

ASSIGNED

Name Brookings Water Company  
By Elmer Bankus, owner  
Address Brookings, Oregon 97415

Application No. 37091  
Permit No. 27610  
Certificate No. 83682

FEEES PAID

Date	Amount	Receipt No.
9-14-61	26.00	31149
Extension 11-15-91	100.00	11877
Ext. 2-25-03	100.00	58451
	B. P. Fee	
	\$1 Cert. Fee	

Stream Index, Page No. 15-26  
*See file 37360*  
*See G-5869*

Date filed September 14, 1961  
Priority September 14, 1961  
Action suspended until BC99  
*10/27/61*  
Returned to applicant  
Date of approval October 26, 1961

FEEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
4-15-74	City of Brookings	<u>393 Elk Drive</u> Box C, Brookings OR 97415	5	392

CONSTRUCTION

Date for beginning October 26, 1962  
Date for completion October 1, 1963  
Extended to 10-1-65 10-1-67 10-1-69  
10-1-74 10-1-79 10-1-84 10-1-89 10-1-94  
*10-1-99*  
Date for application of water October 1, 1964  
Extended to 10-1-65 10-1-67 10-1-69  
10-1-74 10-1-79 10-1-84 10-1-89 10-1-94  
*10-1-99*

REMARKS

4.0 c.f.s. from Chetco River (Pacific Ocean) for municipal use.  
**SEP 25 1963 CARD FOR B**  
**NOV 1 1963 CARD FOR B-C**  
**OCT 30 1969 CARD FOR B-C**  
**MAR 24 1970 FORM 100**  
*This is the only Brookings Water Co. permit to be maintained*  
**OCT 15 1974 CARD FOR B-C**  
**Card for BC OCT 23 1979**  
**Card for BC OCT 18 1989**  
**C Card 10-18-94**  
**T-11B39 & POW APOA v. 91 pg. 239**

PROSECUTION OF WORK

Form "A" filed Started  
Form "B" filed  
Form "C" filed

FINAL PROOF

Blank mailed  
Proof received MAR 21 2008  
Date certificate issued



# Oregon

John A. Kitzhaber, MD, Governor

S- 37091

## Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

September 24, 2013

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS, OR 97415

RE: Correcting Order T-11639

Enclosed is a new correcting and superseding final order. Please read the order carefully.

If you have any questions regarding this certificate please contact the transfer section at 503-986-0807.

Sincerely,

Codi Holmes  
Water Rights Services Support  
Transfer and Conservation Section

Enclosure

cc: Ted Ressler, Agent



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

In the Matter of Transfer Application	)	SUPERSEDING FINAL ORDER
T-11639, Curry County	)	APPROVING TEMPORARY CHANGES
	)	IN PLACE OF USE AND AN
	)	ADDITIONAL POINT OF DIVERSION,
	)	AND CORRECTING AN ERROR IN A
	)	PREVIOUS ORDER

**Authority**

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

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

**Applicant**

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS, OR 97415

**Findings of Fact**

1. On July 10, 2013, the CITY OF BROOKINGS filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 83682 for the period of 2014-2019. The Department assigned the application number T-11639.
2. Notice of the application for transfer was published on July 16, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 30, 2013, the Department issued a Final Order for the transfer, recorded at Special Order Volume 91, Pages 239 to 243. Shortly following issuance of the order the Department was contacted by the applicant's agent, who pointed out that the order did not properly characterize the change proposed in the application.

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

4. This order is issued to correct the error and to supersede the previous order recorded at Special Order Volume 91, Pages 239 to 243.
5. The portion of the right to be temporarily transferred is as follows:

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

**Use:** MUNICIPAL USES

**Priority Date:** SEPTEMBER 14, 1961

**Rate:** 1.0 CUBIC FOOT PER SECOND

**Source:** CHETCO RIVER, tributary to the PACIFIC OCEAN

**Authorized Point of Diversion:**

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

**Authorized Place of Use:**

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

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

6. Temporary Transfer Application T-11639 proposes to temporarily change the place of use of the 1.0 cfs portion of the right to:

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

7. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11639 proposes an additional authorized point of diversion approximately 1.0 mile downstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 W	WM	34	SE SE	1295 FEET WEST AND 270 FEET NORTH FROM THE SE CORNER OF SECTION 34

8. The intent of the transfer application is to add an additional POD for 1.0 cfs of the 4 cfs rate authorized by Certificate 83682, so that the City can use the total rate of 4.0 cfs, being up to

4.0 cfs from the original POD (at the authorized place of use (POU)), and up to 1.0 cfs from the original POD or additional POD at the new POU. At times when less than 1.0 cfs is being delivered to the new POU, the original POD may be used at the original POU for as much as 4.0 cfs, provided the total rate being simultaneously diverted from the two PODs does not exceed 4.0 cfs.

9. Though the application requested the changes for the years 2014-2019, temporary transfers may only be granted for a period of five years. Therefore, this application is being processed as a five-year request (years 2014-2018).
10. The season for municipal use under Certificate 83682 is year round.

#### ***Temporary Transfer Review Criteria***

11. Water has been used within the last five years according to the terms and conditions of the right and the right is for municipal use and not subject to forfeiture under ORS 540.610.
12. A diversion structure and municipal distribution system sufficient to use the full amount of water allowed under the existing right are present.
13. The proposed changes would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

#### **Conclusions of Law**

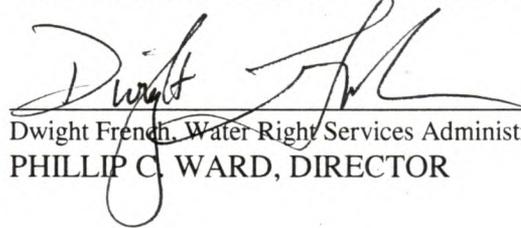
The temporary changes in place of use and additional point of diversion to convey water to the temporary place of use proposed in application Temporary Transfer Application T-11639 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000, and the error in Special Order Volume 91, Pages 239 to 243 should be corrected in the record.

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

1. The order entered at Special Order Volume 91, Pages 239 to 243 is withdrawn and of no further force and effect and is superseded by this order.
2. The temporary changes in place of use and additional point of diversion to convey water to the temporary place of use proposed in application Temporary Transfer Application T-11639 are approved, beginning January 1, 2014.
3. The new place of use **shall not** receive more than 1.0 cfs under this water right during 2014, 2015, 2016, 2017 and 2018.
4. The use of 1.0 cfs shall revert to the authorized place of use at the end of 2018. The authorization to use the additional point of diversion shall be terminated concurrently.

5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
6. A subsequent application for permanent transfer of Certificate 83682 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 83682.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. Water use measurement conditions:
  - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring device(s); provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. The use of up to 4.0 cfs at the original POU described by Certificate 83682 shall continue to be in accordance with the terms and conditions of Certificate 83682, provided that the total rate being simultaneously diverted from the two PODs for use at the original POU and additional POU, does not exceed 4.0 cfs.

Dated at Salem, Oregon this 13 day of September, 2013.

  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

SEP 25 2013

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



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

August 30, 2013

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS, OR 97415

REFERENCE: Temporary Transfer Application T-11639

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2018 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker by telephone at (503) 986-0890 or by e-mail at [Dorothy.I.Pedersen@ wrd.state.or.us](mailto:Dorothy.I.Pedersen@ wrd.state.or.us).

Sincerely,

Codi Holmes  
Water Rights Services Support  
Transfers and Conservation Section

cc: Mitch E. Lewis, Watermaster Dist. # 19 (via email)  
Ted Ressler, Agent

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11639, Curry County	)	TEMPORARY CHANGES IN PLACE
	)	OF USE AND AN ADDITIONAL POINT
	)	OF DIVERSION

**Authority**

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

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

**Applicant**

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS, OR 97415

**Findings of Fact**

1. On July 10, 2013, the CITY OF BROOKINGS filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 83682 for the period of 2014-2019. The Department assigned the application number T-11639.
2. Notice of the application for transfer was published on July 16, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:

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

**Use:** MUNICIPAL USES

**Priority Date:** SEPTEMBER 14, 1961

**Rate:** 1.0 CUBIC FOOT PER SECOND

**Source:** CHETCO RIVER, tributary to the PACIFIC OCEAN

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

**Authorized Point of Diversion:**

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

**Authorized Place of Use:**

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

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
41 S	13 W	WM	8	SE SE

4. Temporary Transfer Application T-11639 proposes to temporarily change the place of use of the 1.0 cfs portion of the right to:

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

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11639 proposes an additional authorized point of diversion approximately 1.0 mile downstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 W	WM	34	SE SE	1295 FEET WEST AND 270 FEET NORTH FROM THE SE CORNER OF SECTION 34

6. Though the application requested the changes for the years 2014-2019, temporary transfers may only be granted for a period of five years. Therefore, this application is being processed as a five-year request (years 2014-2018).
7. The season for municipal use under Certificate 83682 is year round.

***Temporary Transfer Review Criteria***

8. Water has been used within the last five years according to the terms and conditions of the right and the right is for municipal use and not subject to forfeiture under ORS 540.610.
9. A diversion structure and municipal distribution system sufficient to use the full amount of water allowed under the existing right are present.

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

### **Conclusions of Law**

The temporary changes in place of use and additional point of diversion to convey water to the temporary place of use proposed in application Temporary Transfer Application T-11639 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and additional point of diversion to convey water to the temporary place of use proposed in application Temporary Transfer Application T-11639 are approved, beginning January 1, 2014.
2. The former place of use **shall not** receive more than 3.0 cfs under this water right during 2014, 2015, 2016, 2017 and 2018.
3. The use of 1.0 cfs shall revert to the authorized place of use at the end of 2018. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 83682 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 83682.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Water use measurement conditions:
  - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring device(s); provided however, where the meters or measuring devices are located

within a private structure, the Watermaster shall request access upon reasonable notice.

9. The use of the remaining 3.0 cfs described by Certificate 83682 shall continue to be in accordance with the terms and conditions of Certificate 83682.

Dated at Salem, Oregon this 30 day of August, 2013.

  
\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: SEP 04 2013

**Oregon Water Resources Department**

**Measurement Condition Information for the Applicant**

*(to be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-11639

In order to avoid enlargement of the right or injury to other rights, a Totalizing flow meter will be required to be installed **prior to diversion of water**, as a condition of this transfer:

- at each point of diversion/appropriation (new and existing) or*
- at each new point of diversion/appropriation.*

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

Watermaster name: Mitch Lewis

District: 19

Address: Coos County Courthouse

Coquille, OR

City/State/Zip: 97423

Phone: 541-396-1905

Email: mitch.e.lewis@ wrd.state.or.us

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

\*\*\*\*\*

**Approval of an Alternate Measurement Device**      T-        
*(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_  
\_\_\_\_\_

Watermaster signature	District	Date
-----------------------	----------	------

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS OR 97415

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

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

The point of diversion is located as follows:

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

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

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

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

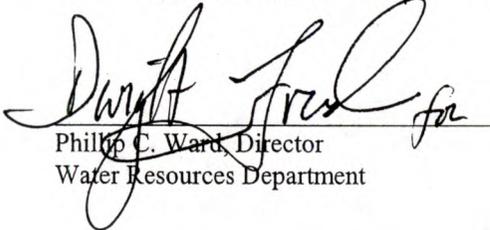
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review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

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

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

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

Issued *December 21, 2007*

  
 Phillip C. Ward, Director  
 Water Resources Department

# Classification of Use - Point of Use Map

Permit No. 27610, Application No. 37091

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

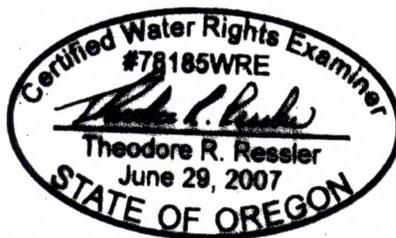


## Legend

- ⊙ Point of Diversion (POD)
- ▨ Place of Use (POU)
- Highways
- Roads
- ~ Watercourses
- ☪ Waterbodies

## POD Legal Description

**Point of Diversion**  
 Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35, Township 40 South, Range 13 West (W.M.)



EXPIRES: 12-31-2008



## Scale

1 inch equals 4,000 feet  
 0 2,000 4,000  
 Feet

## Map Information

Projection: Oregon State Plane South Zone  
 Datum: North American Datum of 1983  
 Date: December 6, 2007  
 Prepared By: GSI Water Solutions, Inc.

## Data Sources

OWRD, Oregon Geospatial Data Clearinghouse

## Notes

Under the provisions of ORS 540.510(3) the City of Brookings may lawfully provide and use water in locations other than those described.

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

RECEIVED

DEC 13 2007

DATE RECEIVED



# Claim of Beneficial Use - Point of Diversion Map

Permit No. 27610, Application No. 37091  
Township 40 South, Range 13 West (W.M.)



File Path: P:\239 - Schwabe Williamson Wyatt\003-City of Brookings\Project\_GIS\Project\_mxd\COBU\_POD\_Map.mxd

## Legend

- ⊙ Point of Diversion (POD)
- Roads
- ~ Watercourses
- Waterbodies



EXPIRES: 12-31-2008

## Map Information

Projection: Oregon State Plane South Zone  
Datum: North American Datum of 1983  
Date: December 6, 2007  
Prepared By: GSI Water Solutions, Inc.

## Data Sources

OWRD, Oregon Geospatial Data Clearinghouse

## Notes

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

## POD Legal Description

**Point of Diversion**  
Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35, Township 40 South, Range 13 West (W.M.)



## Scale

1 inch equals 1,320 feet  
0 660 1,320  
Feet

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



**Mailing List for Certificate** Scheduled Mailing Date: 3/24/08

**Application:** S-37091

**Permit:** 27610

**Certificate:** 83682

**Permit/Certificate Holder:**

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS OR 97415

Mail original to: ✓  
Martha Pagel  
530 Centa St NE, Suite 400  
Salem OR 97301

<b>Copies Mailed</b>	
by:	<i>Connie Vance</i> (STAFF)
on:	<i>3/21/2008</i> (DATE)

**Copies of Final Certificate to be sent to:**

- 1. Watermaster District 19, Mitch E. Lewis ✓
- 2. Data Center (include copy of map) ✓
- 3. Patricia McCarty, Protest Coordinator ✓
- 4. Water Availability ✓
- 5. Vault ✓
- 6. File ✓

**Other persons to receive copies: (include map):**

- 1. Theodore R. Ressler, CWRE ✓

Note: Martha Pagel was provided a copy of the Cert. immediately following sig date.  
*Dijkstal*



# City of Brookings

898 Elk Drive, Brookings, OR 97415  
(541) 469-1100 Fax (541) 469-3650

[gmilliman@brookings.or.us](mailto:gmilliman@brookings.or.us)

**RECEIVED**

DEC 10 2007

**WATER RESOURCES DEPT  
SALEM, OREGON**

**GARY MILLIMAN**  
*City Manager*

December 7, 2007

Gerry Clark  
Oregon Water Resources Department  
725 Summer Street, NE, Suite A  
Salem, Oregon 97301

RE: City of Brookings, Permit S-27610

Dear Mr. Clark:

Enclosed please find a Claim of Beneficial Use (COBU) for permit S-27610. The enclosed material is to replace the COBU for permit S-27610 submitted by the City in May of 2004.

If you have any questions regarding this COBU please contact Adam Sussman or Ted Ressler of GSI Water Solutions or our attorney Martha Pagel.

Sincerely,

Gary Milliman  
City Manager

Enclosure

Cut 83682  
12/21/2007

S-37091  
original to  
Adam Sussman  
12-11-07  
DC

**Permit and Transfer Final Order Rates and System Rates Comparisons:**

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
<i>Ranney Collector</i>	<i>4 cfs</i>	<i>5.67 cfs</i>	<i>5.54 cfs*</i>	<i>MU</i>	<i>N/A</i>	<i>N/A</i>

*\*Note: Full rate allowed under Permit S-27610 (4 cfs) with additional water pumped under Permit S-31293.*

**Claim of Beneficial Use Map**

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

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

*The Claim of Beneficial Use Map was constructed using Geographic Information System (GIS) data from the Oregon Water Resources Department and the Oregon Geospatial Enterprise Office. Aerial photographs used to assist in the preparation of the map included: 2001 USGS Black & White Digital Orthophotoquads.*

CWRE Statement, Seal and Signature

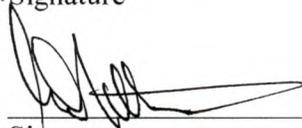
The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature

**RECEIVED**  
DEC 10 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

Permit or Transfer Holders Signature or Acknowledgement

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

<i>John R. Cowan</i> Signature	John R Cowan Print or type name	12-7-07 Date
 Signature	GARY MILLIMAN Print or type name	12/7/07 Date



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

November 20, 2004

Leo Lightle  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Reference: Application No. 37091, Permit No. 27610

Dear Mr. Lightle:

The Department received the claim of beneficial use site report (Report) and map on November 10, 2004. Unfortunately, the Report and map fail to meet our minimum requirements.

The map appears to adequately illustrate the place of use, as required by our rules, however, the map does not illustrate the location of the point of diversion to our standards. In addition, the Report was not provided using a form or format provided by the Department as required by our Administrative Rules effective July 1, 2004.

Your Report and map are being returned for completion. The corrected and completed form should be returned to the Department within 90 days or within such additional time as may be approved by request, in writing, to this office.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have. My telephone number is 503.986.0809.

Sincerely,

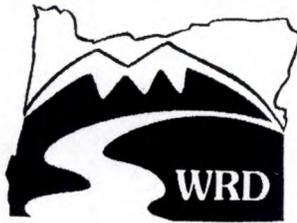
Steve Brown  
Certificates

c: Mr. Russ Dodge  
CWRE File

enclosures



# Completion Checklist for CWRE Claims of Beneficial Use



Date Received	<u>10 Nov 2004</u>
CWRE #	<u>041</u>
Claim Logged	<input checked="" type="checkbox"/>
File Marked	<input checked="" type="checkbox"/>
Oversized Map #	<input checked="" type="checkbox"/>

Application # 37091  
 Permit # 27610  
 Transfer # \_\_\_\_\_  
 Date 18 NOV 2004  
 Reviewer SJS

## Map Review:

*POU  
Harbor?*

- Map on polyester film
- Application & permit #; or transfer #
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers
- Source illustrated if surface water
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- n/a Checked to legal description

## Report Review:

- No On form or format provided by the Department
- Application & permit #; or transfer #
- County
- n/a Tax lot information
- Date of survey
- Person interviewed
- Ownership information
- Source(s) of water *ground water / not surface water*
- Point of diversion/appropriation location *not @ authorized location described in permit.*
- Use, period of use, and rate for use
- Place of use location
- Type of use
- ? Extent of use
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
  - Calculated capacity of system
  - OR
  - Measured amount of use
- Permit conditions
  - Time limits
  - Initial water level measurements
  - Annual static water level measurements
  - Measurement, recording, and reporting
    - Meter/measuring device
    - Water use reporting
  - Fish screening and/or by-pass
  - Pump test (ground water)

Other conditions \_\_\_\_\_

- CWRE stamp and signature
- Signature(s) of permittee or transfer holder

### Certificate Issuance Processing Checklist

- \_\_\_\_\_ Map and COBU reviewed
- \_\_\_\_\_ Conflict check (include copy of plat card printout)      Any Conflicts? \_\_\_\_\_
- \_\_\_\_\_ Check current ownership

### Staff Recommendations:

- \_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
- \_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- \_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### Proposed Actions:

- Send letter requesting the following items/information: \_\_\_\_\_  
 \_\_\_\_\_
- Send letter recommending extension to cure deficiencies: \_\_\_\_\_  
 \_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
 \_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:

# CITY OF BROOKINGS



Date: September 30, 2004

Renee Moulan  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem Oregon 97301 -4172

Re: Final Proof Survey Application S 37091 Permit S 27610

Dear: Renee Moulan:

Please find enclosed the final proof survey for Application S 37091 Permit S 27610.

Please contact me if you have any questions regarding this issue.

