adjusted to meet the availability of water at this time. November through February as previously mentioned require little or no additional irrigation as rainfall during this period is at its annual maximum. Also during this November/February time the 10 lakes will be brought back to full capacity.

3,800,000 gallons	July irrigation
3,100,000 gallons	August irrigation
2,300,000 gallons	September irrigation
1,600,000 gallons	October irrigation
900,000 gallons	November irrigation
500,000 gallons	December irrigation
300,000 gallons	January irrigation
<u>300,000 gallons</u>	February irrigation
12,800,000 gallons	TOTAL

G) Rainfall for Chetco River Valley (Rainfall data): All of the above is calculated assuming the "worst weather" scenario and does not include days when water is added to lake supplies by rainfall (80" per year average) and days when no water is used because of weather conditions (rain, cool temperatures, or cloudy days).

The average rainfall for the past five (5) years (1989-1993) has been 80" per year. We have charted this rainfall to give an estimate of the monthly volume and how this will impact the overall needs of the golf course and thus benefit the natural recharging of the 10 irrigation ponds on this site.

The total acreage of the 10 ponds is approximately 10.33 acres. Using the figure of 27,154 gallons per acre inch of water we can arrive at a monthly figure for the recharging by natural rainfall. If we also channel excess runoff from this rainfall into the irrigation ponds this should reduce our requirements for pumped irrigation water from the Chetco River.

As you will note in the following chart, the months of June, July, August and September are the critical times for water use. With the 20 million gallons in the irrigation ponds and another 1.5 million gallons from rainfall during this period plus again this amount from runoff channeling there should be adequate water to carry this project through the water year.

Also, as stated, the irrigation program can be changed to irrigate only greens, tees and approaches during much of this time if it becomes necessary due to lack of water.

**RAINFALL CHART FOR CHETCO RIVER VALLEY
1989-93 (MONTHLY AVERAGE)**

MONTH	AVERAGE INCHES	TOTAL VOLUME ADDED TO PONDS
<u>Formula - inches of rain x 10.33 acres x 27,154 gallons per inch</u>		
	January	15.82 inches = 4,500,766 gallons
	February	9.92 inches = 2,782,568 gallons
We Pump	March	16.04 inches = 4,499,233 gallons
We Pump	April	12.46 inches = 3,495,040 gallons
We Pump	May	7.00 inches = 1,963,505 gallons
We Pump	June	2.02 inches = 566,671 gallons
Ponds Full	July	0.80 inches = 224,400 gallons
	August	1.64 inches = 460,021 gallons
	September	0.78 inches = 218,790 gallons
	October	7.62 inches = 2,137,416 gallons
	November	8.22 inches = 2,305,716 gallons
	December	13.60 inches = 3,814,811 gallons

If we take the monthly figures shown above and calculate into these the gains from controlling and channeling the runoff throughout the entire project area you will find the total gallons per month going into the irrigation ponds will be approximately doubled. This will greatly reduce the necessity to pump irrigation water from the Chetco River source.

H. *Overview:* One might imagine this entire project as that of recirculating waters. Water is pumped from the Chetco River into ponds on the golf course site. This water has traveled one and one-half miles from the river into the Jack Creek valley. We then pump this same water onto the fairways to irrigate them and gravity and percolation over a few day period, takes this same water down the Jack Creek valley aquifer into the Chetco River to the same location where it was extracted from originally. The only loss in this system is evaporation which occurs naturally throughout the Chetco River system.

The one very important plus to this water flow system will be the addition of water to the Jack Creek flow levels in August and September. During this period Jack Creek is a dry rock bed with a few ponds here and there. The ponds hold small salmon fry which perish during this summer season. This additional water that the irrigation will provide to the Jack Creek aquifer might be enough to keep at least a minimal flow going year round and thereby sending these hundreds of small salmon fry on into the Chetco River system.

WATER QUALITY

A) Chemical Use: The use and impact of chemicals (pesticides, fertilizers, and herbicides necessary for golf course turf management) on groundwater and Jack Creek water resources has been raised as an issue. The City of Brookings is very sensitive to this concern and will work closely with concerned agencies, organizations and individuals. The concerns can be categorized into the following issues: pesticide use, storage, and management; monitoring of water quality; and an emergency spill response plan. These concerns are addressed below.

B) Pesticide Use, Storage, and Management: The handling and application of pesticides is governed by state and federal law. The applicant will, of course, agree to follow the laws regulating pesticide use, storage, and management. Any development proposal or lease agreement will stipulate that no pesticides or fertilizers that require a permit shall be used. The lease agreement will require that all environmental laws be adhered to. Those specifically mentioned include: Resource Conservation and Recovery Act; Toxic Substances Control Act; The Comprehensive Environmental Response, Compensation and Liability Act; and the Solid Waste Disposal.

The persons who apply the chemicals (applicators) are required to be licensed. OSHA requires proper handling and that labels on pesticide containers set proper limits. Soil tests on a regular basis establish uses and timetables for fertilizers and probable pesticide/herbicide use. All activities concerning chemical mixing, storage, use, and equipment cleanup will be planned, implemented, and posted. The storage of chemicals on the golf course site will include the construction of a concrete floor and curb.

C) Water Monitoring and Notification of Pesticide Use: **The**
City of Brookings has agreed to specific procedures for quarterly water
monitoring, testing, and posting of results. The City of Brookings has also
agreed to notify specific interested parties of the intention to use any
potentially harmful pesticides or herbicides. These plans are on the record
and have been documented through conditions of approval on the conditional
use permit and reads as follows:

As per Conditional Use Permit C9205 approved by Curry County July
8, 1992 the City will see that "Baseline water quality will be established
by testing prior to construction. Water sampling will be conducted at
both ends of the golf course. Water will be tested by a State approved
laboratory for chemicals /fertilizer used by the operator. Results will
be forwarded to the above agencies for posting in public places. If
sampling indicates water quality deterioration below baseline levels due
to pesticides and/or fertilizer use, the use of all chemicals will be
prohibited until such time as the problem is identified and resolved to
the satisfaction of the following agencies."

- 1. Department of Fish and Wildlife**
- 2. Department of Environmental Quality**
- 3. Harbor Rural Water Department**
- 4. Oregon Department of Water Resources**

D) Emergency Spill Response Plan: **Emergency and spill responses must meet the best standards available as mandated by EPA, Oregon state codes, OSHA, local fire and county ordinances, and other governing agencies. MSDS reports will be available under OSHA guidelines that became effective January 1, 1992. Emergency spills of any type will follow these steps: 1) immediate containment; 2) immediate notification of neighbors affected as well as agencies affected; and 3) emergency cleanup as described in the Hazardous Material Spill Plan. These procedures will become part of the golf course's operational packet and will be posted in appropriate areas.**

RIPARIAN PROTECTION

A) **Raw Land:** The City of Brookings is conscious of the potential damage that can be done by erosion during the development of the golf course.

All land bordering the creek will be burmed to minimize any potential flow into Jack Creek during development. All planting will be expedited to control this erosion potential. Where it is needed hay can be used to control raw soil from eroding and this will be done if the situation requires such action should be taken.

Excavations, embankments, and other disturbed areas resulting from earthwork operations will be seeded as soon as possible to minimize the erosion potential. The foothill fairways will require substantially more earthwork than those planned for the valley floor. It will be a high priority to complete the earthwork and grading operations in dry weather so that the slopes can be stabilized with vegetation prior to winter rains.

B) **Fisheries:** Jack Creek is an important fishery resource. The Oregon Division of Fish and Wildlife (ODFW) operates a fish trap on the property on land leased to them by the City of Brookings for 10 years at no charge. The Salmon/Trout Enhancement Program (STEP) has also been involved with ODFW's efforts. ODFW and the City are prepared to work closely in coordinating activities so any possible impacts on the resource are minimized. Discussions with these groups and organizations indicate the golf course will have a beneficial impact. Additional plantings in the riparian zone are intended to more than compensate for the fairway clearing operations.

C) Creek Banks: Streambank erosion has occurred on the site due to natural forces and the effects of cattle grazing. Some streambank protection work is currently underway as a part of ODFW fishery enhancement. Some of this work consists of rip-rap placement at specific locations, with other measures used where and when more appropriate. Even though removal of the approximately 80 head of cattle will improve erosion conditions on the site, Jack Creek stream bank erosion is likely continue, to some degree, after the golf course is in place. The applicant understands the importance of erosion control measures and agrees to work very closely with ODFW on erosion control measures as erosion occurs.