Sincerely

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

Leo Lightle  
Community Development Director

**RECEIVED**

**NOV 10 2004**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Cover Sheet

# Final Proof Survey

*City of Brookings*

Contents:

- 1.) Claim of Beneficial Use & Site Report
- 2.) Copy of Permit No 27610
- 3.) (4) File Reference Letters
- 4.) Final Proof Survey (Mylar)
- 5.) Pump Data Sheet
- 6.) Site Legal Description
- 7.) Existing Water Distribution System (Map)
- 8.) Existing Water Use Report

October 29, 2004

Prepared for Oregon Water Resources Department  
by Russ Dodge

Filename: Brookings FPS Bankus

**RECEIVED**

**NOV 10 2004**

**WATER RESOURCES DEPT  
SALEM, OREGON**

## Claim of Beneficial USE & Site Report

**Information:**      *Application S 37091 Permit S 27610*

**Distribution  
System:**

The City of Brookings' **Water Treatment** Plant currently operates between 2.6 mgd to 4.0 mgd production level. Storage capacity is provided by 9 separate reservoir sites totaling approximately 1,862,000 Gallons. The City maintains 8 Booster Pump Stations. The distribution system and transmission lines consist of varying types of lines ranging in size from 2" to 16". The service area consists of one Base Zone and 4 High Level Zones, providing sufficient volumes and pressures to the residents.

**Location Point of Diversion: (Prior Approval)**

SE Corner of the NE ¼ of the NW ¼ - Section 35, T. 40 S. – R. 13 W.

**Special Considerations and Remarks:**

**The City of Brookings** provides water for the existing population of 6,354. The projected population in the year 2025 is 13,725. The Permit rate for Application S 37091 / Permit S 27610 is 4.0 Cfs. The City of Brookings purchased this right from Elmer Bankus in 1973. It had been operated by Mr. Bankus prior to this and that use consisted of quasi-municipal. The City of Brookings utilized this site as a source beginning in 1973 through to 1988, when the full 4 Cfs of capacity was utilized regularly during peak production. At that time an additional source was developed at the Ranney Collector Site. Use at this site changed at that time. The City of Brookings received an Extension of Time to October 1, 2025 for the subject permit. At this time the full rate has been applied to Beneficial Use by the Municipal Distribution System.

The system capability is based on current treatment plant and distribution line capacity. The City of Brookings is in the process of upgrading portions of the system adding to the efficiency and volume capabilities. The current use or demand is approximately 4.67 Cfs Peak Hour Demand. This data taken from the *WSMP* dated April 2000. The rate required based on future needs in the Year 2025 is projected to 10.09 Cfs. Peak Hour Demand. Information source from *Water System Master Plan*.

The City currently has another Water Right G 64614 (6 Cfs) which by Certificate, The Point of Diversion is located in the NE ¼ of the SE ¼ of Section 33, T. 40 S. – R. 13 W. The Beneficial Use Area being per Map Attached and labeled C 64614. (Original Application reference G 5869, Permit G 5601). The City also has two Reservoir Rights Reference 46860 and 46861. Copies Attached.

We have documentation of an approval of the Change of Point of Diversion for Reference Files 37091 (4Cfs) & 41805 (10 Cfs). The move was not specific or we have no documentation stating exact locations therefore we are clarifying the Point of Diversion for File Reference App 37091, Permit S 27610. It is located at the *Ranney Collector Site* or the SE Corner of the NE ¼ of the NW ¼ - Section 35, T. 40 S. – R. 13 W.

**RECEIVED**

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

TM 40 13 35

**TL 101**

Site Address: 99232 North Chetco  
Brookings, Oregon 97415

Permitee: **CITY OF BROOKINGS**  
898 Elk Drive  
Brookings, Oregon 97415  
John Cowens, Leo Lightle Public Works  
Tele: (541) 412-0521

Land Owner: **CITY OF BROOKINGS**  
Tax Account: R 15446  
Deed Reference: Br. 147 Page 124

**Source (1)**

**Chetco River  
INTAKE  
USE:  
Intake &  
Distribution  
Description:**

**Tributary of the Pacific Ocean  
Municipal**

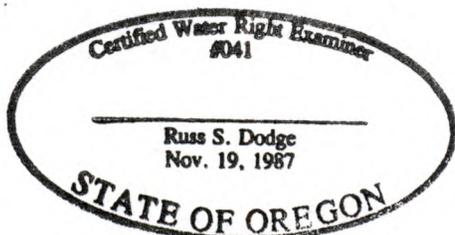
The Intake consists of a set of 5 Inlet Pipe Lines installed approximately 10' below the river channel. The pipes have slotted well screens that allow water in. The pipes radiate out from the center collector consisting of a 15' Diameter vertical pumping chamber. Water from beneath the river bed runs by gravity into the chamber. A small pump and control bldg is located at the top of the chamber. There are three (3) 40 HP Vertical Turbine Pumps/Motors. Water is then pumped via a 16" raw water transmission line to the existing treatment plant site located on the North Bank Chetco River Road. The Plant is located approximately 2 Miles to the West.

**Motor  
Pump:**

**Three 40 Hp Line Shaft Turbines Mounted on Ranney  
Collector (2)**

INFORMATION SOURCE:

Water System Master Plan  
Dated April 2000  
H.G.E. INC., PROJECT 9981



*Russ Dodge*  
\_\_\_\_\_  
Russ Dodge, CWRE

**RECEIVED**  
**NOV 10 2004**  
WATER RESOURCES DEPT  
SALEM, OREGON

# Abstract of Permit No. 27610

Application No. 37091

Certificate No.

Name

BROOKINGS WATER COMPANY, by Elmer Banks, Owner

Address

Brookings, Oregon

Source of water supply

Chasco River, trib. Pacific Ocean

Use

Municipal

Point of diversion

N. 76° 54' W. 1687 ft. from the SW cor. of the NE 1/4, Sec. 34; being within the NE 1/4, Sec. 33, T. 40 S., R. 13 W., W.M., in the county of Curry

Number of acres

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
41 S	13 W	5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Priority date

September 14, 1961

Amount of water

4.0 c.f.s., measured at the point of diversion

Time limit to begin construction

October 26, 1962

Time limit to complete construction

10/1/63 extended to 10-1-74 extended to 10-01-99

Time limit to completely apply water

10/1/64 extended to 10-1-74 extended to 10-01-99

Remarks:

### RECEIVED

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

Basin 15 Vol. 7  
Chasco River & Mass  
High

Point of Diversion

Division of  
Division

WATER  
DIVISION  
1900  
1901  
1902  
1903  
1904  
1905  
1906  
1907  
1908  
1909  
1910  
1911  
1912  
1913  
1914  
1915  
1916  
1917  
1918  
1919  
1920  
1921  
1922  
1923  
1924  
1925  
1926  
1927  
1928  
1929  
1930  
1931  
1932  
1933  
1934  
1935  
1936  
1937  
1938  
1939  
1940  
1941  
1942  
1943  
1944  
1945  
1946  
1947  
1948  
1949  
1950  
1951  
1952  
1953  
1954  
1955  
1956  
1957  
1958  
1959  
1960  
1961  
1962  
1963  
1964  
1965  
1966  
1967  
1968  
1969  
1970  
1971  
1972  
1973  
1974  
1975  
1976  
1977  
1978  
1979  
1980  
1981  
1982  
1983  
1984  
1985  
1986  
1987  
1988  
1989  
1990  
1991  
1992  
1993  
1994  
1995  
1996  
1997  
1998  
1999  
2000  
2001  
2002  
2003  
2004  
2005  
2006  
2007  
2008  
2009  
2010  
2011  
2012  
2013  
2014  
2015  
2016  
2017  
2018  
2019  
2020  
2021  
2022  
2023  
2024  
2025  
2026  
2027  
2028  
2029  
2030  
2031  
2032  
2033  
2034  
2035  
2036  
2037  
2038  
2039  
2040  
2041  
2042  
2043  
2044  
2045  
2046  
2047  
2048  
2049  
2050  
2051  
2052  
2053  
2054  
2055  
2056  
2057  
2058  
2059  
2060  
2061  
2062  
2063  
2064  
2065  
2066  
2067  
2068  
2069  
2070  
2071  
2072  
2073  
2074  
2075  
2076  
2077  
2078  
2079  
2080  
2081  
2082  
2083  
2084  
2085  
2086  
2087  
2088  
2089  
2090  
2091  
2092  
2093  
2094  
2095  
2096  
2097  
2098  
2099  
2100

COUNTY ROAD

CHETCO RIVER

S.E. 1/4 S.E. 1/4 SEC. 33

RECEIVED

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

TOTAL P. 03



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

May 4, 1988

378 - 3739

CH2M Hill  
2300 N.W. Walnut Blvd.  
P. O. Box 428  
Corvallis, Oregon 97339

Reference files: 37091 and 41805, City of Brookings  
37282, Theodore L. Freeman

Attention Paul Berg, P.E.

Dear Mr. Berg

Permits 27610 and 31293 issued to the City of Brookings allow a diversion of water from Chetco River for the city's municipal supply. Permit 27610 describes a point in the NE 1/4 SE 1/4 Section 33. Permit 31293 describes a diversion point in the SW 1/4 SE 1/4 Section 34, both in T.40 S., R.13 W. WM. The permits approved the locations as proposed by the applications.

You advise the city proposes to relocate their diversion to a point upstream on the Chetco River in the SW 1/4 NE 1/4 of Section 35.

Both permits have time limits to complete the construction of all the facilities to use the water. These expire October 1, 1989 and provides time to make a change in the diversion facilities. As your letter indicates, this is not the concern.

There are at least two water rights located between the points on the stream referenced above. Since we have no way of knowing for sure whether there are users between the actual point in use and the proposed point, we will contact our watermaster, John Drolet, before considering your request.

There does appear to be one water right with an older priority than the city's newest permit which would be between the points. It would be possible to divert water belonging to the older right at the proposed point that would not be possible to divert at the existing point. If that occurred, an injury could result. The watermaster can determine if this is a potential problem.

I will attempt to answer your questions as soon as I receive the watermasters report.

Sincerely;

Vestal R. Garner, Manager  
Survey/Certificates

CC: John Drolet, Watermaster

**RECEIVED**

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

EXHIBIT 18  
PAGE 1 OF 1



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

May 20, 1988

378 - 3739

CH2M Hill  
2300 N.W. Walnut Blvd.  
P. O. Box 428  
Corvallis, Oregon 97339

Reference files: 37091 and 41805, City of Brookings

Attention Paul Berg, P.E.

Dear Mr. Berg;

I received a report from John Drolet, Watermaster advising that the proposed change in point of diversion for the City of Brookings from the Chetco River likely will not cause harm or injury to existing water rights.

The requested change is approved. If the new location is established different than proposed, please provide a new map and/or description of the new location.

Please remind the city that the construction of the facilities to make use of the water are to be completed on or before October 1, 1989. If it will not be possible to complete all of the work by that date, the city should request an extension of the time limits when it is known the time limit will not be met.

Sincerely;

Vestal R. Garner, Manager  
Survey/Certificates

CC: John Drolet, Watermaster

**RECEIVED**

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

EXHIBIT 19  
PAGE 1 OF 1



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

TO: Vestal R. Garner, Manager  
Survey/Certificate Section

DATE: 05-16-88

MAY 17 1988

FROM: John P. Drolet, Watermaster *JPD*  
District XIX

WATER RESOURCES DEPT  
SALEM, OREGON

SUBJECT: City of Brookings, proposed POD change

REF: your 05-04-88 memo

Reference is made to your above memo and the accompanying material which this office received about a week and a half ago. After reviewing the material, it is my opinion that if the city's permits were to be amended to reflect the proposed upstream POD change, no substantive damage would be done to the single intervening water user, an irrigation right.

The Department maintains a cooperative streamgauging station six river miles upstream from the proposed POD. Twenty years of record for that station indicates that irrigation season flows are generally well above 100 cfs during an average water year. The extreme minimum flow recorded during this period was 45 cfs and that flow was recorded in the month of October which is after the normal irrigation season. The total of the two city rights and the intervening irrigation right is approximately 1/3 of the recorded extreme minimum flow. The greatest damage that can be foreseen in allowing the change would be that the downstream irrigator may have to lengthen or deepen his footvalve's sump in order to accommodate the diminishment of flow if the city exercises its right to the full duty of water allowed.

The minimum flow date for Chetco River is 1964. The intervening irrigation right has a 1962 priority date. Therefore, minimum flow would not be an issue.

If my memory serves me, and it may not in this case, the city's current POD is in T40S R13W Sec 32 SE SE, 750'N 400'W from the SE corner of section 32. You will note that my recollection is at odds with the points of diversion authorized by both city permits. I will likely be in that area in about three weeks. If you would like, I can get an accurate POD location for you at that time. Let me know.

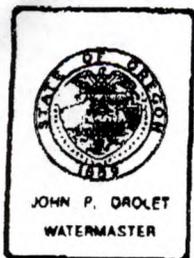
RECEIVED

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

EXHIBIT 17  
PAGE 1 OF 1

*Water Right*



# Water Resources Department

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

11-17-97

Leo Lightle, Director  
Brookings Public Works Dept.  
898 Elk Drive  
Brookings, OR 97415

file # 41805, pmt # 31293  
37091 27610  
G-5869 G-5601

Dear Mr. Lightle:

Reference is made to our conversation in City Manager Tom Weldon's office this past summer regarding the City's water rights and water use permits on Chetco River. The matter of authorized points of diversion was the subject of that conversation.

The City's two surface water permits were allowed to be transferred upstream to the confluence with N. Fk. Chetco River by authority of the Department's certificates manager, Vestal Garner, in his May 20, 1988 letter (copy attached). That was confirmed in a recent conversation between the current supervisor of the water rights section, Dwight French, and the head of the transfer section, Larry Nunn.

Your attention is also directed to another attached letter; that of Vestal Garner to you, dated April 25, 1990. The items covered in that letter remain valid today--a formal point of diversion transfer is required for the City's 6 cfs 1972 groundwater right. A list of local CWRE's that might assist you with the required transfer is enclosed.

Should you have questions regarding any of the above, please get in touch.

Sincerely,

John P. Drolet  
Watermaster, District 19

JPD/dt

Atch:Garner's 05-20-88 & 04-25-90 ltrs

CF: Dwight French  
Larry H. Nunn  
AJC

bkgsexfr2.d19

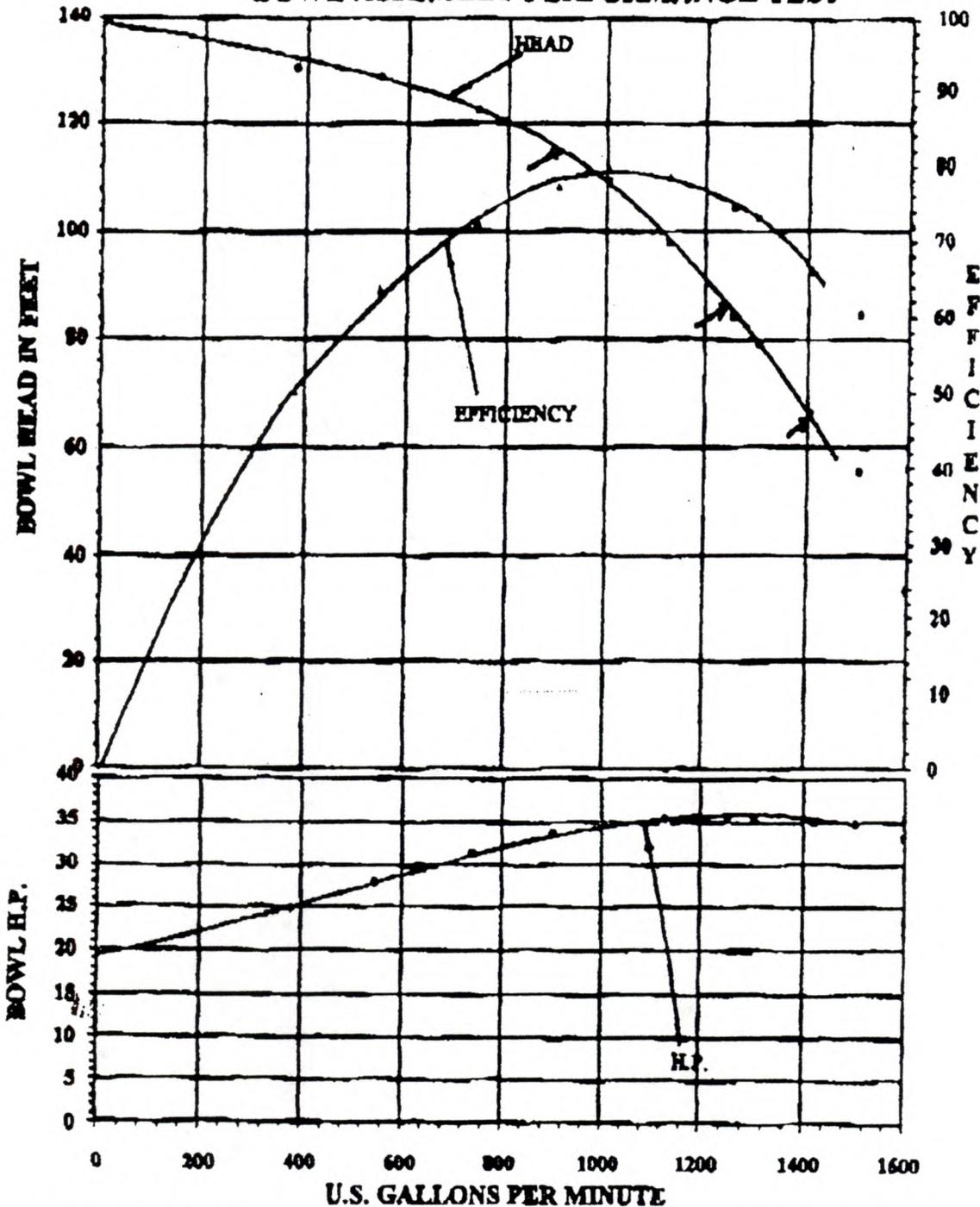
**RECEIVED**

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

# AMERICAN TURBINE PUMP CO., INC.

## BOWL ASSEMBLY PERFORMANCE TEST



RECEIVED

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

TESTED BY:		1780 CURVE R.P.M.		CERTIFIED BY:	
CUSTOMER: A. T. CALIFORNIA				23-Dec-94	
PO #:	JOB:	SERIAL #:	L012289F		
BOWL: 11H130	STAGES: 2	TRIM: 2	@ 8.746		
GPM REQ: 1350	HEAD REQ: 83	TESTED HEAD:			

Ranney Collector Pumps

# AMERICAN TURBINE PUMP CO., INC.

4229 ADRIAN

LUBBOCK, TEXAS 79415

## BOWL PERFORMANCE TEST

CUSTOMER	A. T. CALIFORNIA	TEST OR CUSTOMER MOTOR	TEST
DATE	23-Dec-94	MOTOR H.P.	40
SERIAL #	L012597	MOTOR R.P.M.	1760 RPM
DESCRIPTION	3 STAGE 12" W 180	CURVE R.P.M.	1760 RPM
TRIM	3 STAGE 2.74%	COLUMN SIZE	8 INCH
IMPELLER WEIGHT	14.80 POUNDS	SHAFT SIZE	1 1/2 INCH
GALLONS REQUIRED	1250	COLUMN LENGTH	3 FEET
HEAD REQUIRED	83 FEET	STAGES	1
TEST #	1	GUAGE ELEVATION	6.450 FEET
FLOW METER SIZE	6 INCH	THRUST CONSTANT	6.82 POUNDS
REVOLUTIONS	3	VOLTAGE	470
SECONDS	21.33	PHASE	3
K.W. READING	29.10 KW	COLUMN TAP TO PUMP	2.00 FEET
SPECIFIC GRAVITY	1		

POINT #	METER FLOW GPM	METER PSI	CORRECTED TDH	TIME IN SECONDS	ACTUAL KW	METER RPM	CURVE RPM	THRUST HP	G.P.M. AT RPM	T.D.H. AT RPM	BOWL EFF	BOWL H.P.
1	0	58	134.0	37.19	16.69	1789	1787.1	.13	0.0	139.02	0.00 %	19.3
2	381	54	124.7	29.57	20.99	1786	1783.4	.12	379.7	130.47	50.32 %	24.9
3	548	53	122.4	26.46	25.46	1784	1781.1	.12	546.8	128.62	63.65 %	27.9
4	740	54.3	116.0	23.83	26.39	1783	1778.4	.11	738.8	122.57	72.75 %	31.4
5	903	47.6	107.6	21.95	28.28	1781	1776.6	.10	901.5	114.81	77.42 %	33.8
6	1005	45	101.6	21.33	29.10	1780	1775.8	.10	1005.0	109.14	79.63 %	34.8
7	1128	40	90.1	20.94	29.69	1780	1775.2	.09	1128.0	97.83	78.69 %	35.4
8	1254	34	76.2	20.83	29.80	1781	1775.1	.08	1253.3	84.20	74.94 %	35.6
9	1303	31.8	71.1	20.81	29.83	1781	1775.0	.07	1302.3	79.24	73.22 %	35.6
10	1405	26	57.8	20.89	29.72	1781	1775.2	.06	1404.2	66.14	66.11 %	35.5
11	1503	21.3	48.9	21.31	29.13	1781	1775.7	.05	1502.2	55.57	60.57 %	34.8
12	1600	11.5	24.3	22.31	27.83	1782	1777.0	.03	1598.2	33.22	40.33 %	33.2

TESTED BY > TF CERTIFIED CORRECT BY > 740 DATE 23-Dec-94

RECEIVED

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON



147 125

Title Number:

EXHIBIT 'A'

A tract of land lying in Section Thirty-Five (35), Township Forty (40) South, Range Thirteen (13) West of the Willamette Meridian in Curry County, Oregon, described as follows:

Beginning at the Southeast Corner of the Northeast quarter of the Northwest quarter of said Section 35:  
thence South 86° 35' West 814 feet;  
thence North 35° 55' East 102 feet;  
thence North 44° 59' East 154.6 feet;  
thence North 68° 49' East 194.4 feet;  
thence North 54° 54' East 122.8 feet, more or less, to the East boundary of said forty;  
thence South 0° 29' 30" East along the East boundary 314 feet to the point of beginning.