Although the fairway area of the golf course will cross over the Jack Creek many times all such areas will be planted with a low growing bush such as Hypericum, a fast growing, root-intensive plant, in those areas to control bank erosion. The rest of the streambank will be planted in trees suited to the local environment. The streambanks now have a 70% canopy and we hope to have an 85% canopy when construction is completed, thereby reducing the water temperature and promoting good fish habitat as well as bank stabilization.

A 20-foot buffer zone will be maintained between all fairways and the streambank and a 50-foot buffer zone will be maintained between all greens and the streambank.

The fairways will be burmed slightly on the side nearest the streambank to reduce flows of heavy rains from the fairways into the stream. This runoff will be controlled through french drains where needed and routed to the creek or irrigation ponds to reduce any erosion once the course is completed.

There is a rock quarry on the golf course site and this rock can be used for rip rap where it is feasible. We will work closely with ODFW to enhance both the stream flow and quality. They have a plan in place now that requires considerable upgrading of the Jack Creek stream bed over the next 5 years and we will work with them on this project to everyone's benefit.

D) Heavy Rains: As much as possible we will capture the heavy runoff during the rainy season and direct that flow into the 10 ponds on the golf course site. This will reduce the erosion potential while keeping the irrigation ponds topped off without using pumped water from the Chetco system. Also runoff from parking areas and roadways will be put through a french drain system and directed into the irrigation ponds to enhance the water supply and reduce erosion during heavy rains.

Oregon

WATER
RESOURCES
DEPARTMENT

December 19, 1994

Jim Cole
City of Brookings
898 Elk Drive
Brookings, OR 97415

RE: Draft - Golf Course Management Plan for City of Brookings
Appl. Nos: R-73396 and S-73397; Permit No. 51383

Dear Mr. Cole:

Enclosed is a draft management plan for your review. Please note that this is only a concept -- a, "here's how it could look." This draft is only for your initial review.

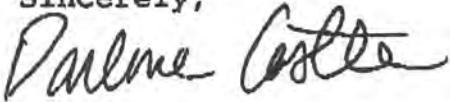
Please review the draft very carefully. It may contain that you do not feel are appropriate, and it may need a Please give Reed a call after you have had a chance to concept.

REED MARBUT SENDS
OUTLINE OF WHAT HE
WANTS

29

Reed will be out of the office over the holidays and will return on Tuesday, January 3, 1995. I will also be out of the office during that period of time. I hope you have a happy holiday and we look forward to discussing the draft concept with you after the first of the year. Thank you.

Sincerely,



Darlene Castle
Water Rights/Adjudication Assistant

Enclosure



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Oregon

WATER
RESOURCES
DEPARTMENT

December 19, 1994

Jim Cole
City of Brookings
898 Elk Drive
Brookings, OR 97415

RE: Draft - Golf Course Management Plan for City of Brookings
Appl. Nos: R-73396 and S-73397; Permit No. 51383

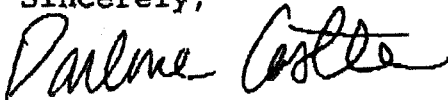
Dear Mr. Cole:

Enclosed is a draft management plan for your review. Please note that this is only a concept -- a, "here's how it could look." This draft is only for your initial review.

Please review the draft very carefully. It may contain elements that you do not feel are appropriate, and it may need additions. Please give Reed a call after you have had a chance to review the concept.

Reed will be out of the office over the holidays and will return on Tuesday, January 3, 1995. I will also be out of the office during that period of time. I hope you have a happy holiday and we look forward to discussing the draft concept with you after the first of the year. Thank you.

Sincerely,



Darlene Castle
Water Rights/Adjudication Assistant

Enclosure



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

CITY OF BROOKINGS
GOLF COURSE MANAGEMENT PLAN

DRAFT

Scope of Plan

Water will be supplied to the City of Brookings Golf Course (Golf Course) under the following water rights:

1. Permit No. 51383;
2. Application No. R-73396;
3. Application No. S-73397; and
4. An exempt well to be developed in the Chetco River Basin for commercial water use up to a maximum of 5000 gallons per day.

Use of water under Permit No. _____, issued pursuant to Application No. R-73396, and Permit No. _____, issued pursuant to Application No. S-73397 (Permits) will be conditioned upon submittal of this Management Plan (Plan). This Plan shall be submitted to the Director of the Oregon Water Resources Department (OWRD) 90 days before water use is initiated under the Permits. The Director shall allow 60 days for public comment on the Plan. The Director shall approve the Plan if he/she finds the Plan sets out operational and maintenance guidelines that will result in efficient water use, protection of ground and surface water quality in the area of water use under the Permits and protection of riparian areas in the vicinity of the Golf Course.

This Plan includes the following operation and maintenance information:

1. Water use efficiency measures;
2. Golf course operation and maintenance guidelines; and
3. A strategy for implementation of the Curry County Final Order issued July 8, 1992.

Water Use Efficiency Measures

The following water use guidelines will apply to use of water under the Permits:

1. Water will be diverted from the Chetco River only during the period March 1 to June 30 of each year.
2. No water will be withdrawn from Jack Creek or the unconfined aquifer of Jack Creek.
3. Irrigation of the 182 acre Golf Course development will be limited to a total of 80 acres (10 acres of greens and 70 acres of fairways).
4. Greens irrigation will be monitored with moisture gauges. Fairway irrigation will be controlled by the operator on a close coupler system for demand only application.
5. If necessary, during late summer when and if water supplies are limited, irrigation will be confined to tees, greens and approaches.
6. Water withdrawals from the Chetco River will be metered. Water use will be reported to the Water Resources Department pursuant to a schedule to be set by the Director.
7. Water withdrawn from the Chetco River will be delivered to storage in ten small storage reservoirs on the Golf Course site. Water use from the ten reservoirs for irrigation will be metered and reported to the Department.
8. Irrigation of the Golf Course will limited to night and early morning hours of each day.
9. Irrigation practices will stress shorter application time and volume will be used.

[Attached to this Plan are tables of precipitation data and water use requirements for the Golf Course.]

Golf Course Operation and Maintenance

The following Operation and Maintenance guidelines will govern management of the Golf Course:

1. All cattle will be removed from the site.
2. Before Golf Course construction is initiated, the developer will hold a pre-construction conference with the ODFW, Oregon South Coast Fishermen and Curry County Design Review Board. All subcontractors will be attend the pre-construction conference.
3. Earthwork and grading operations will be confined to dry weather periods ^{AS MUCH AS POSSIBLE} so that slopes can be stabilized with vegetation prior to winter rains. Excavations, embankments and other disturbed areas resulting from earthwork operations will be seed as soon as possible to minimize erosion potential. All land bordering Jack Creek will be protected by a berm during construction to control runoff to the channel of the creek.
4. Fairways and other disturbed areas will be protected by a berm on the side nearest the streambank to reduce runoff into natural channels.
5. Re-vegetation will be expedited to control erosion. ^{Bush plants such AS HYPERICUM A ROOT-INTEN} Low, fast-growing ^{FAST grow} ~~brush~~ will be planted to control creek bank erosion. The most mature commercially available trees will be used for re-vegetation.
6. Streambank canopy will be increased from the present 70% to approximately 85%. Riparian vegetation will be allowed to grow to optimum height to provide streambank cover,
7. Greens and tees will be designed and constructed to maximize water retention and absorption while allowing the least leaching. Grasses suitable to the Jack Creek environment will be used. Nontoxic cultural control of weeds will be used whenever possible.
8. A buffer zone will be maintained between all greens and tees and fairways and the stream bank. The green buffer will be 50 feet, and the tee and fairway buffer will be 20 feet.
9. Rip-rap will be placed at specific locations under supervision of the Oregon Department of Fish and Wildlife (ODFW).

10. Fairway, parking area and roadway runoff will be captured by french drain filtration systems. Runoff will be directed to the irrigation storage reservoirs.