SAVE AND EXCEPT any portion lying within the boundaries of the County Road.

EXCEPTIONS:

- The rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.
- Any adverse claim based upon the assertion that:
  - (a) Said land or any part thereof is now or at any time has been below the ordinary high water mark of the
  - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
  - (c) Some portion of said land has been brought within the boundaries thereof by a change in the location of North Fork Chotco River

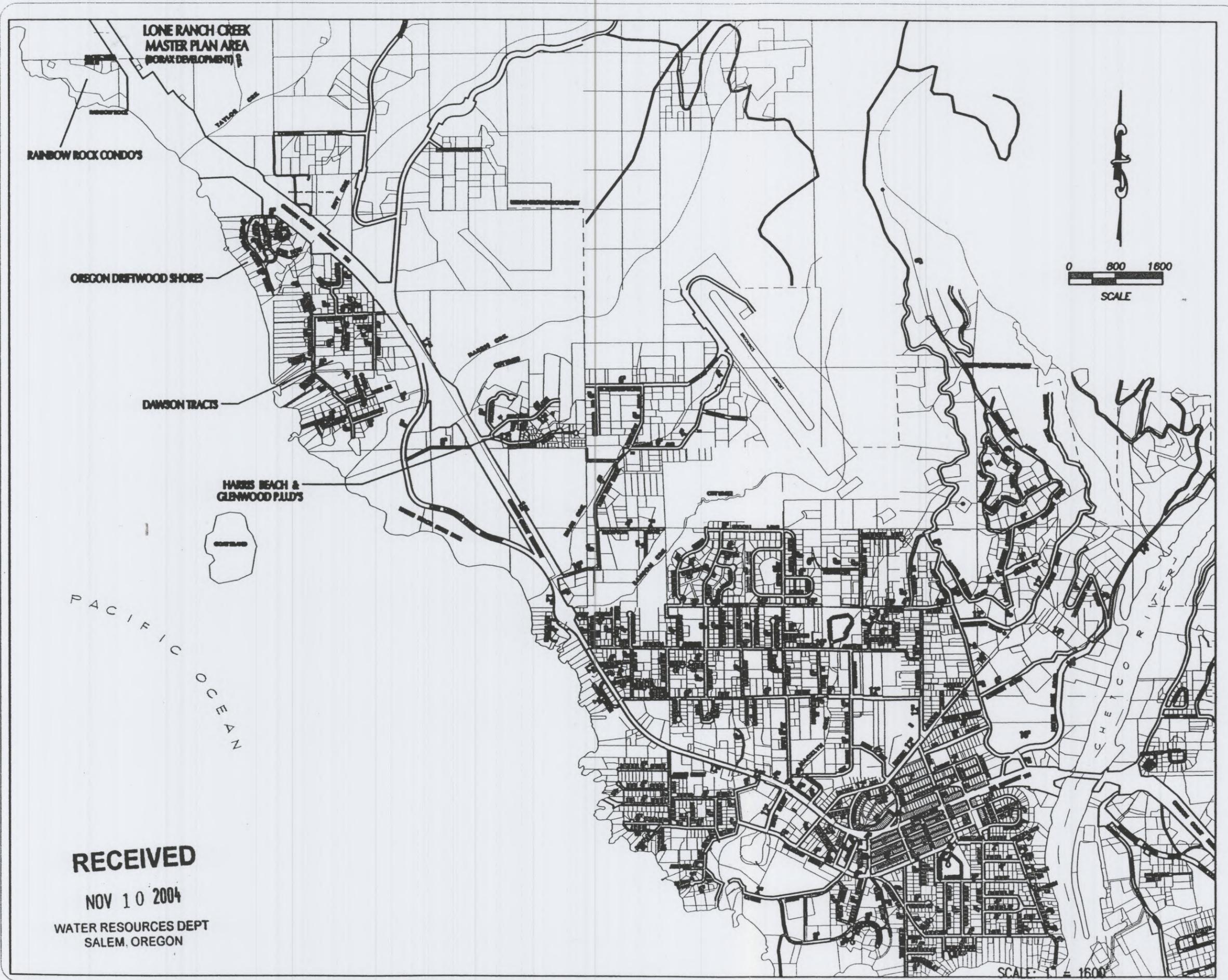
Indexed in DEEDS  
 (State of Oregon) ss.  
 County of Curry)  
 I hereby certify that the within instrument was recorded on the 9 day of Aug 1988 at 2:55 o'clock P.M. in Book of Records Vol. 147 Page 124-125 of said County.  
 Witness my hand and seal of County aforesaid.  
 EUGENE P. BAUMANN, Curry County Clerk  
*Eugene P. Baumann*  
 Fee Rec'd. \$ 15.00

RECEIVED

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

# EXISTING WATER DISTRIBUTION SYSTEM



**RECEIVED**

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED



FIGURE  
4.1

For the Year of  
2003

2003

Service Population = 6,354  
Residential Hook ups = 2,773

December, 2003

Water Treatment Plant  
Yearly - Monthly Operating Averages

Month	Total	Minimum	Maximum	Average	Raw Turbidity			(Turner) Finished Turbidity		
					Min.	Max.	Avg	Min.	Max.	Avg
Jan.	25.797	0.528	1.141	0.879	0.02	0.45	0.08	0.02	0.31	0.03
Feb.	24.817	0.719	1.088	0.886	0.02	0.15	0.04	0.02	0.28	0.035
Mar.	27.612	0.742	1.141	0.891	0.02	0.18	0.06	0.02	0.08	0.032
Apr.	26.321	0.680	1.000	0.877	0.02	0.15	0.06	0.02	0.04	0.02
May	32.459	0.723	1.502	1.100	0.02	0.06	0.03	0.02	0.04	0.02
Jun.	47.508	0.958	2.572	1.584	0.02	0.05	0.02	0.02	0.05	0.02
Jul.	54.696	1.183	2.063	1.764	0.02	0.10	0.02	0.02	0.02	0.02
Aug.	51.727	1.332	2.050	1.669	0.02	0.02	0.02	0.02	0.14	0.03
Sep.	42.998	1.080	1.844	1.433	0.02	0.02	0.02	0.02	0.04	0.02
Oct.	33.106	0.638	1.486	1.069	0.02	0.02	0.02	0.02	0.04	0.02
Nov.	27.659	0.701	1.104	0.922	0.02	0.04	0.02	0.02	0.05	0.022
Dec.	28.095	0.266	1.569	0.906	0.02	1.98	0.30	0.02	0.33	0.046
Year	422.795	0.266	2.572	1.165	0.02	1.98	0.06	0.02	0.33	0.02625

Month	WATER SOLD	% WATER ACCOUNT FOR	% WATER UNACC. FOR
Jan.	22.969	89	11
Feb.	27.603	111	-11
Mar.	20.575	75	25
Apr.	22.099	84	16
May	23.940	74	26
Jun.	36.700	77	23
Jul.	58.745	107	-7
Aug.	50.253	97	3
Sep.	39.340	91	9
Oct.	29.068	88	12
Nov.	20.277	73	27
Dec.	22.607	80	20
Year	374.175	87	13
Avg	31.181		



Month	MG Produced after adjustment.
Jan	1,500
Feb	7,200
Mar	0
Apr	0
May	1,500
Jun	0
Jul	0
Aug	43,000
Sep	85,000
Oct	34,000
Nov	4,000
Dec	34,000

2.572	1.817 Cu Ft per Sec.
35.233 M. Gal. Yearly Mo. Avg.	3.980 Max Cu Ft per Sec.

#####

422.585

**RECEIVED**

NOV 10 2004

WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**

**NOV 10 2004**

**WATER RESOURCES DEPT  
SALEM, OREGON**

For the Year of  
2004

2004

Service Population = 6,950  
Residential Hook ups = 2,886

September, 2004

**Water Treatment Plant  
Yearly - Monthly Operating Averages**

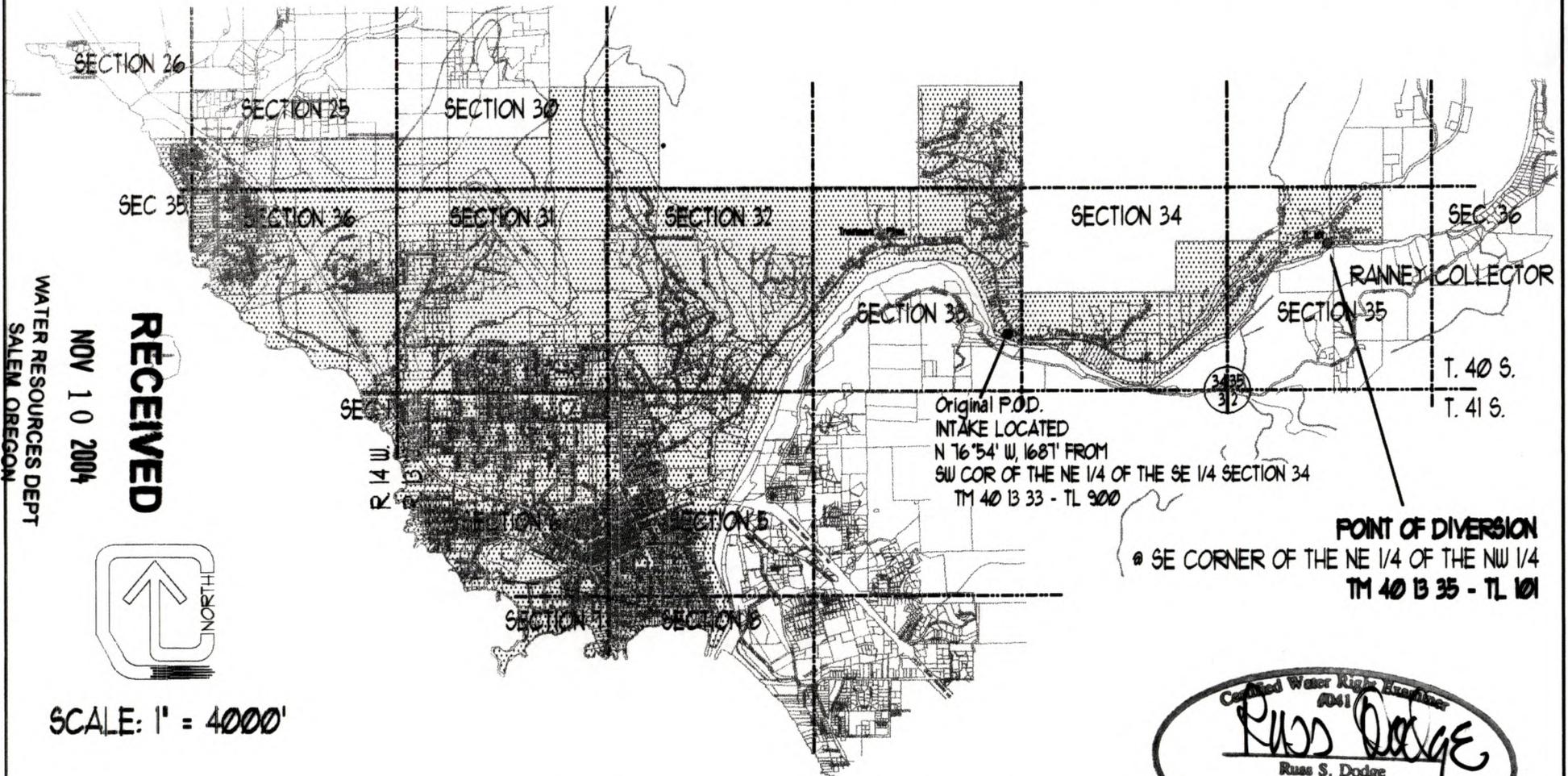
Monthly Flows-M.G.D.					(Micro 100)					
Month	Total	Minimum	Maximum	Average	Raw Turbidity			Finished Turbidity		
					Min.	Max.	Avg	Min.	Max.	Avg
Jan.	28.208	0.708	1.291	0.910	0.02	0.73	0.10	0.02	0.04	0.021
Feb.	25.059	0.709	1.066	0.864	0.02	0.25	0.06			
Mar.	29.230	0.645	1.382	0.943	0.02	0.09	0.04			
Apr.	31.156	0.843	1.583	1.039	0.02	0.06	0.03	0.02	0.07	0.03
May	41.056	0.971	1.732	1.324	0.02	0.02	0.02	0.02	0.11	0.03
Jun.	45.189	0.257	2.287	1.506	0.02	0.07	0.02	0.02	0.32	0.03
Jul.	56.830	1.370	2.374	1.833	0.02	0.02	0.02	0.02	0.02	0.02
Aug.	45.195	1.087	1.803	1.458	0.02	0.02	0.02	0.02	0.03	0.02
Sep.	42.116	1.049	2.023	1.404	0.02	0.03	0.02	0.02	0.02	0.02
Oct.										
Nov.										
Dec.										
Year	344.039	0.257	2.374	1.253	0.02	0.73	0.04	0.02	0.32	0.03

Month	WATER SOLD	% WATER ACCOUNT		MG Produced after adjustment.
		FOR	UNACC. FOR	
Jan.	31.284	111	-11	28.208
Feb.	19.793	79	21	25.059
Mar.	23.148	79	21	29.216
Apr.	25.480	82	18	31.150
May	30.587	75	25	41.024
Jun.	38.868	86	14	45.187
Jul.	47.751	84	16	56.830
Aug.	40.138	89	11	45.165
Sep.	37.201	88	12	42.070
Oct.		#DIV/0!	#DIV/0!	-0.030
Nov.		#DIV/0!	#DIV/0!	0.000
Dec.		#DIV/0!	#DIV/0!	0.000
Year	294.251	#DIV/0!	#DIV/0!	343.879
Avg	32.695			

2.374	1.972 Cu Ft per Sec.
38 227 Million Gal. Per Month	3.673 Max Cu Ft per Sec.

Month	MG Produced after adjustment.
Jan	0
Feb	0
Mar	14,000
Apr	6,000
May	32,000
Jun	2,000
Jul	0
Aug	30,000
Sep	46,000
Oct	30,000
Nov	0
Dec	0
<b>Total</b>	<b>160,000</b>

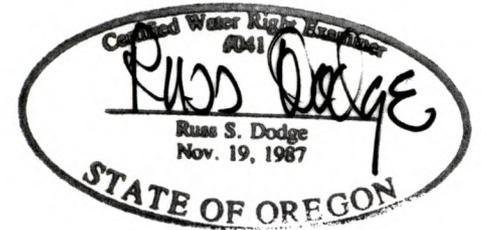
# TOWNSHIP 40 SOUTH RANGE 13 WEST, W.M.



WATER RESOURCES DEPT  
SALEM OREGON

NOV 10 2004

RECEIVED



## FINAL PROOF SURVEY

APPL NO. S 37091 PER NO. S 27610

APRIL 30, 2004

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

# Water Rights Information Query Results

<u>Name</u>	<u>Application</u>	<u>Permit</u>	<u>Certificate</u>	<u>Decree</u>	<u>Claim</u>	<u>Transfer</u>	<u>Status</u>
n/a ( <a href="#">details</a> )	IS70882		<a href="#">72780</a>				NC
n/a ( <a href="#">details</a> )	IS70884		<a href="#">72782</a>				NC
n/a ( <a href="#">details</a> )	IS70887		<a href="#">73081</a>				NC
n/a ( <a href="#">details</a> )	IS70889		<a href="#">73082</a>				NC
n/a ( <a href="#">details</a> )	IS70905		<a href="#">72794</a>				NC
n/a ( <a href="#">details</a> )	IS70906		<a href="#">72795</a>				NC
n/a ( <a href="#">details</a> )	IS70907		<a href="#">72796</a>				NC
n/a ( <a href="#">details</a> )	IS70908		<a href="#">73087</a>				NC
n/a ( <a href="#">details</a> )	MF382		<a href="#">59830</a>				NC
n/a ( <a href="#">details</a> )	MF383		<a href="#">59865</a>				NC

Page:1

Download [Place of Use Data](#), [Point of Diversion Data](#), or [Owner Data](#)

[Return to the Water Right Information search screen](#)

*Phillip C. Ward, Acting Director*

*Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 •  
Fax: 503-986-0903*

STATE OF OREGON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: S FK CHETCO R tributary to CHETCO R

County: CURRY

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

SOUTH FORK CHETCO RIVER FROM COON CREEK AT RIVER MILE  
10.0 (NW1/4, SECTION 33, TOWNSHIP 39S, RANGE 11W WM);  
TO THE MOUTH AT RIVER MILE 0.0 (NESE, SECTION 8, TOWNSHIP  
39S, RANGE 12W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/8/1990.

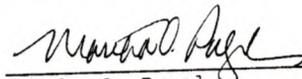
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
170.0	170.0	170.0	170.0	83.8	41.6	21.7	13.0	10.3	25.0	170.0	170.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed SEPTEMBER 13, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 72780.

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: QUAIL PRAIRIE CR tributary to S FK CHETCO R

County: CURRY

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

QUAIL PRAIRIE CREEK FROM PRAIRIE CREEK AT RIVER MILE  
3.0 (SENW, SECTION 35, TOWNSHIP 38S, RANGE 12W WM); TO  
THE MOUTH AT RIVER MILE 0.0 (SNNW, SECTION 10, TOWNSHIP  
39S, RANGE 12W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/8/1990.

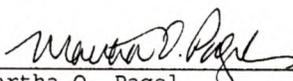
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
43.0	43.0	43.0	43.0	18.9	9.97	5.47	3.33	2.69	6.29	41.7	43.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed SEPTEMBER 13, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 72782.

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: N FK CHETCO R tributary to CHETCO R

County: CURRY

Purpose: Providing required streamflows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

NORTH FORK CHETCO RIVER FROM BRAVO CREEK AT RIVER  
MILE 6.0 (SESW, SECTION 9, TOWNSHIP 40S, RANGE 13W  
WM) TO THE MOUTH AT RIVER MILE 0.0 (SWNE, SECTION 35,  
TOWNSHIP 40S, RANGE 13W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/ 8/1990.

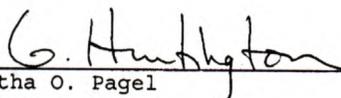
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
135	135	135	135	62.9	47.8	26.5	15.2	8.98	18.0	135	135

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed OCTOBER 18, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 73081.

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: JACK CR tributary to CHETCO R

County: CURRY

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

JACK CREEK FROM THE HEADWATERS AT RIVER MILE 6.0  
(SECTION 30, TOWNSHIP 40S, RANGE 12W WM); TO THE MOUTH  
AT RIVER MILE 0.0 (SESE, SECTION 34, TOWNSHIP 40S,  
RANGE 13W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/ 8/1990 .

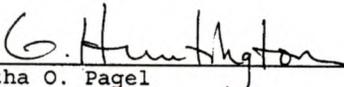
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
43.0	43.0	43.0	43.0	8.42	7.94	4.45	2.45	1.25	2.31	18.4	43.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed OCTOBER 18, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 73082.

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: CHETCO R tributary to PACIFIC OCEAN

County: CURRY

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

CHETCO RIVER FROM LITTLE CHETCO RIVER AT RIVER MILE 50.0 (SWSE, SECTION 32, TOWNSHIP 38S, RANGE 10W WM); TO SOUTH FORK CHETCO RIVER AT RIVER MILE 18.2 (NESE, SECTION 8, TOWNSHIP 39S, RANGE 12W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/8/1990.

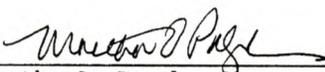
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
510.0	510.0	510.0	510.0	510.0	257.0	122.0	72.5	64.3	173.0	510.0	510.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed SEPTEMBER 13, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 72794.