Curry County Final Order Implementation

On July 8, 1992, the Curry County Planning Commission issued its Final Order approving Application C-9205. This order set out a number of conditions for development of the Golf Course. Those conditions include requirements for protection of water quality in the area of the Golf Course development. In order to insure compliance with the Final Order, the following management guidelines shall apply to operation of the Golf Course:

1. No pesticides or fertilizers requiring a permit shall be used. Any development proposal or lease agreement will stipulate that no pesticides or fertilizers that require a permit shall be used.
2. All chemical applicators must be licensed.
3. A baseline water quality will be established by testing prior to initiation of construction of the Golf Course. Thereafter, water sampling will be conducted at both ends of the Golf Course on Jack Creek on a quarterly basis each year. Water samples will be tested by a State approved laboratory for chemicals/fertilizers used by the operator. Results of tests shall be posted and shall be reported to the City of Brookings, Department of Environmental Quality (DEQ), ODFW, Harbor Rural Water Department, and OWRD.
4. If testing indicates water quality deterioration below baseline levels due to pesticide and/or fertilizer use, the use of chemicals will be discontinued until such time as the quality deterioration is identified and resolved to the satisfaction of the listed agencies.
5. Pesticide and fertilizer application shall be based upon regular soil tests. All activities concerning chemical mixing, storage, use and equipment cleanup will be planned and implemented by a posted schedule. Chemical storage facilities on the Golf Course site will include a concrete floor and curb.

6. Chemical spill emergency action will comply with the following steps:
 - 6.1 Immediate containment;
 - 6.2 Immediate notification of agencies and affected neighbors;
 - 6.3 Emergency cleanup as described in the Golf Course's "Hazardous Material Spill Plan." These procedures will become part of the Golf Course's operational packet and will be posted in appropriate areas.

DRAFT



December 20, 1994

Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

**REFERENCE: WATER USE APPLICATION NUMBERS R-73396 AND R-73397
PURSUANT TO THE ISSUANCE OF WATER USE PERMITS
FOR THE ABOVE APPLICATIONS**


Dear Reed:

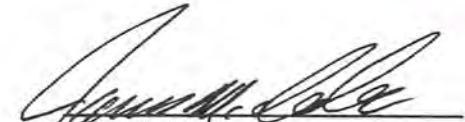
Enclosed is the Management Plan requested by Oregon Water Resources Department and Oregon Water Watch concerning the storage and use of irrigation water appropriated under State of Oregon Water Permit number 51383.

This Plan will be followed by the City of Brookings and its developer in the building and maintenance of the Jack Creek Golf Course.

**PRESENT WATER
MANAGEMENT PLAN**
30

Sincerely,


Tom Davis
Mayor
City of Brookings


Jim Cole
Chairman
Brookings Golf Board

cc: **Tom Weldon, City Manager**
City Council
Golf Board

148



December 20, 1994

**Reed Marbut
Adjudications/Hydro Manager
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310**

**REFERENCE: WATER USE APPLICATION NUMBERS R-73396 AND R-73397
PURSUANT TO THE ISSUANCE OF WATER USE PERMITS
FOR THE ABOVE APPLICATIONS**

Dear Reed:

Enclosed is the Management Plan requested by Oregon Water Resources Department and Oregon Water Watch concerning the storage and use of irrigation water appropriated under State of Oregon Water Permit number 51383.

This Plan will be followed by the City of Brookings and it's developer in the building and maintenance of the Jack Creek Golf Course.

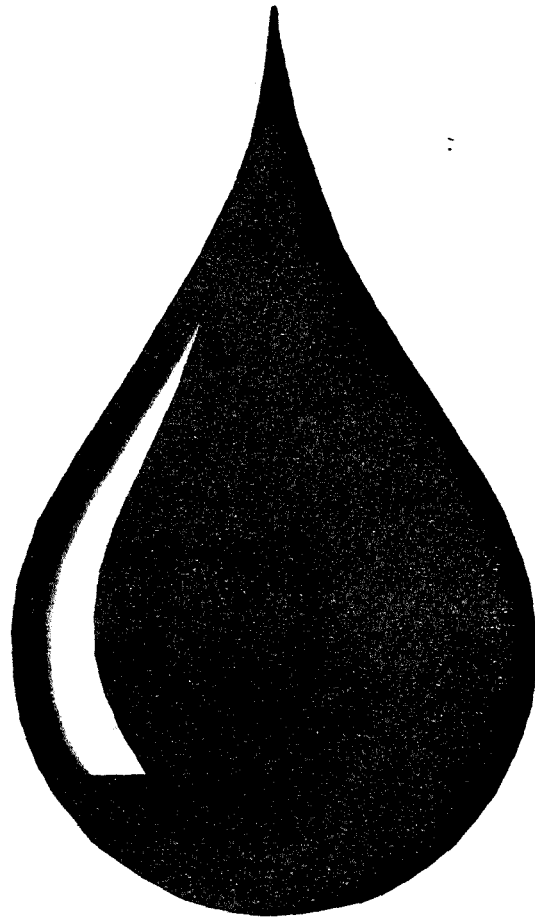
Sincerely,

**Tom Davis
Mayor
City of Brookings**

**Jim Cole
Chairman
Brookings Golf Board**

cc: **Tom Weldon, City Manager
City Council
Golf Board**

JACK CREEK GOLF COURSE



MANAGEMENT PLAN

CITY OF BROOKINGS

GOLF COURSE MANAGEMENT PLAN

Scope of Plan

Water will be supplied to the City of Brookings Golf Course (Golf Course) under the following water rights:

- 1. Permit No. 51383;**
- 2. Application No. R-73396;**
- 3. Application No. S - 73397; and**
- 4. An exempt well to be developed in the Chetco River Basin for commercial water use up to a maximum of 5000 gallons per day, and domestic water use for two residences up to 15,000 gallons per day.**

Use of water under Permit No. _____, issued pursuant to Application No. R-73396, and Permit No. _____, issued pursuant to Application No. S-73397 (Permits) will be conditioned upon submittal of this Management Plan (Plan). This Plan shall be submitted to the Director of the Oregon Water Resources Department (OWRD) 90 days before water use is initiated under the Permits. The Director shall allow 60 days for public comment on the Plan. The Director shall approve the Plan if he/she finds the Plan sets out operational and maintenance guidelines that will result in efficient water use, protection of ground and surface water quality in the area of water use under the Permits and protection of riparian areas in the vicinity of the Golf Course.

This Plan includes the following operation and maintenance information:

- 1. Water use efficiency measures;**
- 2. Golf course operation and maintenance guidelines; and**
- 3. A strategy for implementation of the Curry County Final Order issued July 8, 1992.**

Water Use Efficiency Measures

The following water use guidelines will apply to use of water under the Permits:

1. **Water will be diverted from the Chetco River only during the period March 1 to June 30 of each year.**
2. **No water will be withdrawn from Jack Creek or the unconfined aquifer of Jack Creek.**
3. **Irrigation of the 182 acre Golf Course development will be limited to a total of 90 acres (10 acres of greens and 80 acres of fairways).**
4. **Greens irrigation will be monitored with moisture gauges. Fairway irrigation will be controlled by the operator on a close coupler system for demand only application.**
5. **If necessary, during late summer when and if water supplies are limited, irrigation will be confined to tees, greens and approaches.**
6. **Water withdrawals from the Chetco River will be metered. Water use will be reported to the Water Resources Department pursuant to a schedule to be set by the Director.**
7. **Water withdrawn from the Chetco River will be delivered to storage in ten small storage reservoirs on the Golf Course site. All reservoirs will be lined with a PVC lining material to minimize seepage. Water use from the ten reservoirs for irrigation will be metered and reported to the Department.**
8. **Irrigation of the Golf Course will be limited to night and early morning hours of each day to minimize losses due to evaporation and maximize water penetration into the turf root zone.**
9. **Irrigation practices that stress shorter application time and volume will be used.**

The demand of irrigating and reservoir filling

As per water permit No. 71042, 77,500,000 gallons of water can be pumped from March 1 - June 30. During this period the reservoirs will be filled to their 20,000,000 gallon capacity and kept topped off while the golf course will be irrigated from these same reservoirs. It will be extremely important that the reservoirs be at full capacity on June 30 of each year.

500,000 gallons	March irrigation
900,000 gallons	April irrigation
1,600,000 gallons	May irrigation
2,900,000 gallons	June irrigation
<u>20,000,000 gallons</u>	to fill ten reservoirs
25,900,000 gallons	TOTAL

During the period of July 1 through February 28, no Chetco River water may be appropriated. Therefore, the golf course will be irrigated with water from the 10 reservoirs on the course. The irrigation demand from July 1 through October 31 will be heavy on the reservoir storage and the irrigation, schedule as stated earlier will be adjusted to meet the availability of water at this time. November through February as previously mentioned require little or no additional irrigation as rainfall during this period is at its annual maximum. Also during this November/February time the 10 reservoirs will be brought back to full capacity.