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: CHETCO R tributary to PACIFIC OCEAN

County: CURRY

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

CHETCO RIVER FROM BROKEN COT CREEK AT RIVER MILE 55.0 (SE1/4, SECTION 20, TOWNSHIP 39S, RANGE 10W WM); TO LITTLE CHETCO RIVER AT RIVER MILE 50.0 (SWSE, SECTION 32, TOWNSHIP 38S, RANGE 10W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/8/1990.

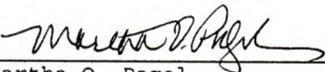
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
85.0	85.0	85.0	85.0	83.7	23.3	10.0	5.7	6.01	17.4	85.0	85.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed SEPTEMBER 13, 1996.

  
\_\_\_\_\_  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 72795.

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: CHETCO R tributary to PACIFIC OCEAN

County: CURRY

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

CHETCO RIVER FROM SOUTH FORK CHETCO RIVER AT RIVER MILE 18.2 (NESE, SECTION 8, TOWNSHIP 39S, RANGE 12W WM); TO NORTH FORK CHETCO RIVER AT RIVER MILE 5.4 (SWNE, SECTION 35, TOWNSHIP 40S, RANGE 13W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 11/8/1990.

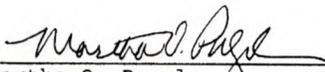
The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
350.0	350.0	350.0	350.0	350.0	200.0	100.0	100.0	86.8	221.0	450.0	450.0

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed SEPTEMBER 13, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 72796.

STATE OF OREGON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: CHETCO R tributary to PACIFIC OCEAN

County: CURRY

Purpose: Providing required stream flows for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

CHETCO RIVER FROM NORTH FORK CHETCO RIVER AT RIVER MILE 5.4  
(SWNE, SECTION 35, TOWNSHIP 40S, RANGE 13W WM); TO THE MOUTH AT  
RIVER MILE 0.0 (SECTION 8, TOWNSHIP 41S, RANGE 13W WM)

The right is established under Oregon Revised Statutes 537.341.

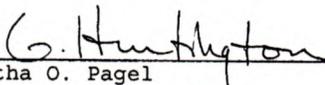
The date of priority is 11/ 8/1990.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:  

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
595.0	595.0	595.0	595.0	595.0	350.0	213.0	129.0	101.0	246.0	595.0	595.0
2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director,  
affixed OCTOBER 18, 1996.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificate number 73087.

STATE OF OREGON  
COUNTY OF CURRY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
SALEM, OREGON 97310

confirms the right to use the waters of CHETCO RIVER, a tributary of the PACIFIC OCEAN, in the SOUTH COAST BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN CHETCO RIVER AND ITS TRIBUTARIES ABOVE THE CONFLUENCE OF CHETCO RIVER & NORTH FORK CHETCO RIVER (SECTION 35, T 40 S, R 13 W) MEASURED BETWEEN SAID CONFLUENCE AND THE CONFLUENCE OF THE CHETCO RIVER AND GLEN BROOK.

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MAY 22, 1964.

The right is limited to not more than 80 cubic feet per second throughout the year.

This instream water right shall not have priority over domestic and livestock uses and irrigation of non-commercial gardens not to exceed one-half acre in area or waters to be legally stored or legally released from storage.

Witness the signature of the Water Resources Director affixed this 17th day of May 1989.

  
Water Resources Director

Recorded in State Record of Water Right Certificates number 59830.

MF382 17.CHETCO R. & MISC.VOL7.DIST19

STATE OF OREGON  
COUNTY OF CURRY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
SALEM, OREGON 97310

confirms the right to use the waters of CHETCO RIVER, a tributary of the PACIFIC OCEAN, in the SOUTH COAST BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE CHETCO RIVER BELOW THE NORTH FORK OF THE CHETCO RIVER AND MAINTAINED TO TIDEWATER.

The right is established under Oregon Revised Statutes 537.346.

The date of priority is APRIL 1, 1980.

The right is limited to not more than the amounts during the time periods listed below:

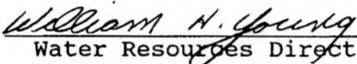
<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	200
OCT 16- DEC 31	450
JAN 1 - MAY 31	350
JUN 1 - JUN 15	200
JUN 16- JUN 30	100
JUL 1 - SEP 30	80

This instream water right shall not have priority over appropriations of water for domestic or livestock uses and irrigation of non-commercial gardens not exceeding one-half acre in area.

This instream water right is subject to 3 CUBIC FEET PER SECOND WHICH IS RESERVED FOR MUNICIPAL PURPOSES.

Sand bars may prevent direct surface flow to the ocean. During such periods, minimum flows shall apply to the head of the pools formed by the sand bars.

Witness the signature of the Water Resources Director affixed this 9th day of JUNE, 1989.

  
Water Resources Director

Recorded in State Record of Water Right Certificates number 59865.

MF383 17.CHETCO R & MISC.VOL7.DIST19

\*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, Brookings Water Company by Elmer Bankus, owner (Name of applicant) of Brookings (Mailing address) State of Owner, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Chetco River (Name of stream) a tributary of Pacific Ocean

2. The amount of water which the applicant intends to apply to beneficial use is 4.0 cubic feet per second. (If water is to be used from more than one source, give quantity from each)

\*\*3. The use to which the water is to be applied is Municipal Purposes (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and ft. from the corner of (N. or S.) (E. or W.) (Section or subdivision) N 76° 54' W, 1687 Ft. from the S. W. Corner of the NE 1/4 SW 1/4 of Section 34 (If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheets if necessary) being within the NE 1/4 SE 1/4 of Sec. 33, Tp. 40 S (Give smallest legal subdivision) (N. or S.) R. 13 W, W. M., in the county of Curry (E. or W.)

5. The Pipeline (Main ditch, canal or pipe line) to be 2 3/4 miles (Miles or feet) in length, terminating in the City of Brookings (Smallest legal subdivision) of Sec. 5, 6, 7, 8, Tp. 41 S (N. or S.) R. 13 W, W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description Vertical turbine pump driven by a 50 H. P. Electric Motor (Size and type of pump) (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

\*A different form of application is provided where storage works are contemplated.

\*\*Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.



10. (a) To supply the city of Brookings, Oregon  
Curry County, having a present population of 2,580  
(Name of)  
and an estimated population of 4,500 in 1975.

(b) If for domestic use state number of families to be supplied .....

(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ 85,000.
- 12. Construction work will begin on or before Started
- 13. Construction work will be completed on or before October 1st, 1963
- 14. The water will be completely applied to the proposed use on or before October 1st, 1964

Brookings Water Company  
(Signature of applicant)  
by [Signature]  
Owner

Remarks: This application is being filed to take the place of Permit No. 24160  
Application No. 30168, which is being canceled due to my inability to complete the  
project within the time limits as allowed and extended.

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for .....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ....., 19.....

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

STATE ENGINEER

By ..... ASSISTANT





# City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1100 Fax (541) 469-3650

[gmilliman@brookings.or.us](mailto:gmilliman@brookings.or.us)

**RECEIVED**

DEC 10 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**GARY MILLIMAN**  
City Manager

December 7, 2007

Gerry Clark  
Oregon Water Resources Department  
725 Summer Street, NE. Suite A  
Salem, Oregon 97301

RE: City of Brookings, Permit S-27610

Dear Mr. Clark:

Enclosed please find a Claim of Beneficial Use (COBU) for permit S-27610. The enclosed material is to replace the COBU for permit S-27610 submitted by the City in May of 2004.

If you have any questions regarding this COBU please contact Adam Sussman or Ted Ressler of GSI Water Solutions or our attorney Martha Pagel.

Sincerely,

Gary Milliman  
City Manager

Enclosure

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

## CLAIM OF BENEFICIAL USE

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

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. **A separate form shall be completed for each permit or transfer final order.**

### I. General Information

#### 1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
<i>S-37091</i>	<i>S-27610</i>

#### 2. Property owner (current owner information)

a. Individuals N/A

b. Businesses/Organizations

Name	<i>City of Brookings</i>
Contact Person and Title	<i>John Cowan, Public Works Director</i>
Mailing Address	<i>898 Elk Drive</i>
City/State/Zip	<i>Brookings, Oregon 97415</i>
Phone	<i>541-469-1151</i>
Fax	<i>541-469-3650</i>
e-mail	<i>jcowan@brookings.or.us</i>

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

#### 3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals N/A

d. Businesses/Organizations

Name	<i>City of Brookings</i>
Contact Person and Title	<i>N/A</i>
Mailing Address	<i>898 Elk Drive</i>
City/State/Zip	<i>Brookings, Oregon 97415</i>

4. Date of Site Inspection: *11/13/2007*

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

Name	Date	Association with the project
<b>John Cowan</b>	<b>11/13/2007</b>	<b>Public Works Director</b>
<b>Mark Haglund</b>	<b>11/13/2007</b>	<b>Lead Operator</b>

6. County:

7. Tax Lot Information (for Ranney Collector):

Tax map number	Tax lot number
<b>40 13 35</b>	<b>101</b>

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

\*\*Mark "NA" if there are no owners of property not included in this claim

N/A

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**II. Points of Diversion/Appropriation and Place of Use**

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

***Water is withdrawn using a Ranney Collector, which consists of a 15-foot diameter caisson with 5 inlet screens that radiate out horizontally from the base of the caisson beneath the Chetco River channel (approximately 10 feet below the river channel). Water from beneath the river bed flows into the inlet screens, which convey the water into the caisson. Water is pumped from the caisson by three 40 horsepower vertical turbine pumps extending down into the caisson from a small pump house located on top of the caisson. The discharge pipes from the three pumps manifold to a 16-inch raw water transmission line to the water treatment plant located approximately 2.5 miles to the west of the Ranney Collector, on North Back Chetco River Road. The water treatment plant has a treatment capacity of 2.6 MGD. Treated water is pumped from the clear well at the water treatment plant into the City's distribution system, which consists of eleven finished water reservoirs, eight distribution pump stations, and a network of various sized transmission and distribution pipelines. Additional information on the City's distribution system is provided available in excerpts of the City's Water System Master Plan provided in Attachment A.***

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
<b>Ranney Collector</b>	<b>N/A</b>	<b>N/A</b>

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
<b>Chetco River</b>	<b>Pacific Ocean</b>

4. Point of diversion/appropriation location:

(DLC, Government Lot, ¼ ¼, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
<i>NE¼NW¼, Section 35, Township 40 South, Range 13 West (W.M.)</i>	<i>Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35, Township 40 South, Range 13 West (W.M.)</i>

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
<i>Municipal</i>	<i>N/A</i>	<i>Year round</i>	<i>4.0 cfs</i>
<b>Total Quantity of Water</b>			<u><b>4.0 cfs</b></u>

6. Place of use for the point of diversion or appropriation

*The Place of Use (POU) listed below is as described in Permit S-27610.*

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
<i>N/A</i>	<i>N/A</i>	<i>ALL</i>	<i>5</i>	<i>41 S</i>	<i>13 W</i>	<i>MU</i>	<i>N/A</i>	<i>N/A</i>
<i>N/A</i>	<i>N/A</i>	<i>ALL</i>	<i>6</i>	<i>41 S</i>	<i>13 W</i>	<i>MU</i>	<i>N/A</i>	<i>N/A</i>
<i>N/A</i>	<i>N/A</i>	<i>ALL</i>	<i>7</i>	<i>41 S</i>	<i>13 W</i>	<i>MU</i>	<i>N/A</i>	<i>N/A</i>
<i>N/A</i>	<i>N/A</i>	<i>ALL</i>	<i>8</i>	<i>41 S</i>	<i>13 W</i>	<i>MU</i>	<i>N/A</i>	<i>N/A</i>
<b>Total Acres Irrigated</b>								<u><b>N/A</b></u>

**Groundwater Source Information (Well and Sump)**

\*\*If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

*N/A*

**Reservoir Data**

\*\*If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

*N/A*

**Storage tank data**

\*\*If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

1. If the system involved a storage tank, complete the table below:

Name	Material (concrete, fiberglass, metal, etc.)	Capacity in gallons	Above ground or buried
<i>East Harris</i>	<i>Welded steel</i>	<i>75,000</i>	<i>Above</i>
<i>1.5 MG</i>	<i>Welded steel</i>	<i>1,500,000</i>	<i>Above</i>
<i>Old County</i>	<i>Concrete</i>	<i>200,000</i>	<i>Above</i>
<i>Pacific View</i>	<i>Concrete</i>	<i>23,000</i>	<i>Above</i>
<i>Tidewater</i>	<i>Welded steel</i>	<i>20,000</i>	<i>Above</i>
<i>Vista Ridge</i>	<i>Welded steel</i>	<i>84,000</i>	<i>Above</i>
<i>Pacific Terrace</i>	<i>Bolted steel</i>	<i>158,000</i>	<i>Above</i>
<i>Mtn. Drive #1</i>	<i>Welded steel</i>	<i>14,600</i>	<i>Above</i>
<i>Mtn. Drive #2</i>	<i>Welded steel</i>	<i>13,000</i>	<i>Above</i>
<i>Mtn. Drive #3</i>	<i>Welded steel</i>	<i>13,000</i>	<i>Above</i>
<i>Mtn. Drive #4</i>	<i>Welded steel</i>	<i>2,900</i>	<i>Above</i>

**RECEIVED**  
DEC 12 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

**Gravity flow pipe** (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

\*\*If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

N/A

**Gravity flow canal or ditch** (The Department typically uses Manning's formula for canals and ditches)

\*\*If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

N/A

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**System Information:**

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
<i>American Turbine</i>	<i>12H150</i>	<i>Not available*</i>	<i>Turbine</i>	<i>8-inch</i>	<i>10-inch</i>
<i>American Turbine</i>	<i>12H150</i>	<i>Not available*</i>	<i>Turbine</i>	<i>8-inch</i>	<i>10-inch</i>
<i>American Turbine</i>	<i>12H150</i>	<i>Not available*</i>	<i>Turbine</i>	<i>8-inch</i>	<i>10-inch</i>

*\*Note: The serial number of each pump was not located in paper records or in the pump house.*

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
<i>US Electric</i>	<i>617299 S12S2630359R-1</i>	<i>40</i>	<i>1780</i>	<i>460</i>
<i>US Electric</i>	<i>617299 S12S2630359R-2</i>	<i>40</i>	<i>1780</i>	<i>460</i>
<i>US Electric</i>	<i>688851 Y01X3080674R-1</i>	<i>40</i>	<i>1780</i>	<i>460</i>

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
<i>Sparling</i>	<i>134348</i>	<i>Working</i>	<i>--</i>	<i>Readout is ×1000 gallons</i>

4. Measurement device description

N/A – Refer to Item 3 above

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
<i>N/A</i>	<i>N/A</i>	<i>17 hrs*</i>	<i>2,534,000 gallons*</i>

*\*Note: The stated pump capacity is the maximum daily production from the Ranney Collector measured prior to the C-Date of the permit (October 1, 1999), occurring during the month of September in 1998. Additional discussion and documentation of this production volume is presented in Item #11 below.*

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output

40	20	41	33	3.67 cfs
40	20	41	33	3.67 cfs
40	20	41	33	3.67 cfs

7. Provide pump calculations in the box below:

**Theoretical pump capacity (in cfs) calculated using the following:**

$$Q_{\text{pump}} = \frac{(\text{Hp})(\text{conversion factor})}{(\text{lift} + \text{pressure} + \text{pipe friction losses})} \quad \text{where conversion factor} = 7.04 \text{ for a turbine pump}$$

**For each of the 3 intake pumps,**

$$Q_{\text{Pump}} = \frac{(40)(7.04)}{[(41+33) + 20*2.31 + 26]} = 1.93 \text{ cfs each}$$

**Totaling 5.79 cfs for all 3 intake pumps**

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
16-inch (to treatment plant)	13,200 feet	Steel	Buried

9. Lateral or handline information:

N/A – Water right supplies municipal drinking water distribution system

10. Sprinkler information    Make and model:

N/A – Water right supplies municipal drinking water distribution system

11. Additional notes or comments related to the system:

**Refer to Attachment A for a description of the City of Brookings municipal drinking water distribution system.**

**In developing the actual rate of beneficial water use developed under Permit S-27610, historical records of treatment plant production (prior to the C-Date of October 1, 1999) were used. The treatment plant receives all water from the Ranney Collector, the authorized Point of Diversion for Permit S-27610. There is no flow meter located between the Ranney Collector and the treatment plant, there is only a flow meter in the transmission pipe leaving the treatment plant. The daily volume of finished water leaving the treatment plant (as measured by the flow meter in the transmission pipe) is reflective of the volume of raw water pumped from the Ranney Collector, with the exception that some additional raw water is pumped to backflush the treatment plant filters. According to the City, an average volume of 18,000 gallons is used daily to backflush the treatment plant filters.**

**Based on the City's available production records, a finished water volume of 2.516 million gallons (MG) was produced on a peak day during the month of September in 1998 (refer to Attachment B for production data by month for Year 1998, including total monthly volumes and minimum, maximum, and average daily volumes for each month.). As mentioned above, this finished water volume does not include approximately 18,000 gallons of additional raw water pumped for filter backflushing. Accounting for this additional volume of raw water, the adjusted volume of raw water pumped is 2.534 million gallons.**

RECEIVED  
DEC 12 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

**According to the City, on a peak day like this, the City operates the pumps in the Ranney Collector for approximately 17 hours (i.e., the pumps are not run for an entire 24 hour period). Based on the foregoing, the estimated rate of water production from the Ranney Collector is:**

$$Q_{POD} = 2,534,000 \text{ gal} \div 17 \text{ hours} \times (1 \text{ hr}/60 \text{ min}) \times (1 \text{ cfs}/448.831 \text{ gpm}) = \underline{5.54 \text{ cfs}}$$

**This developed rate of water production is the sum of the full rate of 4 cfs allowed under Permit S-27610 and an additional 1.54 cfs pumped under Permit S-31293.**

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SOUTHWEST OREGON

### III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

#### 1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	<b>10/26/1962</b>	<b>Prior to 10/26/1962</b>	<b>Construction of original Point of Diversion</b>
Complete construction	<b>10/1/1999 (per extension)</b>	<b>- 1988 - 1989</b>	<b>- Point of Diversion relocated (refer to Attachment C) - Ranney Collector well constructed</b>
Complete application of water	<b>10/1/1999 (per extension)</b>	<b>Sept. 1998</b>	<b>Full beneficial use of water at the permit authorized rate of 4 cfs.</b>

#### 2. Initial Water Level Measurements:

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? N/A

#### 3. Annual Static Water Level Measurements:

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? N/A

#### 4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?

NO

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

\*\*If "NO", items b through g relating to this section can be deleted.

5. Fish Screening and/or By-pass Devices

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

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

\*\*If "NO", items b through l relating to this section can be deleted

6. **Pump Test** (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

a. Did the permit require the submittal of a pump test? N/A

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

N/A

**IV. Variations, Attachments, Conclusions, Map and Signatures**

**Variations**

Include a description of variations from the permit or transfer final order

1. *The location of the Point of Diversion is different than that stated on Permit S-27610. In a letter dated April 22, 1988, a representative of the City requested that the City be allowed to relocate the Point of Diversion. In a letter dated May 20, 1988 and in subsequent letters, the Department approved the City's request to relocate the Point of Diversion. The Point of Diversion described in this Claim of Beneficial Use Report is located at the Department approved relocated point. Copies of these letters and additional correspondence related to the relocation of the Point of Diversion are provided in Attachment C.*
2. *A legal description of the relocated Point of Diversion with respect to a recognized survey corner could not be located in the water right file information for Permit S-27610; the Point of Diversion is described only as being located in the SE corner of the NE¼NW¼ of Section 35, Township 40 South, Range 13 West. A legal description has been developed using aerial photographs and the PLSS survey grid. The developed legal description is stated under Section II, Item 4 and also on the Claim of Beneficial Use Map.*

**Attachments**

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
<i>Attachment A</i>	<i>Excerpts from April 2000 Water Master Plan Update for the City of Brookings</i>
<i>Attachment B</i>	<i>Production records</i>
<i>Attachment C</i>	<i>Correspondence between Oregon Water Resources Department and the City of Brookings regarding relocating the Point of Diversion for Permit S-27610.</i>

**Permit and Transfer Final Order Rates and System Rates Comparisons:**

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
<i>Ranney Collector</i>	<i>4 cfs</i>	<i>5.67 cfs</i>	<i>5.54 cfs*</i>	<i>MU</i>	<i>N/A</i>	<i>N/A</i>

**\*Note:** Full rate allowed under Permit S-27610 (4 cfs) with additional water pumped under Permit S-31293.

**Claim of Beneficial Use Map**

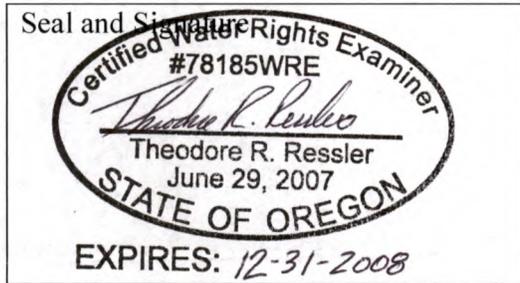
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

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

*The Claim of Beneficial Use Map was constructed using Geographic Information System (GIS) data from the Oregon Water Resources Department and the Oregon Geospatial Enterprise Office. Aerial photographs used to assist in the preparation of the map included: 2001 USGS Black & White Digital Orthophotoquads.*

CWRE Statement, Seal and Signature

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



Permit or Transfer Holders Signature or Acknowledgement

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

*John R Cowan* \_\_\_\_\_ *John R Cowan* \_\_\_\_\_ *12-7-07* \_\_\_\_\_  
 Signature Print or type name Date

 \_\_\_\_\_ *GARY MILLMAN* \_\_\_\_\_ *12/7/07* \_\_\_\_\_  
 Signature Print or type name Date

**Attachment A**  
**System Description**  
**Claim of Beneficial Use for S-27610**

---

**RECEIVED**

**DEC 12 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

## SECTION 4 EXISTING WATER SYSTEM

### 4.1 GENERAL

This section includes a brief description of the existing water facilities. Following sections discuss components of the system that have been investigated in detail and present recommended improvements.

System locations and sizing were developed from available records including maps provided by the city of Brookings, prior planning studies and construction plans, on-site inspections, and with the assistance of city staff.

The city owns and operates a municipal water system that includes one Ranney collector intake and raw water pump station, one treatment plant, nine reservoirs, eight distribution pump stations, and transmission and distribution mains. There are approximately 2,773 metered connections, 2,561 of which are residential.

### 4.2 WATER SYSTEM HISTORY

In 1912, the Brookings Lumber and Box Company started construction on a lumber manufacturing plant, the first railroad in Curry County, a deep water harbor, and the Townsite of Brookings. Plat Number 1 of the Townsite of Brookings was filed on September 1, 1914 by J.E. Brookings, President of the Brookings Timber and Lumber Company. The original plat with revisions was refilled in December, 1920 under the name Brookings Land and Townsite Company. The company constructed a sewer system, developed a water supply, and constructed a distribution system within the town. The town was hard hit during the depression of the 1930's. Around this time, the water and sewer systems were acquired by private individuals. Brookings was incorporated on July 10, 1951 with an initial population of 1,525 persons.

Ferry Creek was the original water source for the city. Reservoir application maps for the dam and reservoir were filed with the State Engineer in 1913 and 1917. The dam washed out in the 1940's and was rebuilt. In 1961, the dam was raised 10 feet. Total storage was 12,500,000 gallons.

During the 1960's, the city looked into the possibilities of either purchasing the existing privately owned water system or constructing a new municipal water system. The matter was not resolved until July, 1973 when Brookings purchased the existing system from the Brookings Water Corporation. As described in studies completed in August, 1973 and in 1976, the existing system included numerous deficiencies:

- Ferry Creek Reservoir water supply characterized by: summertime shortage in supply, muddy in winter, colored in fall, warm in summer.
- No covered reservoir storage.

- low service pressure in some areas.
- distribution system characterized by: substandard materials/pipe sizes/construction, lack of looping, insufficient fire flows, and low reliability of pump stations serving higher level pressure zones.

In general, the purchased system was poorly documented. The 1973 study identified the need for a new intake on the Chetco River, a new 1.5 mgd water filtration plant, transmission improvements, and storage improvements, all of which were constructed in the mid 1970's. Because of saltwater intrusion concerns, the intake was relocated upstream in 1989. Major treatment plant maintenance improvements were completed in the early 1990's.

Numerous main and storage improvements have been constructed since the city acquired the water system. In general, these improvements followed, or were consistent with, the recommendations of the 1976 and 1988 studies. During this time, the city's engineer has worked with the city in both a review and, for some projects, a design capacity to ensure conformance of any new construction with the overall immediate needs of the city, and to provide the needed infrastructure to sustain and facilitate future development.

#### 4.3 WATER SUPPLY

The city of Brookings currently relies on one developed water source (Chetco River) to supply the city's needs. Other historical or undeveloped sources for which the city has water rights include Ferry Creek, Joe Hall Creek, and Ransom Creek.

The Ranney collector intake (constructed in 1989, with a capacity of 6 mgd) is located on the north bank of the Chetco River approximately 2.5 miles upstream of the water treatment facility.

Water supply and raw water transmission are discussed in detail in Section 6.

#### 4.4 WATER TREATMENT AND TRANSMISSION

Brookings' water treatment plant is a conventional rapid sand filtration plant constructed in the mid-1970's along North Bank Road adjacent to Joe Hall Creek. Original design capacity was 1.5 mgd; however, it has been operated recently at 2.2 to 2.6 mgd. Filtered water is disinfected with chlorine and delivered to the distribution system via clearwell pumps and approximately 2 miles of finished water transmission main into the city's 1.5 MG reservoir. Existing water treatment is discussed in Section 8, existing treated water pumping and transmission is discussed in Section 7.

#### 4.5 WATER PRESSURE AND SERVICE ZONES

Water pressure is a function of the difference in elevation between the customer and the water source. Distribution systems are generally divided into separate service zones to keep customer water pressure within an acceptable range. Brookings has five pressure zones that span a range from approximately sea-level to 1270 feet in elevation. For general planning purposes, previous

studies have described the pressure zone boundaries as approximating the following elevation contour intervals: 230 ft., 360 ft., 490ft., and 620 ft. These intervals correspond more or less to the service boundaries existing within the system. The Mountain Drive series of pressure zones is considerably different, extending up to the 1270' elevation of the highest reservoir. A description of the existing pressure zones is provided in Table 4.1.

**Table 4.1 Existing pressure zones**

Area	General Pressure Zone Description (Elevation and Pressure) <sup>1</sup>				
	Base Level	1 <sup>st</sup> High Level	2 <sup>nd</sup> High Level	3 <sup>rd</sup> High Level	4 <sup>th</sup> High Level
East Harris	-	245' -?	-	-	-
Dodge #1, Airport	-	278' - 474' (85 psi)	338' - 480' (62 psi)	-	-
Base, Hassett	80' - 330' (108 psi)	275' - 481' (89 psi)	-	-	-
Marina Heights	-	-	275' - 732' (198 psi)		732' - 860' (56 psi)
Mtn. Drive	-	292' - 723' (187 psi)	710' - 1105' (171 psi)	1105' - 1270' (72 psi)	-

<sup>1</sup> Elevation ranges generally represent the difference between key system features such as reservoirs and pump stations. Upper end elevations in the Dodge #1 and Airport areas are based on pressure readings at the pump stations. Pressures are for the lowest elevation indicated. In general, excessively high pressures (on the order of 100 psi or more) are reduced with individual pressure reducing valves on the service lines. Most customers have pressures of approximately 40-70 psi.

#### 4.6 TREATED WATER STORAGE

Table 4.2 provides a summary of Brookings' nine existing ground-level, treated water storage reservoirs. Storage totals 1,861,500 gallons.

**Table 4.2 Existing Storage Reservoir**

Name	Material	Construction Date (Approximate)	Volume (gallons)	Base Elevation <sup>1</sup>
East Harris	Welded Steel	1984	75,000	290
1.5 MG	Welded Steel	1975	1,500,000	300
Old County (Concrete)	Concrete	1977	200,000	468
Pacific View (Marina Heights)	Concrete	"Old"	23,000	732
Tidewater	Concrete	"Old"	20,000	850
Mtn. Drive #1	Bolted Steel	1992	14,600	301
Mtn. Drive #2	Welded Steel	Before 1984	13,000	711
Mtn. Drive #3	Welded Steel	Before 1984	13,000	1105
Mtn. Drive #4	Welded Steel	Before 1984	2,900	1270

<sup>1</sup> Elevations approximate (based on altimeter readings).

### 4.7 BOOSTER PUMP STATIONS

Table 4.3 provides a summary of Brookings' eight existing booster pump stations.

**Table 4.3 Existing Booster pump Stations**

Name	Description
East Harris	Constructed in 1984 2- 7.5 Hp Weinman pumps 150 gpm @ 110' TDH 1- 3 HP Jockey pump (25 gpm) Has small (approx. 5 gal) pressure tank
Dodge #1	1 - 5 Hp Paco pump, 65 gpm @ 160' TDH
Dodge #2	1 -1 Hp pump
1.5 MG Reservoir	To Old County (Concrete) Reservoir: 2- 7.5 Hp, 100 gpm pumps To Pacific View (Marina Heights) Reservoir: 2- 40 Hp, 150 gpm Paco pumps
Pacific View (Marina Heights)	2 - 5 Hp Paco pumps, 90 gpm @ 130' TDH To Tidewater Reservoir
Mtn. Drive #1	Constructed before 1984 2- 20 Hp Paco pumps, 60 gpm @ 440' TDH
Mtn. Drive #2	Constructed before 1984 2- 15 Hp Paco pumps, 50 gpm @ 400' TDH
Mtn. Drive #3	Constructed before 1984 2- 2 Hp Sta-rite pumps arranged in series

### 4.8 DISTRIBUTION

Distribution mains within the city range in diameter from 2" to 12". Materials vary with newer construction using PVC, 1970's construction favoring asbestos cement (AC) and older parts of the system representing an eclectic mix of AC, steel, cast iron, and copper. Main configuration is primarily looped; however, numerous dead end lines are also present.

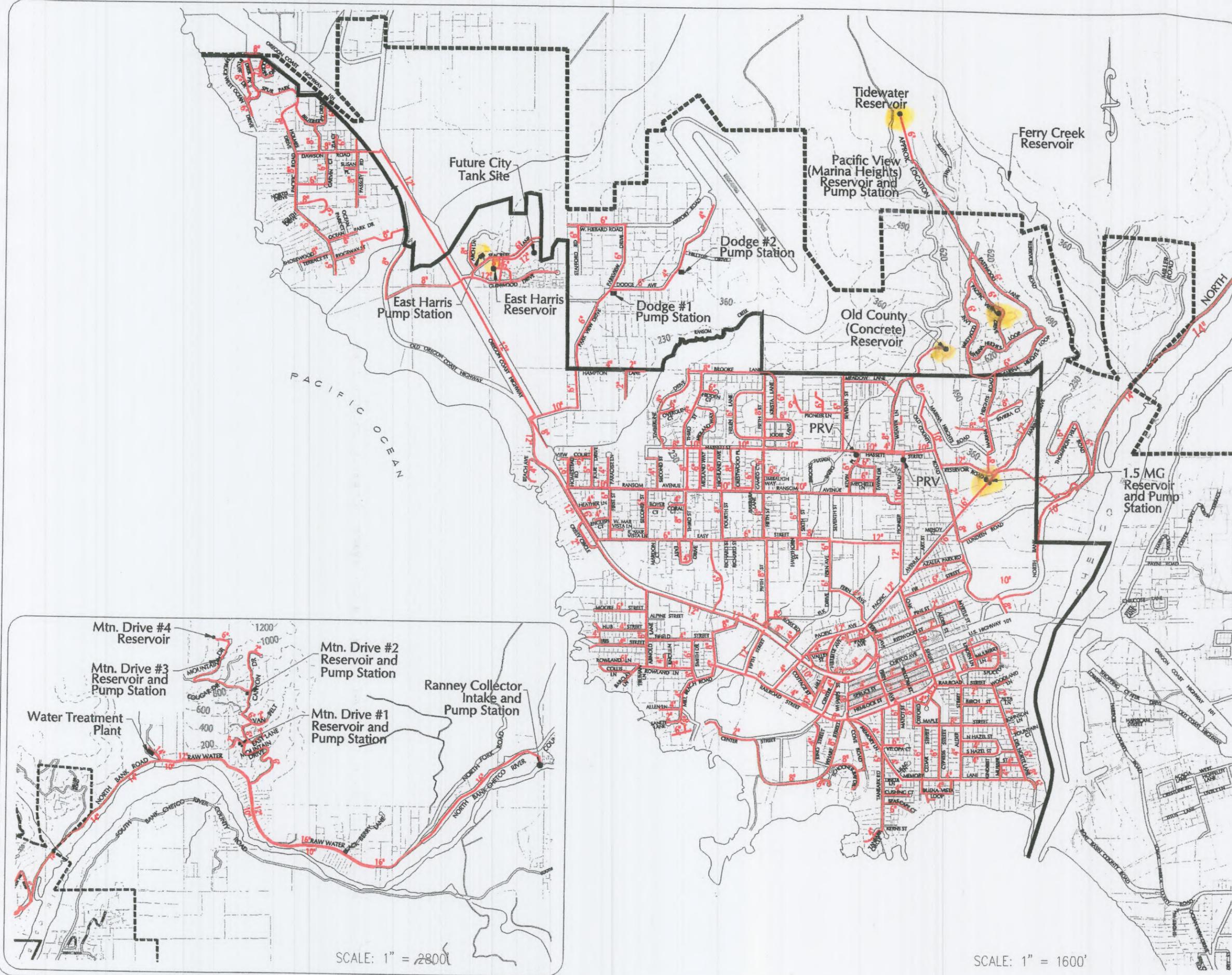
### 4.9 WATER SYSTEM LAYOUT

**Existing System Map.** Figure 4.1 shows a general layout of the existing water system.

**Hydraulic Profile.** Figure 4.2 shows a hydraulic profile of the existing water system.

**Pressure Zone Map.** Figure 4.3 shows the general locations of the various pressure zones in Brookings.

# EXISTING WATER SYSTEM



RECEIVED

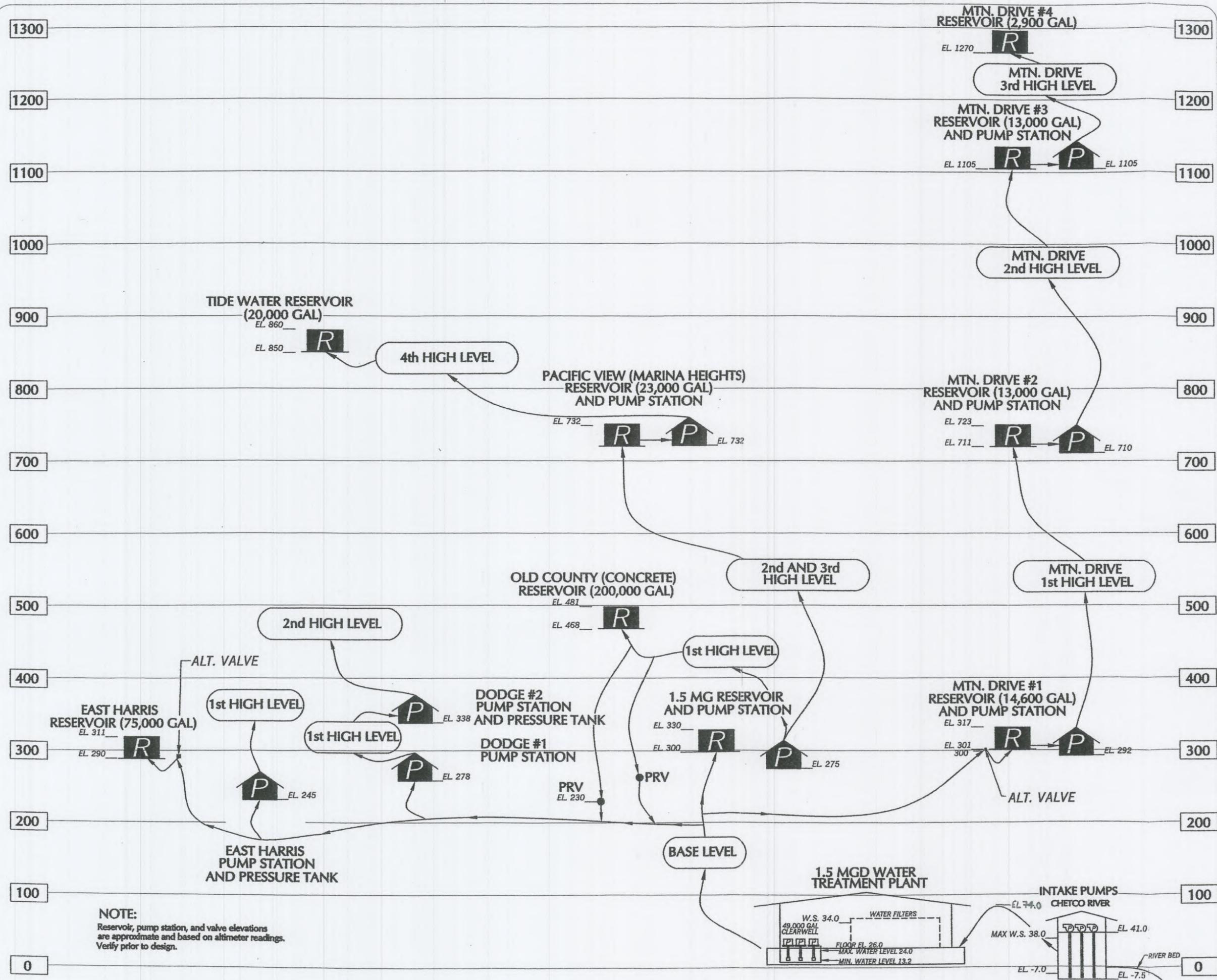
DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



FIGURE  
4.1

# CITY OF BROOKINGS EXISTING WATER SYSTEM HYDRAULIC PROFILE

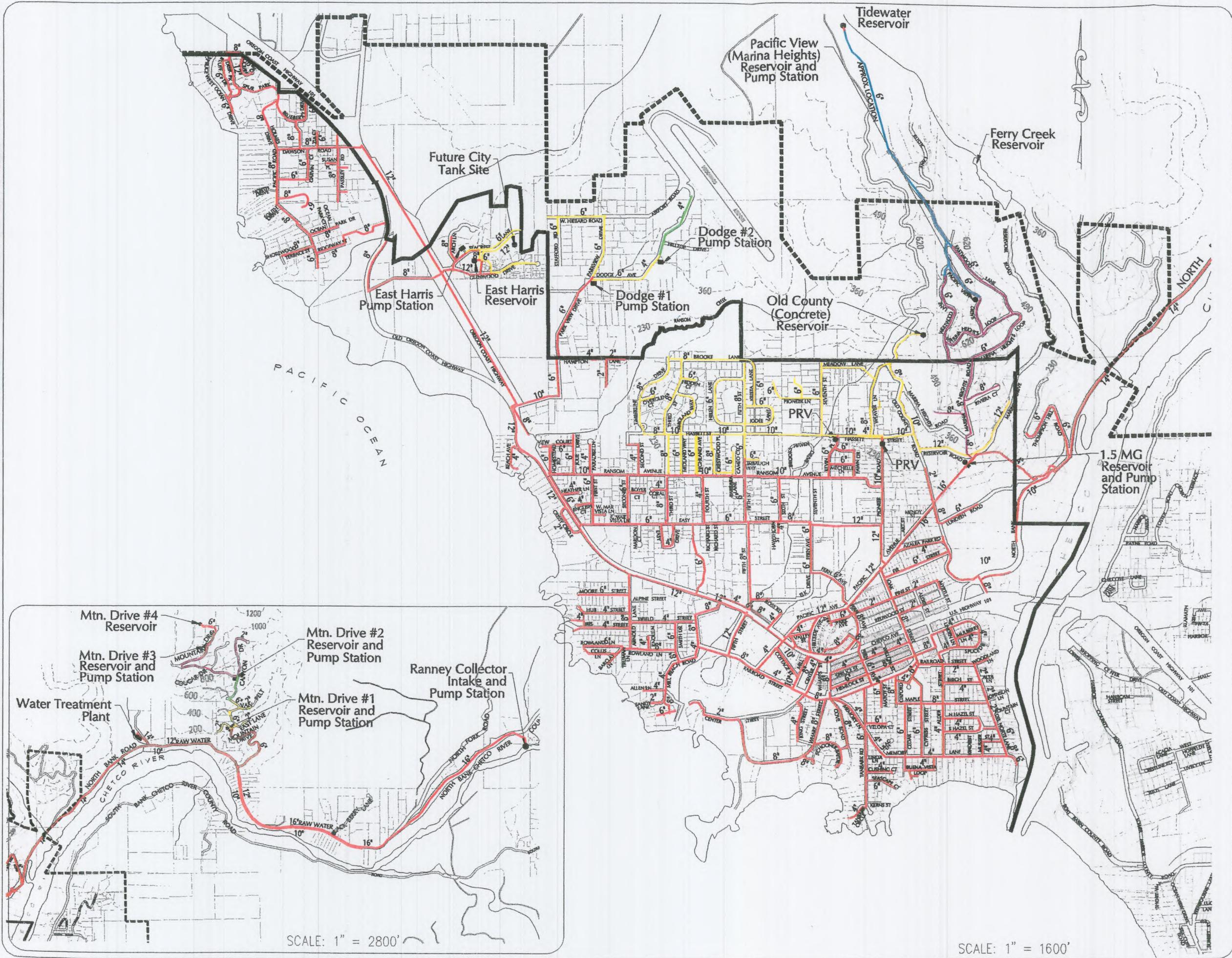


**NOTE:**  
Reservoir, pump station, and valve elevations are approximate and based on altimeter readings. Verify prior to design.