3,800,000 gallons	July irrigation
3,100,000 gallons	August irrigation
2,300,000 gallons	September irrigation
1,600,000 gallons	October irrigation
900,000 gallons	November irrigation
500,000 gallons	December irrigation
300,000 gallons	January irrigation
<u>300,000 gallons</u>	February irrigation
12,800,000 gallons	TOTAL

Water Demand to Irrigate the Golf Course

The following is an estimate of the monthly water requirements to irrigate the Jack Creek Golf Course site. November through February historically are wet months in this area and will require little or no supplementary irrigation beyond that coming from rainfall.

<u>Month</u>	<u>Gallons</u>
January	300,000
February	300,000
March	500,000
April	900,000
May	1,600,000
June	2,900,000
July	3,800,000
August	3,100,000
September	2,300,000
October	1,600,000
November	900,000
December	<u>500,000</u>
	18,700,000 Gallons per year

Rainfall for Chetco River Valley (Rainfall data)

All of the above is calculated assuming the "worst weather" scenario and does not include days when water is added to reservoir supplies by rainfall (80" per year average) and days when no water is used because of weather conditions (rain, cool temperatures, or cloudy days).

The average rainfall for the past five (5) years (1989-1993) has been 80" per year. We have charted this rainfall on the following page to show the monthly volume and how this will impact the overall needs of the golf course and thus benefit the natural recharging of the 10 irrigation reservoirs on this site.

The total acreage of the 10 reservoirs is approximately 10.33 acres. Using the figure of 27,154 gallons per acre inch of water we can arrive at a monthly figure for the recharging by natural rainfall. If we also channel excess runoff from this rainfall into the irrigation reservoirs, this should reduce our requirements for pumped irrigation water from the Chetco River.

As you will note in the following chart, the months of June, July, August and September are the critical times for water use. With the 20 million gallons in the irrigation reservoirs and another 1.5 million gallons from rainfall during this period plus again this amount from runoff channeling there should be adequate water to carry this project through the water year.

Also, as stated, the irrigation program can be changed to irrigate only greens, tees and approaches during much of this time if it becomes necessary due to lack of water.

**RAINFALL CHART FOR CHETCO RIVER VALLEY
1989-93 (MONTHLY AVERAGE)**

(Formula - inches of rain x 10.33 acres x 27,154 gallons per inch)

	<u>MONTH</u>	<u>AVERAGE INCHES</u>	<u>TOTAL VOLUME ADDED TO RESERVOIRS</u>
	January	15.82 inches =	4,500,766 gallons
	February	9.92 inches =	2,782,568 gallons
We Pump	March	16.04 inches =	4,499,233 gallons
We Pump	April	12.46 inches =	3,495,040 gallons
We Pump	May	7.00 inches =	1,963,505 gallons
We Pump	June	2.02 inches =	566,671 gallons
Res. Full	July	0.80 inches =	224,400 gallons
	August	1.64 inches =	460,021 gallons
	September	0.78 inches =	218,790 gallons
	October	7.62 inches =	2,137,416 gallons
	November	8.22 inches =	2,305,716 gallons
	December	13.60 inches =	3,814,811 gallons

If we take the monthly figures shown above and calculate into these the gains from controlling and channeling the runoff throughout the entire project area you will find the total gallons per month going into the irrigation reservoirs will be approximately doubled. This will greatly reduce the necessity to pump irrigation water from the Chetco River source.

Overview

One might imagine this entire project as that of recirculating waters. Water is pumped from the Chetco River into reservoirs on the golf course site. This water has traveled one and one-half miles from the river into the Jack Creek valley. This water is then pumped onto the fairways to irrigate them and gravity and percolation, in a very short period of time, takes this same water down the Jack Creek valley aquifer into the Chetco River to the same location where it was extracted from originally. The only loss in this system is evaporation which occurs naturally throughout the Chetco River system.

One very important plus in this water flow system will be the addition of water to the Jack Creek flow levels in July, August and September. During this period Jack Creek is a dry rock bed with a few ponds here and there. These ponds hold small salmon fry which perish during the summer months. This additional water that irrigation will provide to the Jack Creek aquifer might be enough to keep at least a minimal flow in the creek during these months thereby sending these hundreds of small salmon fry on into the Chetco River system.

Golf Course Operation and Maintenance

The following Operation and Maintenance guidelines will govern management of the Golf Course:

- 1. All cattle will be removed from the site.**
- 2. Before Golf Course construction is initiated, the developer will hold a pre-construction conference with the ODFW, Oregon South Coast Fishermen and Curry County Design Review Board. All subcontractors will be required to attend the pre-construction conference.**
- 3. Earthwork and grading operations will be confined to dry weather periods, as much as possible, so that slopes can be stabilized with vegetation prior to winter rains. Excavations, embankments and other disturbed areas resulting from earthwork operations will be seeded as soon as possible to minimize erosion potential. All land bordering Jack Creek will be protected by a berm during construction to control runoff to the channel of the creek.**
- 4. Fairways and other disturbed areas will be protected by a berm on the side nearest the streambank to reduce runoff into natural channels.**
- 5. Re-vegetation will be expedited to control erosion. Bushes such as hypericum(a fast growing, root intensive plant) will be planted to control creek bank erosion. The most mature commercially available trees will be used for re-vegetation.**

- 6. Streambank canopy will be increased from the present 70% to approximately 85%. Riparian vegetation will be allowed to grow to optimum height to provide streambank cover, thereby reducing water temperature and promoting a good fish habitat.**
- 7. Greens and tees will be designed and constructed to maximize water retention and absorption while allowing the least leaching. Grasses suitable to the Jack Creek environment will be used. Nontoxic cultural control of weeds will be used whenever possible.**
- 8. A buffer zone will be maintained between all greens, tees, fairways and the stream bank. The green buffer will be 50 feet, and the tee and fairway buffer will be 20 feet.**
- 9. Rip-rap will be placed at specific locations under supervision of the Oregon Department of Fish and Wildlife (ODFW).**
- 10. Fairway, parking area and roadway runoff will be captured by french drain filtration systems. Runoff will be directed to the irrigation storage reservoirs.**


Curry County Final Order Implementation

On July 8, 1992, the Curry County Planning Commission issued its Final Order approving Application C-9205. This order set out a number of conditions for development of the Golf Course. Those conditions include requirements for protection of water quality in the area of the Golf Course development. In order to insure compliance with the Final Order, the following management guidelines shall apply to operation of the Golf Course:

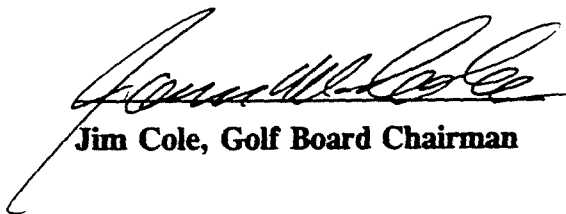
- 1. No pesticides or fertilizers requiring a permit shall be used. Any development proposal or lease agreement will stipulate that no pesticides or fertilizers that require a permit shall be used.**
- 2. All chemical applicators must be licensed.**
- 3. A baseline water quality will be established by testing prior to initiation of construction of the Golf Course. Thereafter, water sampling will be conducted at both ends of the Golf Course on Jack Creek on a quarterly basis each year. Water Samples will be tested by a State approved laboratory for chemicals/fertilizers used by the operator. Results of tests shall be posted and shall be reported to the City of Brookings, Department of Environmental Quality (DEQ), ODFW, Harbor Rural Water Department, and OWRD.**

4. **If testing indicates water quality deterioration below baseline levels due to pesticide and/or fertilizer use, the use of chemicals will be discontinued until such time as the quality deterioration is identified and resolved to the satisfaction of the listed agencies.**

5. **Pesticide and fertilizer application shall be based upon regular soil tests. All activities concerning chemical mixing, storage, use and equipment cleanup will be planned and implemented by a posted schedule. Chemical storage facilities on the Golf Course site will include a concrete floor and curb.**



Tom Davis, Mayor



Jim Cole, Golf Board Chairman