RECEIVED  
DEC 12 2007  
WATER RESOURCES DEPT  
SALEM, OREGON



FIGURE 4.2



EXISTING  
PRESSURE  
SERVICE AREA



RECEIVED  
DEC 12  
WATER RESOURCES  
SALEM, OR



SCALE: 1" = 2800'

SCALE: 1" = 1600'

**Attachment B**  
**Production Records**  
**Claim of Beneficial Use for S-27610**

---

RECEIVED  
DEC 12 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

From City of Brookings Water System Master Plan  
 and Water Conservation Management Plan  
 April 2000 - Appendix 7.

COP

For the Year of 1998

PAGE 1

Water Treatment Plant  
 Yearly - Monthly Operating Averages

Month	Monthly Flows-M.G.D.				(Turner)					
	Total	Minimun	aximu	Average	Raw Turbidity			Finished Turbidity		
					Min.	Max.	Avg	Min.	Max.	Avg
Jan.	37.196	0.914	2.322	1.284	0.06	0.15	0.09	0.03	0.1	0.05
Feb.	33.301	0.992	1.551	1.236	0.05	0.1	0.07	0.04	0.07	0.05
Mar.	43.107	0.952	1.693	1.391	0.07	0.25	0.11	0.04	0.1	0.06
Apr.	36.4606	0.94	1.47	1.215	0.1	0.16	0.13	0.04	0.14	0.08
May	38.6525	0.932	1.503	1.247	0.12	0.2	0.14	0.04	0.09	0.06
Jun.	45.382	1.035	1.963	1.513	0.11	0.16	0.14	0.03	0.06	0.05
Jul.	50.821	1.207	2.032	1.639	0.07	0.14	0.12	0.04	0.05	0.04
Aug.	52.877	1.321	2.045	1.706	0.07	0.11	0.10	0.04	0.08	0.05
→ Sep.	45.290	0.941	2.516	1.510	0.06	0.13	0.07	0.04	0.1	0.05
Oct.	35.597	0.782	1.600	1.148	0.06	0.14	0.09	0.03	0.26	0.09
Nov.	32.415	0.806	1.885	1.081	0.07	0.91	0.18	0.04	0.36	0.09
Dec.	34.708	0.913	1.853	1.12	0.09	0.70	0.20	0.03	0.42	0.12
Year	485.8071	0.782	2.516	1.341	0.05	0.91	0.12	0.03	0.42	0.07

Month	WATER SOLD		% WATER	
			FOR ACCOUN	FOR UNACC.
Jan.	21.270	16,0458	57	43
Feb.	18.256	14,9367	55	45
Mar.	21.023	21,8811	49	51
Apr.	26.711	9,8794	73	27
May	34.593	4,2755	89	11
Jun.	32.602	12,6786	72	28
Jul.	35.708	15,3034	70	30
Aug.	36.000	est by Den	68	32
Sep.	37.280	8,9412	82	18
Oct.	30.683	8,1834	86	14
Nov.	18.762	4,9949	58	42
Dec.	28.432	13,5863	82	18
Year	341.321	6,2412	70	30

Totals for Backwash water into pond from filters.

Month	Est.	Notes
Jan.	496000	These figures
Feb.	448000	were taken
Mar.	496000	before we
Apr.	480000	were required
May	496000	to total them
Jun.	480000	for DEQ
Jul.	496000	records.
Aug.	469000	
Sep.	471000	
Oct.	482000	
Nov.	465000	
Dec.	479000	
Year	5758000	
Avg.	479833	

Forms\Water\Month-Year Totals\Year1998.xls

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
 SALEM, OREGON

Attachment C  
Copies of Correspondence  
Claim of Beneficial Use for S-27610

---

RECEIVED  
DEC 12 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

April 22, 1988

C26204.A0

Water Resources Department  
Licenses and Permits Division  
3850 Portland RD N.E.  
Salem, OR 97310

Licenses and Permits Division:

Subject: City of Brookings--Water Rights

This letter is to request a new water rights point of diversion for the City of Brookings.

The City currently has two water rights permits:

1. File #41805, Permit #31293--A 1966 right to withdraw 10 cfs from the Chetco River.
2. File #37091, Permit #27610--A 1961 right to withdraw 4 cfs from the Chetco River.

The recorded point of diversion locations for these two permits are not exactly the same, however the City has only one existing intake facility. Its location is shown on the enclosed map.

The City's intention is to abandon their existing intake and construct a new intake farther upstream on the Chetco River. The proposed intake location is also indicated on the enclosed map.

My request for the City is that you would:

- a. Examine existing water rights on the Chetco River to determine if any water users might be injured by this change or might limit the City's right to water

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Water Resources Department  
Page 2  
April 22, 1988  
C26204.A0

- b. Advise me of what further steps need to be taken for the City to obtain a permit for the new point of diversion location

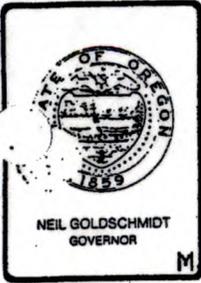
We are under some time constraints and would appreciate a response as soon as possible. Thank you.

Sincerely,

Paul Berg, P.E.

da/CVC13/026  
cc: City of Brookings

RECEIVED  
DEC 12 2007  
WATER RESOURCES DEPT  
SALEM, OREGON



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

May 4, 1988

378 - 3739

CH2M Hill  
2300 N.W. Walnut Blvd.  
P. O. Box 428  
Corvallis, Oregon 97339

Reference files: 37091 and 41805, City of Brookings  
37282, Theodore L. Freeman

Attention Paul Berg, P.E.

Dear Mr. Berg

Permits 27610 and 31293 issued to the City of Brookings allow a diversion of water from Chetco River for the city's municipal supply. Permit 27610 describes a point in the NE 1/4 SE 1/4 Section 33. Permit 31293 describes a diversion point in the SW 1/4 SE 1/4 Section 34, both in T.40 S., R.13 W. WM. The permits approved the locations as proposed by the applications.

You advise the city proposes to relocate their diversion to a point upstream on the Chetco River in the SW 1/4 NE 1/4 of Section 35.

Both permits have time limits to complete the construction of all the facilities to use the water. These expire October 1, 1989 and provides time to make a change in the diversion facilities. As your letter indicates, this is not the concern.

There are as least two water rights located between the points on the stream referenced above. Since we have no way of knowing for sure whether there are users between the actual point in use and the proposed point, we will contact our watermaster, John Drolet, before considering your request.

There does appear to be one water right with an older priority than the city's newest permit which would be between the points. It would be possible to divert water belonging to the older right at the proposed point that would not be possible to divert at the existing point. If that occurred, an injury could result. The watermaster can determine if this is a potential problem.

I will attempt to answer your questions as soon as i receive the watermasters report.

Sincerely;

Vestal R. Garner, Manager  
Survey/Certificates

CC: John Drolet, Watermaster

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

May 4, 1988

378 - 3739

John Drolet, Watermaster Dist 19  
Coos County Annex Rm 117  
290 North Central  
Coquille, Oregon 97423

Reference files 37091 and 41805, City of Brookings  
37282 Theodore L. Freeman

Dear John:

The City of Brookings intends to move their point of diversion from Chetco River upstream one or two miles. Enclosed is a copy of a letter from Paul Berg of CH2M Hill posing two questions.

I cannot respond to either question without some help from you. Where is the present point of diversion? Are there any diversions upstream of the existing point but below the proposed point? Our records indicate at least one under certificate 34453 issued to Theodore Freeman.

If the change were to be allowed by the department, would the change, in your opinion cause harm or injury to existing rights? The time limits in the city's permits expire October 1, 1989.

I would like to respond to Mr. Berg's inquiry as soon as possible. Any help you can give me is most appreciated.

Sincerely;

Vestal R. Garner, Manager  
Survey/Certificates

Enclosures:

Letter from CH2M Hill  
Map accompanying letter  
letter of May 4 1988 to CH2M Hill

CC: CH2M Hill

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

RECEIVED

MAY 20 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

PHONE

May 20, 1988

378 - 3739

CH2M Hill  
2300 N.W. Walnut Blvd.  
P. O. Box 428  
Corvallis, Oregon 97339

Reference files: 37091 and 41805, City of Brookings

Attention Paul Berg, P.E.

Dear Mr. Berg;

I received a report from John Drolet, Watermaster advising that the proposed change in point of diversion for the City of Brookings from the Chetco River likely will not cause harm or injury to existing water rights.

The requested change is approved. If the new location is established different than proposed, please provide a new map and/or description of the new location.

Please remind the city that the construction of the facilities to make use of the water are to be completed on or before October 1, 1989. If it will not be possible to complete all of the work by that date, the city should request an extension of the time limits when it is known the time limit will not be met.

Sincerely;

Vestal R. Garner, Manager  
Survey/Certificates

CC: John Drolet, Watermaster

cc: Leo Lightle, 5/24/88

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT.  
SALEM, OREGON

## STATE OF OREGON

## INTEROFFICE MEMO

RECEIVED

TO: Vestal R. Garner, Manager  
Survey/Certificate Section

DATE: 05-16-88 MAY 17 1988

FROM: John P. Drolet, Watermaster *JPD*  
District XIXWATER RESOURCES DEPT.  
SALEM, OREGON

SUBJECT: City of Brookings, proposed POD change

REF: your 05-04-88 memo

Reference is made to your above memo and the accompanying material which this office received about a week and a half ago. After reviewing the material, it is my opinion that if the city's permits were to be amended to reflect the proposed upstream POD change, no substantive damage would be done to the single intervening water user, an irrigation right.

The Department maintains a cooperative streamgauging station six river miles upstream from the proposed POD. Twenty years of record for that station indicates that irrigation season flows are generally well above 100 cfs during an average water year. The extreme minimum flow recorded during this period was 45 cfs and that flow was recorded in the month of October which is after the normal irrigation season. The total of the two city rights and the intervening irrigation right is approximately 1/3 of the recorded extreme minimum flow. The greatest damage that can be foreseen in allowing the change would be that the downstream irrigator may have to lengthen or deepen his footvalve's sump in order to accommodate the diminishment of flow if the city exercises its right to the full duty of water allowed.

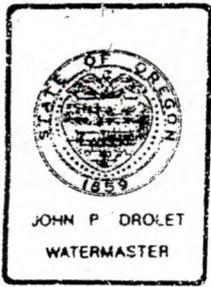
The minimum flow date for Chetco River is 1964. The intervening irrigation right has a 1962 priority date. Therefore, minimum flow would not be an issue.

If my memory serves me, and it may not in this case, the city's current POD is in T40S R13W Sec 32 SE SE, 750'N 400'W from the SE corner of section 32. You will note that my recollection is at odds with the points of diversion authorized by both city permits. I will likely be in that area in about three weeks. If you would like, I can get an accurate POD location for you at that time. Let me know.

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



RECEIVED

NOV 20 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Department

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

11-17-97

Leo Lightle, Director  
Brookings Public Works Dept.  
898 Elk Drive  
Brookings, OR 97415

file # 41805. pnt # 31293  
37091 27610  
XG-5869 G-5601

Dear Mr. Lightle:

Reference is made to our conversation in City Manager Tom Weldon's office this past summer regarding the City's water rights and water use permits on Chetco River. The matter of authorized points of diversion was the subject of that conversation.

The City's two surface water permits were allowed to be transferred upstream to the confluence with N. Fk. Chetco River by authority of the Department's certificates manager, Vestal Garner, in his May 20, 1988 letter (copy attached). That was confirmed in a recent conversation between the current supervisor of the water rights section, Dwight French, and the head of the transfer section, Larry Nunn.

Your attention is also directed to another attached letter: that of Vestal Garner to you, dated April 25, 1990. The items covered in that letter remain valid today--a formal point of diversion transfer is required for the City's 6 cfs 1972 groundwater right. A list of local CWRE's that might assist you with the required transfer is enclosed.

Should you have questions regarding any of the above, please get in touch.

Sincerely,

John P. Drolet  
Watermaster, District 19

JPD/dt

Atch:Garner's 05-20-88 & 04-25-90 ltrs

CF: Dwight French  
Larry H. Nunn  
AJC

bkgxfr2.d19

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



ARCHITECTS  
ENGINEERS  
SURVEYORS  
PLANNERS

19 NW 5th AVE.  
PORTLAND,  
OREGON  
97209

503-222-1687  
FAX 503-222-2754  
mail: hgepdx@teleport.com

Richard D. Nored, P.E.  
Clay Baumgartner, P.E., MSCE  
Joseph A. Slack, A.I.A.  
Von C. Miller, A.I.A., PCI  
Russ Dodge, PLS

March 8, 2000

Watermaster  
Coos County Courthouse Annex  
290 North Central Street  
Coquille, OR 97423

Attention: Mr. John Drolet

Subject: City of Brookings  
Water Rights

Dear John:

Thank you for returning my call last week regarding the status of Brookings' water rights at their current Chetco River intake. This letter is, per your request, a written summary of the issues that concern the City and for which they would like a written commentary from your office.

The main concern is water availability at the intake. This can be expressed as three questions.

- 1) What is the total permitted capacity (in cfs) at the intake?
- 2) Is any of the existing permitted capacity at the intake potentially limited by instream water rights?
- 3) Are there any restrictions (seasonal or other) on usage of the existing permitted capacity at the intake?

The City is also concerned about the status of the 6 cfs groundwater right (Permit No. 5601). As we understand it, a formal point of diversion transfer is needed to move it to the current intake location. Is this all that is required and, if so, is it feasible in any practical sense for the City to pursue the transfer? Does an upstream transfer adversely impact junior instream water rights? It seems that such a transfer would raise the question in a river like the Chetco where anadromous species habitat is a significant concern.

Please send your comments to my attention. I will forward them to the City. From our conversation last week, I understand that it may be several weeks before you will be able to respond to this request. If, in the meantime, you have any questions, please call me at (503) 222-1687.

Very truly yours,

**HGE, Inc., Architects, Engineers, Surveyors & Planners**

William M. Pavlich, P.E.

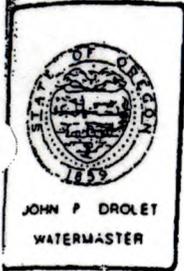
cc: Leo Lytle, City of Brookings  
Tom Weldon, City of Brookings  
Clay Baumgartner, HGE, Inc.

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Copy Work Sheet



# Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121  
14 April 00

(supercedes 11 April 00 letter)

EXT. 254

Wm. M. Pavlich, P.E.  
HGE, Inc.  
19 NW 5<sup>th</sup> Ave.  
Portland, OR 97209

File # 41805, pmt # 31293 - app made  
37091 27610 - appl. put in letter  
G-5869 G-5601 flow WR rec'd march 12

Dear Mr. Pavlich:

I would refer to your March 8, 2000 letter of enquiry regarding the City of Brookings water rights on Chetco River. The rights are referenced above and consist of two surface water use permits and one certificated groundwater right. Those rights are summarized below:

file # 37091	pmt # 27610	1961	4cfs	Chetco River
file # 41805	pmt # 31293	1966	10cfs	Chetco River
file # G-5869	pmt # G-5601	1972	6cfs	Groundwater (Chetco Basin)

In response to one of your enquiries, the rights have no seasonal restrictions on water use. There are two instream rights on Chetco River in the vicinity of the City's intake near the confluence of N. Fk. Chetco River. The 1964 instream right's reach is upstream from the City's intake and would not affect the City's ability to use water when instream flows are not met. The 1980 instream right is junior in priority to the City's above referenced senior permits and right, therefore it also would not affect the City's ability to use water during times of low flow.

Both of the City's surface water diversion points were authorized by Department administrative permit amendment action to be changed to the current POD at the confluence of N. Fk. Chetco River and Chetco River. As alluded to in previous correspondence, the transfer of the groundwater right would be subject to the statutory water right transfer process. Nothing prevents the City from applying for a change in point of appropriation. This office is not in a position to judge the impact of such a change on instream rights. Once the transfer application is received by the Department, ODF&W and other interested parties would have the opportunity to comment on the proposed transfer. If the Department determines, during the analysis of the transfer application that injury to the instream right is likely to occur, then the application either would not be approved, or if approved, would be conditioned to minimize injury.

I hope that I have adequately responded to your enquiries; if not, then please get in touch.

Sincerely,

John P. Drolet  
Watermaster, District 19

JPD/dt  
CF: AJC, BSA, LCV, Dwight French (for files)

RECEIVED

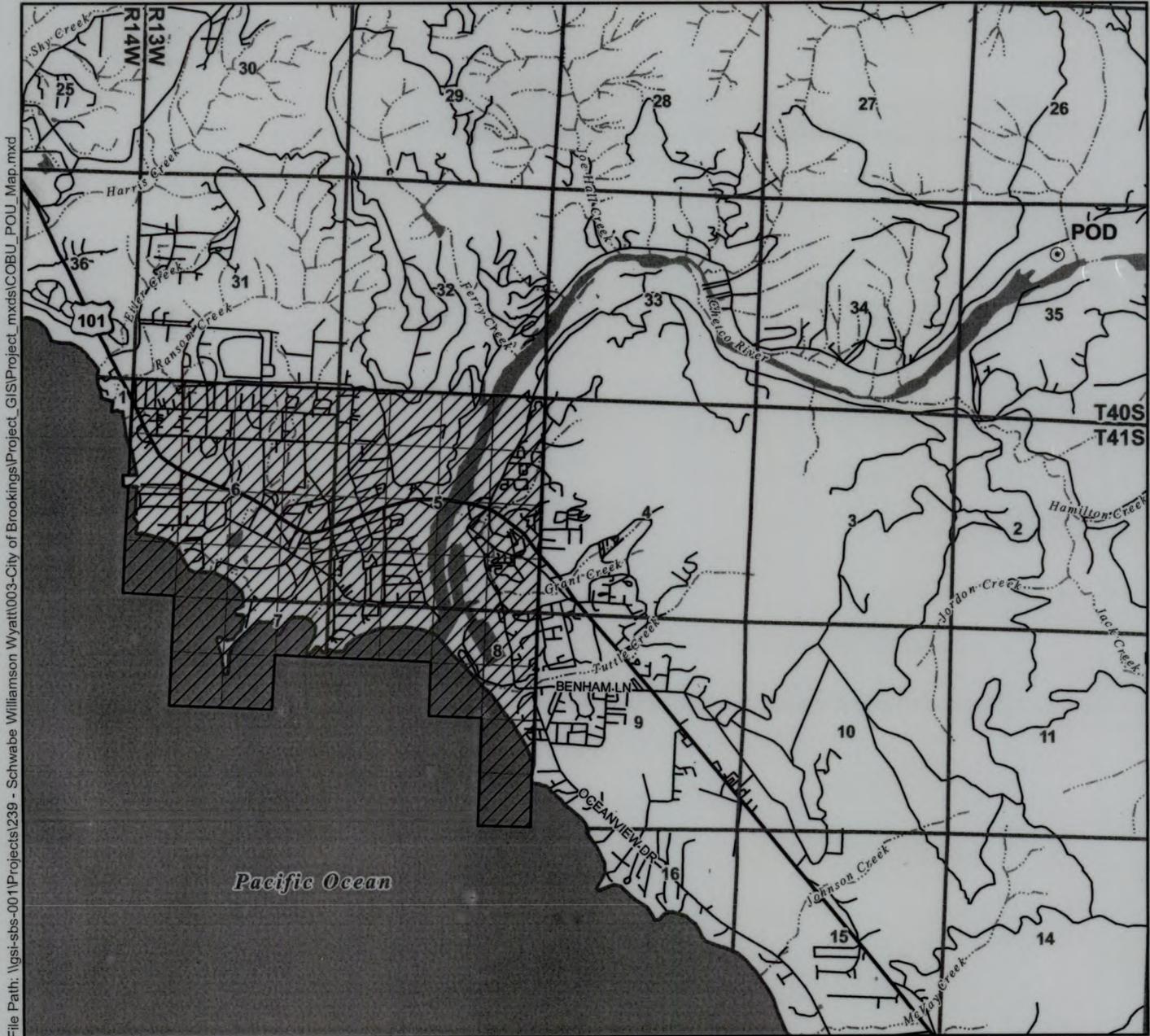
DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON

# Claim of Beneficial Use - Place of Use Map

Permit No. 27610, Application No. 37091

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



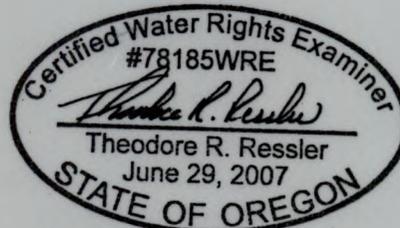
File Path: \\gsi-sbs-001\Projects\239 - Schwabe Williamson Wyatt\003-City of Brookings\Project\_GIS\Project\_mxd\COBU\_POU\_Map.mxd

## Legend

- Point of Diversion (POD)
- ▨ Place of Use (POU)
- Highways
- Roads
- ~ Watercourses
- ☪ Waterbodies

## POD Legal Description

**Point of Diversion**  
 Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35, Township 40 South, Range 13 West (W.M.)



EXPIRES: 12-31-2008



## Scale

1 inch equals 4,000 feet  
 0 2,000 4,000  
 Feet

## Map Information

Projection: Oregon State Plane South Zone  
 Datum: North American Datum of 1983  
 Date: December 6, 2007  
 Prepared By: GSI Water Solutions, Inc.

## Data Sources

OWRD, Oregon Geospatial Data Clearinghouse

## Notes

Under the provisions of ORS 540.510(3) the City of Brookings may lawfully provide and use water in locations other than those described.

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

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
 SALEM, OREGON



# Claim of Beneficial Use - Point of Diversion Map

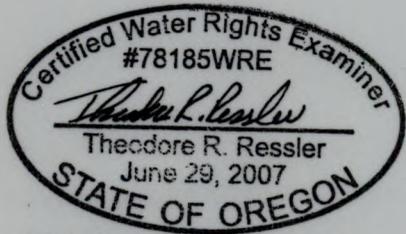
Permit No. 27610, Application No. 37091  
 Township 40 South, Range 13 West (W.M.)



File Path: P:\239 - Schwabe Williamson Wyatt\003-City of Brookings\Project\_GIS\Project\_mxd\COBU\_POD\_Map.mxd

### Legend

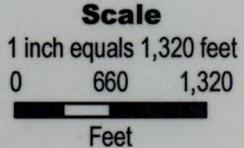
- ⊙ Point of Diversion (POD)
- Roads
- ~ Watercourses
- Waterbodies



**EXPIRES: 12-31-2008**

### POD Legal Description

**Point of Diversion**  
 Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35, Township 40 South, Range 13 West (W.M.)



**Map Information**  
 Projection: Oregon State Plane South Zone  
 Datum: North American Datum of 1983  
 Date: December 6, 2007  
 Prepared By: GSI Water Solutions, Inc.

**Data Sources**  
 OWRD, Oregon Geospatial Data Clearinghouse

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

**RECEIVED**

DEC 12 2007

WATER RESOURCES DEPT  
 SALEM, OREGON



# Water Use Report

Choose an agency:

CITY OF BROOKINGS  
 JOE INGWERSON  
 898 ELK DRIVE  
 BROOKINGS, OR 97415

Report ID	Facility	Associated water rights
Select 11208		Cert:46860 OR * FERRY CREEK > CHETCO RIVER (40.00S-13.00W-32-SE SE)
Select 11209		Cert:46861 OR * FERRY CR RESERVOIR > FERRY CREEK (40.00S-13.00W-32-NE NE)
Select 11210		Permit:S 27610 * CHETCO RIVER > PACIFIC OCEAN (40.00S-13.00W-33-NE NE) Permit:S 31293 * CHETCO RIVER > PACIFIC OCEAN (40.00S-13.00W-34-SW SW)
Select 20749		Cert:2078 OR * FERRY CREEK > CHETCO RIVER (0.00-0.00-0- )
Select 20751		Cert:2071 OR * FERRY CREEK > CHETCO RIVER (40.00S-13.00W-32-SE SE)

[1](#) [2](#) [3](#) [4](#)

Water Year	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
2006	M	30.37	26.56	26.33	27.11	25.08	27.28	28.24	38.26	37.04	50.31	50.31	44.1
2005													
2002	M	32.58	27.69	28.44	27.0	23.91	26.71	28.44	36.85	38.15	43.55	45.42	40.1
2001	M	29.4	23.66	23.31	23.03	21.07	24.59	23.77	33.58	36.83	42.59	44.06	35.9
2000	M	42.44	35.8	32.29	24.83	23.34	23.43	24.41	25.94	36.68	41.68	41.0	37.1
1999	G	35597000.0	32415000.0	34708000.0	34751000.0	32199000.0	34960000.0	35789000.0	40223000.0	47335000.0	52588000.0	45931000.0	46295820
1998	M	37.16	35.1	39.87	37.2	33.3	43.11	36.46	38.65	45.38	50.82	52.88	45.1
1997	G	35102000.0	30831000.0	31193000.0	32268000.0	28663000.0	32010000.0	31970000.0	38948000.0	43368000.0	56314000.0	50168000.0	41338000
1996	M	38.33	33.27	34.48	36.33	33.28	37.1	36.55	39.35	46.5	46.62	50.94	40.1
1995	G	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0

1994	M	28.96	25.93	26.14	23.92	21.6	24.33	24.0	28.06	33.36	44.56	48.41	33.
1993	M	27.39	22.9	22.92	22.93	20.25	23.61	21.08	25.03	28.79	42.68	38.4	34.
1992	M	30.89	22.49	21.8	21.03	19.65	21.98	21.61	31.89	37.75	36.33	36.43	30.
1991	G	24937000.0	19406000.0	23617000.0	22352000.0	19065000.0	21370000.0	21597000.0	25817000.0	31122000.0	37391000.0	31914000.0	29504000
1990	G	27241000.0	20210000.0	20218000.0	19200000.0	17651000.0	20320000.0	20844000.0	26247000.0	24373000.0	32878000.0	31619000.0	25044000
1989	G	24187000.0	24032000.0	22050000.0	21509000.0	20918000.0	21422000.0	22069000.0	23660000.0	28042000.0	30244000.0	30235000.0	25853000

## Gerry Clark

---

**From:** Adam Sussman [ASussman@GSIWaterSolutions.com]  
**Sent:** Thursday, December 20, 2007 8:06 AM  
**To:** Gerry Clark  
**Cc:** FRENCH Dwight W  
**Subject:** RE: City of Brookings Permit #27610

Gerry:

The draft certificate looks fine. Thank you.

We look forward to receiving a copy of the final certificate in the mail.

Adam

-----Original Message-----

**From:** Gerry Clark [mailto:clarkge@ wrd.state.or.us]  
**Sent:** Wednesday, December 19, 2007 11:57 AM  
**To:** Adam Sussman  
**Subject:** City of Brookings Permit #27610

Adam,

As we discussed, please find a draft of the certificate we have prepared.

Please feel free to contact me if you have any questions.

Gerry

---

Gerry Clark  
Water Rights Specialist/Certificates  
725 Summer St. NE, Ste. A  
Salem, OR 97303

Phone: 503-986-0811  
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS OR 97415

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

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

The point of diversion is located as follows:

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

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

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

*Handwritten notes:*  
 send e-mail w/ Brookings & part attached to Adam S.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION**

This is an order in other than a contested case. This order is subject to judicial review. Judicial review must be filed within the 60-day time period specified by ORS 183.010. Pursuant to ORS 183.010, you may either petition for judicial review or petition the Director for reconsideration. The petition for reconsideration may be granted or denied by the Director, and if no action is taken by the Director on the petition within 60 days after the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 183.010, you may petition for reconsideration of the permit, application, permit or water right certificate subsequent in priority may jointly or separately petition for reconsideration of the permit, application, permit or water right certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

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

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

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

Issued

---

Phillip C. Ward, Director  
Water Resources Department

# Mailing List for Certificate Scheduled Mailing Date:

**Application:** S-37091

**Permit:** 27610

**Certificate:** 83682

**Permit/Certificate Holder:**

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS OR 97415

<b>Copies Mailed</b>
<b>by:</b> _____ (STAFF)
<b>on:</b> _____ (DATE)

**Copies of Final Certificate to be sent to:**

1. Watermaster District 19, Mitch E. Lewis
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

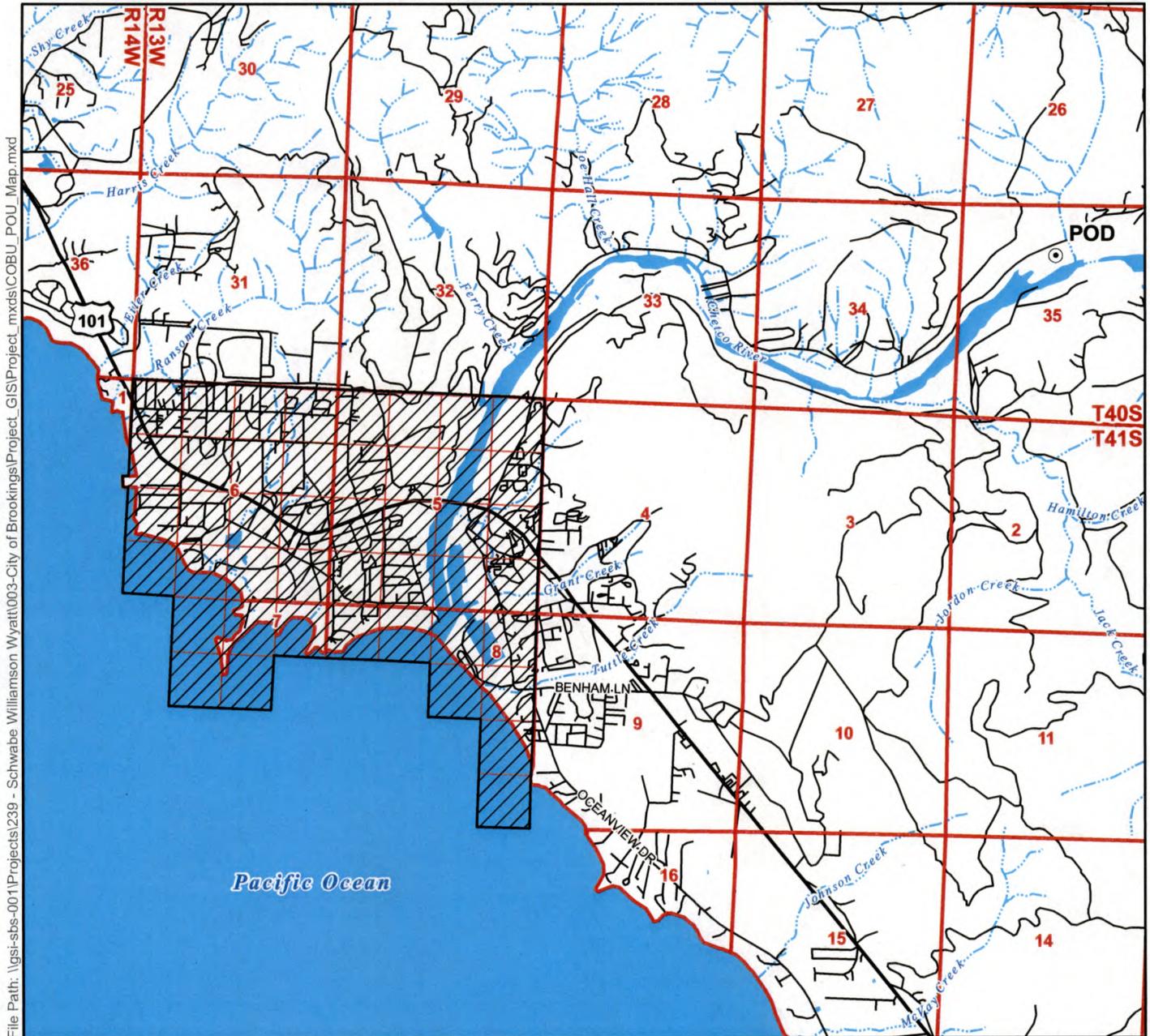
**Other persons to receive copies: (include map):**

1. Theodore R. Ressler, CWRE

# Claim of Beneficial Use - Place of Use Map

Permit No. 27610, Application No. 37091

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



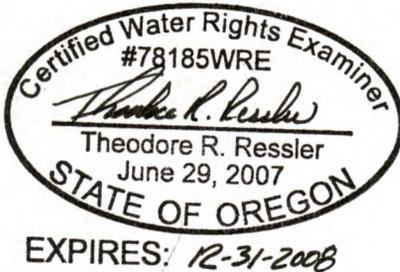
File Path: \\gsi-sbs-001\Projects\1239 - Schwabe Williamson Wyatt\003-City of Brookings\Project\_GIS\Project\_mxd\COBU\_POU\_Map.mxd

## Legend

- ⊙ Point of Diversion (POD)
- ▨ Place of Use (POU)
- Highways
- Roads
- ~ Watercourses
- Waterbodies

## POD Legal Description

**Point of Diversion**  
 Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35, Township 40 South, Range 13 West (W.M.)



**Scale**  
 1 inch equals 4,000 feet  
 0 2,000 4,000  
 Feet

## Map Information

Projection: Oregon State Plane South Zone  
 Datum: North American Datum of 1983  
 Date: December 6, 2007  
 Prepared By: GSI Water Solutions, Inc.

## Data Sources

OWRD, Oregon Geospatial Data Clearinghouse

## Notes

Under the provisions of ORS 540.510(3) the City of Brookings may lawfully provide and use water in locations other than those described.

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

RECEIVED

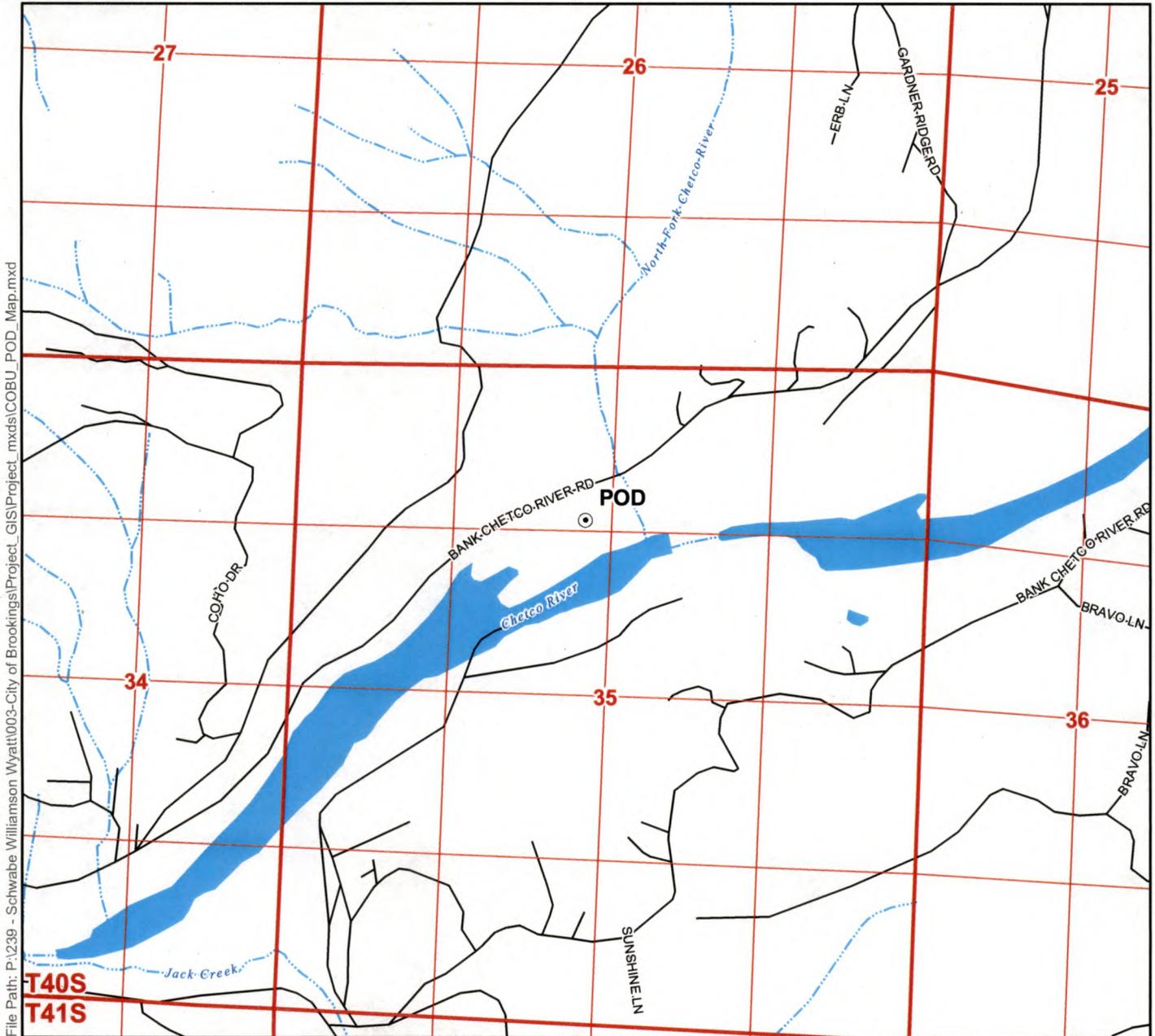
DEC 12 2007

WATER RESOURCES DEPT  
 STATE OF OREGON



# Claim of Beneficial Use - Point of Diversion Map

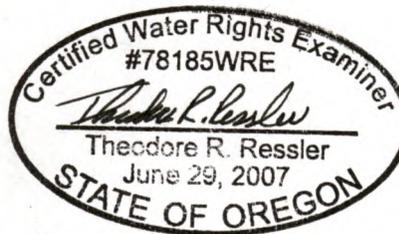
Permit No. 27610, Application No. 37091  
Township 40 South, Range 13 West (W.M.)



File Path: P:\239 - Schwabe Williamson Wyatt\003-City of Brookings\Project\_GIS\Project\_mxd\COBU\_POD\_Map.mxd

## Legend

- Point of Diversion (POD)
- Roads
- Watercourses
- Waterbodies



EXPIRES: 12-31-2008

## Map Information

Projection: Oregon State Plane South Zone  
Datum: North American Datum of 1983  
Date: December 6, 2007  
Prepared By: GSI Water Solutions, Inc.

## Data Sources

OWRD, Oregon Geospatial Data Clearinghouse

## Notes

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

## POD Legal Description

**Point of Diversion**  
Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35, Township 40 South, Range 13 West (W.M.)



## Scale

1 inch equals 1,320 feet  
0 660 1,320  
Feet

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



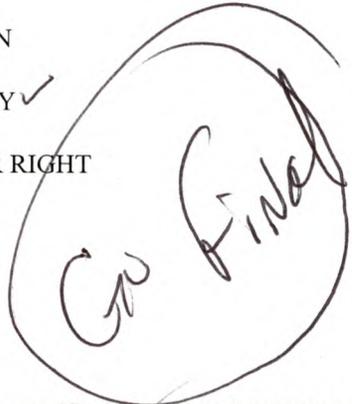
STATE OF OREGON

COUNTY OF CURRY ✓

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS OR 97415



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

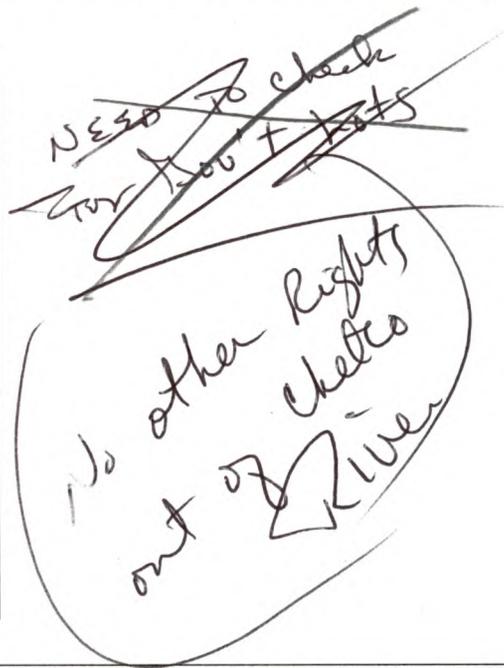
This right was perfected under Permit 27610. The date of priority is SEPTEMBER 14, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point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

The point of diversion is located as follows:

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

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

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



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

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

~~83682~~ 83682

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

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

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

Issued

Phillip C. Ward, Director  
Water Resources Department

Application S-37091.jwg

Recorded in State Record of Water Right Certificates numbered \*\*\*\*\*  
Page 2 of 2

# Mailing List for Certificate

Scheduled Mailing Date:

**Application:** S-37091

**Permit:** 27610

**Certificate:** \*\*\*\*\*

**Permit/Certificate Holder:**

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS OR 97415

<b>Copies Mailed</b>	
<b>by:</b> _____	(STAFF)
<b>on:</b> _____	(DATE)

**Copies of Final Certificate to be sent to:**

1. Watermaster District 19, Mitch E. Lewis
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

**Other persons to receive copies: (include map):**

1. Theodore R. Ressler, CWRE

\*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Brookings Water Company by Elmer Bankus, owner (Name of applicant) of Brookings (Mailing address) State of Owner

do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Chetco River (Name of stream), a tributary of Pacific Ocean

2. The amount of water which the applicant intends to apply to beneficial use is 4.0 cubic feet per second. (If water is to be used from more than one source, give quantity from each)

\*\*3. The use to which the water is to be applied is Municipal Purposes (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and ft. from the corner of (Section or subdivision)

N 76° 54' W, 1687 Ft. from the S. W. Corner of the NE 1/4 SW 1/4 of Section 34

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheets if necessary)

being within the NE 1/4 SE 1/4 of Sec. 33, Tp. 40 S (Give smallest legal subdivision) (N. or S.)

R. 13 W, W. M., in the county of Curry (E. or W.)

5. The Pipeline to be 2 3/4 miles (Main ditch, canal or pipe line) (Miles or feet)

in length, terminating in the City of Brookings of Sec. 5, 6, 7, 8, Tp. 41 S (Smallest legal subdivision) (N. or S.)

R. 13 W, W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description Vertical turbine pump driven by a 50 H. P. Electric Motor (Size and type of pump) (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

\*A different form of application is provided where storage works are contemplated.

\*\*Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the

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

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

(c) Length of pipe, 13,000 ft.; size at intake, 12 in.; size at 9,000 ft. from intake 10 in.; size at place of use 10 in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? ..... Estimated capacity, ..... sec. ft.

8. Location of area to be irrigated, or place of use .....

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
41 S	13 W	5	all	City of Brookings
		6	"	"
		7	"	"
		8	"	"

(If more space required, attach separate sheet)

(a) Character of soil .....

(b) Kind of crops raised .....

Power or Mining Purposes—

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

(b) Quantity of water to be used for power ..... sec. ft.

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

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

(e) Such works to be located in ..... of Sec. ....  
(Legal subdivision)

Tp. ...., R. ...., W. M. ....  
(No. N. or S.) (No. E. or W.)

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

(g) If so, name stream and locate point of return .....

....., Sec. ...., Tp. ...., R. ...., W. M. ....  
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is .....

(i) The nature of the mines to be served .....

10. (a) To supply the city of Brookings, Oregon  
Curry County, having a present population of 2,580  
(Name of)  
and an estimated population of 4,500 in 1975.

(b) If for domestic use state number of families to be supplied \_\_\_\_\_

(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ 85,000.
- 12. Construction work will begin on or before Started.
- 13. Construction work will be completed on or before October 1st, 1963.
- 14. The water will be completely applied to the proposed use on or before October 1st, 1964.

Brookings Water Company

(Signature of applicant)

by [Signature]  
Owner

Remarks: This application is being filed to take the place of Permit No. 24160  
Application No. 30168, which is being canceled due to my inability to complete the  
project within the time limits as allowed and extended.

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for \_\_\_\_\_

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before \_\_\_\_\_, 19\_\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 4.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Chetco River

The use to which this water is to be applied is municipal

If for irrigation, this appropriation shall be limited to - - - of one cubic foot per second or its equivalent for each acre irrigated

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

The priority date of this permit is September 14, 1961

Actual construction work shall begin on or before October 26, 1962 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1963.

Complete application of the water to the proposed use shall be made on or before October 1, 1964

WITNESS my hand this 26th day of October, 1961

Lewis A. Stanley  
STATE ENGINEER

Application No. 37091  
Permit No. 27610

PERMIT  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 14th day of September,  
1961, at 8:00 o'clock A. M.

Returned to applicant:

Approved:

October 26, 1961

Recorded in book No. 76 of

Permits on page 27610

LEWIS A. STANLEY  
STATE ENGINEER

Drainage Basin No. 15 page 24

Fees 26

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS OR 97415

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

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

The point of diversion is located as follows:

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

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

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

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

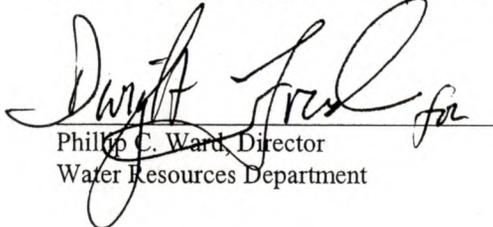
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review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

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

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

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

Issued *December 21, 2007*

  
 Phillip C. Ward, Director  
 Water Resources Department

# CWRE Claims of Beneficial Use Intake Form

Application # S-37091

CWRE: Theodore R. Ressler

Permit # 27610

"A" DATE: OCTOBER 26, 1962

Transfer # N/A

"B" DATE: OCTOBER 1, 1963

Date 12/14/2007

"C" DATE: EXTENDED TO OCTOBER 1, 1999 <sup>26</sup>

Reviewer J W GAINEY

NOTE: REPLACES COBU OF MAY 2004

Map Review: 2 MAPS: POD AND POU

YES Map on mylar/polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))

YES Application & permit #; or transfer # (OAR 690-014-0100(1))

YES Disclaimer (OAR 690-014-0170(5))

YES North arrow (OAR 690-310-0050(2)(c))

YES CWRE stamp and signature (OAR 690-014 & 310-0050)

YES Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)

YES Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

COMMENT: NO TAX LOTS - MUNI USE - NOT REQUIRED

~~CLA~~ Source illustrated if surface water (OAR 690-014-0170(3))

COMMENT: POD shown is not from river but from the location of the caisson.

~~CLA~~ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)

COMMENT: POD shown is not from river but from the location of the caisson.

~~CLA~~ Point(s) of diversion or appropriation (coordinates)(OAR 690-014(4) & 690-310-0050)

COMMENT: POD shown is not from river but from the location of the caisson.

~~CLA~~ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)

COMMENT: No illustration of conveyance structures from POD to treatment plant.

N/A Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))

YES Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

## Report Review:

YES On form or format provided by the Department (OAR 690-014-0100(1))

YES Application & permit #; or transfer # (OAR 690-014)

YES Ownership information (OAR 690-014)

YES Date of survey (OAR 690-014)

YES Person interviewed (OAR 690-014)

YES County (OAR 690-014)

YES Tax lot information (OAR 690-014) **FOR LOCATION OF COLLECTOR**

YES Description of conveyances system (from POD to POU) (OAR 690-014-0100)

YES Source(s) of water (OAR 690-014-0100)

~~CLA~~ Point of diversion/appropriation location (OAR 690-014-0100)

COMMENT: POD information is not from river but from the location of the caisson.

YES Use, period of use, and rate for use (OAR 690-014-0100)

YES Place of use location (OAR 690-014-0100)

YES Type of use (OAR 690-014-0100)

YES Extent of use (OAR 690-014-0100)

N/A Rate and Duty (OAR 690-014-0100)

YES Diversion rate for each use (OAR 690-014-0100)

YES Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)

YES System capacity (OAR 690-014-0100)

YES Calculated capacity of system (required)

N/A Measured amount of use (optional)

N/A Permit/Transfer Final Order Conditions (OAR 690-014-0100)

YES Time limits

N/A Initial water level measurements

N/A Annual static water level measurements

Measurement, recording, and reporting

N/A Meter/measuring device

N/A Water use reporting

N/A Fish screening and/or by-pass

N/A Pump test (ground water)

N/A Other conditions

YES CWRE stamp and signature (OAR 690-014-0100)

YES Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

CLA=Needs further clarification, see COMMENT under the appropriate item

NOTE: This checklist is **not** to be assumed that all the elements of the permit or order have been satisfied.

OK per discussion with Dwight Branch 12-14-07

# MEMORANDUM

**Date:** July 9, 2003  
**To:** Appl #S-37091 (Permit #S-27610) and Appl #S-41805 (Permit #S-31293)  
**From:** Lisa Juul, Permit Extension Review  
**Subject:** Clarification of Extension of Time Requests

---

Today, I spoke with Mr. Leo Lightle of the City of Brookings concerning two extension of time applications for Permits #S-27610 and #S-31293. Mr. Lightle provided the following information:

1. The extension of time application for Permit #S-27610 requests that the time in which to accomplish beneficial use of water to the full extent under the terms of the permit be extended to October 1, 2025. Upon discussing this with Mr. Lightle, he stated that the extension of time application for Permit #S-27610 should be amended as follows:

The extension for Permit #S-27160 is being requested to extend: the time in which to complete construction of the water system from October 1, 1999, to October 1, 2025, **AND** the time in which to accomplish full beneficial use of water from October 1, 1999 to October 1, 2025.

2. How does industrial/commercial water demands affect the City's overall demands for water?

**Answer:** The current industrial/commercial water demands are the same as what was reported for the period October 1998 through September 1999 in the "Water System Master Plan and Water Conservation Management Plan - April 2000" found on Page 3-2. The City has not seen an increase for industrial/commercial water demands since that period.

# CITY OF BROOKINGS



## Community Development Department

### FACSIMILE COVER LETTER

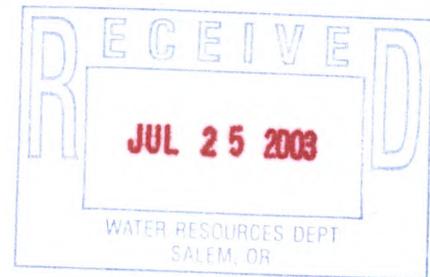
Attention : Lisa Juhl

Date: July 25,2003

To: Lisa Juhl

Fax number: (503) 378 - 6203

Subject: Additional information for Permit ; S-27610 and Permit S-31293



**There are:** 3 page(s), including this cover letter.

If there is trouble in reception of this document' please advise sender.

Leo Lightle , Community Development Director

Signed: Leo Lightle Date: 7/25/03

1. *How many hours per day is water pumped to meet average day water demands? And average rate for the highest month?*

21.5 hours per day, 2.75 cfs or 1.78 mgd

2. *How many hours per day is water pumped to meet peak day water demands?*

24 hours per day, average flow 1400 gpm

3. *What is the maximum diversion rate accomplished to date under Permit # S-27610?:*

2.1 cfs

4. *What is the maximum diversion rate accomplished to date under Permit # 3-31293.*

3.1 cfs

5. *Since October 1, 1999, please identify what work has ben accomplished by the City to further develop Permits # S-27610 and # S-31293*

Brookings has experienced continued growth since the early 1960's. New developments which have been installed since October 1, 1999 and are using water, include the following:

Rosichelli Subdivision  
 Hewitt RV Park  
 Oceanside Estates Subdivision  
 Memory Lane Water Improvements  
 Harris Beach Estates Subdivision  
 Cushing Court Water Improvements  
 Kimm Subdivision Water Improvements  
 Azalea Reach Subdivision

East Mar Vista Lane Water  
 Garman Subdivision  
 Gossard Subdivision  
 West Mar Vista Lane Water  
 Waterline on Mill Beach Road

School Dist. 17 Water Extensions  
 Chetco Point Terrace Subdivision  
 Spindrift Subdivision  
 Old County Road Improvements  
 West Cliff Subdivision  
 Oakwood Subdivision  
 Vista Ridge Subdivision  
 Walton Subdivision

Oceanside Estates II Subdivision  
 Seacrest PUD  
 Oak and Pine Water Improvements  
 Pelicans Perch Subdivision  
 Kimm Subdivision-4th & Ransom  
 Kimm Subdivision-Rush & 4<sup>th</sup> St.  
 Lumber View Drive  
 East Ocean Drive Ext.-Oceanside Estates II  
 Pioneer Road Water Improvements  
 Bruce Bros. Subdivision  
 Spruce St. Improvements  
 Airport Road Water  
 Meadow Woods Subdivision-Phase II  
 Park View Estates Subdivision  
 Sunshine Partition  
 Buena Vista Loop Project  
 Garcia Subdivision  
 Andruss Subdivision  
 Terravita Subdivision  
 Welch Subdivision  
 Lilybrooke Subdivision



CITY OF BROOKINGS



6. *Please supply a copy of Appendix 11.2 from the "Water System Master Plan and Water Conservation Management Plan - April 2000." Appendix 11.2 is referenced in the April 2000 plan, and copies were furnished to the Water Resources Department for review.*

# CITY OF BROOKINGS



## WATER/SEWER SERVICE PRICES

### Service Deposit Fees:

Owner -	Single Family Home or Single Business	\$45.00 Service dep
Renter -	Single Family Home or Single Business if property is owned by another party	\$60.00 Service dep
Owner -	Multi-Family (Duplex, Apts.) <b>PER UNIT</b>	\$45.00 Service dep

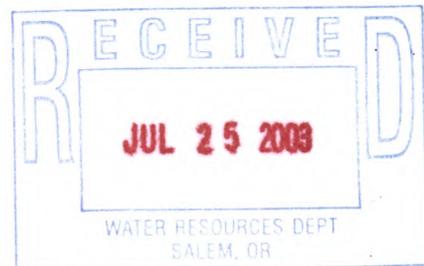
### Inside City Limits:

#### Residential Single Family:

Water Bond	\$5.25
Water	\$5.00 + .60 per 100 cubic feet of usage

#### Multi-Family:

Water Bond	\$5.25 per unit
Water	\$5.00 + .60 per 100 cubic feet of usage



### Outside City Limits (no sewer):

#### Residential Single Family:

Water Bond	\$5.25
Water	\$10.00 + .60 per 100 cubic feet of usage

#### Multi-Family:

Water Bond	\$5.25 per unit
Water	\$10.00 + .60 per 100 cubic feet of usage

### Commercial Accounts:

#### Inside City Limits:

Water Bond	\$5.25 per each unit on same meter
Water	\$5.00 + .60 per 100 cu. ft.

#### Outside City Limits:

Water Bond	\$5.25 per each unit on same meter
Water	\$10.00 + \$.90 per 100 cu. ft. of usage

**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

In the Matter of the Application )  
for an Extension of Time for )  
Permit #S-27610, Water Right ) PROPOSED FINAL ORDER  
Application #S-37091 )  
(City of Brookings) )

**Permit Information**

**Application File #S-37091 / Permit #S-27610**

Basin: #17 - South Coast Basin / Watermaster District: #19

Date of Priority: September 14, 1961

**Authorized Use of Water**

Source of Water: Chetco River, a tributary of the Pacific Ocean  
Purpose or Use: Municipal Use  
Maximum Rate: 4.0 cubic foot per second (cfs)

**This Extension of Time request is being processed in accordance  
with Oregon Administrative Rule Chapter 690, Division 315.**

***Please read this Proposed Final Order in its entirety as it contains  
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit #S-27610, water right Application #S-37091. A copy of Permit #S-27610 is enclosed as Attachment 1.

## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1999, to October 1, 2025;
- grant the extension for complete application of water from October 1, 1999, to October 1, 2025; and
- make the extensions subject to certain conditions as set forth below.

### AUTHORITY

1. ORS 537.230(2) provides in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).
2. OAR 690-315-0080 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use.
3. OAR 690-315-0090(3) allows the Department, under certain circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

## **FINDINGS OF FACT**

### **Background**

4. Permit #S-27610 was granted by the Water Resources Department (Department) on October 26, 1961. The permit authorizes the use of up to 4.0 cfs of water from the Chetco River, a tributary of the Pacific Ocean, for municipal purposes. It specified that construction of the water development project should be completed by October 1, 1963, and that complete application of water was to be made on or before October 1, 1964.
5. Nine prior extensions have been granted for Permit #S-27610. The most recent extension request resulted in the construction and completion dates being extended to October 1, 1999.
6. Due to ongoing permit extension rulemaking, the Department placed all pending municipal and quasi-municipal permit extension of time requests on hold and did not require municipal and quasi-municipal water use permit holders to submit an extension application until the new rules were adopted.
7. Municipal and quasi-municipal water use permit extension rules were adopted by the Water Resources Commission and became effective on November 1, 2002 (OAR 690-315-0070 through 690-315-0100).
8. The permit holder submitted an "Application for Extension of Time" to the Department on February 25, 2003, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #S-27610 be extended from October 1, 1999, to October 1, 2025.
9. Notification of the City of Brookings' extension of time request for Permit #S-27610 was published on the Department's Public Notice dated March 4, 2003. No public comment on the extension application was received.
10. On July 9, 2003, the City of Brookings amended their extension of time request for Permit #S-27610. The permit holder requested that both the time in which to complete construction of the water system and to complete beneficial use of water to the full extent under the terms of Permit #S-27610 be extended to October 1, 2025.

**Review Criteria for Municipal and Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]**

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080(1).*

**Complete Extension of Time Application [OAR 690-315-0080(1)(a)]**

11. The Department received a completed extension of time application and the statutory fee specified in ORS 536.050 from the permit holder.

**Start of Construction [OAR 690-315-0080(1)(b)]**

12. Permits held by municipal corporations for municipal uses or purposes are not subject to the requirement to begin actual construction work within one year from the date of approval of the application.<sup>1</sup>

**Duration of Extension [ORS 539.010(5), OAR 690-315-0080(1)(c)(d)]**

*Under OAR 690-315-0080(1)(c)(d), the Department shall find that the time requested is reasonable and the applicant can complete the project within the time requested.*

13. The remaining work to be accomplished under Permit #S-27610 consists of complete construction of the system and complete application of water to beneficial use.
14. As of February 25, 2003, the permit holder has diverted 2.1 cfs of the 4.0 cfs of water allowed under Permit #S-27610 for municipal purposes.
15. Since the issuance of Permit #S-27610, the population of Brookings has grown from approximately 2,720 in 1970 to 7,350 in 2003. Based upon their past growth rate, the City of Brookings projects a population increase, on average, of 3.0 percent per year over the next twenty-two years.
16. According to the City's April 2000 Water System Master Plan (Section 3, page 3-7), the City expects commercial and industrial growth to be similar and proportionate to their residential growth.

---

<sup>1</sup> ORS 537.230(1)

17. In addition to the 4.0 cfs of water allowed under Permit #S-27610, the City of Brookings holds Certificate #64614 for 6.0 cfs of water from a well in the Chetco River Basin, Certificate #46860 for the storage of 167.4 acre-feet (AF) of water from Ferry Creek, a tributary of Chetco River, Certificate #46861 for the use of 167.4 AF of stored water under Certificate #46860, Certificate #20734 for 0.53 cfs of water from Ransom Creek, a tributary of Pacific Ocean, Certificate #4953 for 2.5 cfs of water from Joe Hall Creek, a tributary of Chetco River, and Permit #S-31293 for 10.0 cfs of water from the Chetco River.

These water rights and permits total 23.03 cfs of live flow water and the storage and use of 167.4 AF of water. Brookings has not yet made beneficial use of 1.9 cfs of water under Permit #S-27610 and 6.9 cfs of water under Permit #S-31293.

18. The City of Brookings relies almost exclusively upon their Chetco River water right permits (#S-27610 and #S-31293) as its main source of reliable water supply. According to the City, the water rights on Ransom Creek (Certificate #20734) and Joe Hall Creek (Certificate #4953) are not reliable due to low summer streamflows and lack of facilities to treat the water. The water rights from Ferry Creek (Certificates #46860 and #46861) cannot be relied upon due to the poor water quality associated with the creek. The ground water right evidenced by Certificate #64614 is not reliable because of its distance from the City's water treatment plant and the uncertainty that the water right could be transferred upstream to the existing treatment plant.
19. Based on a growth projection of 3.0 percent per year, full development of the remaining portion of Permit #S-27610 could occur by the year 2025.
20. Given the amount of development left to occur, the City's projected annual growth rate and associated projected demands for water, and considering the reliability of the other water rights held by the City, the permittee's request to have until October 1, 2025, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #S-27610 is reasonable.

**Good Cause [ORS 539.010(5), OAR 690-315-0080(1)(e) and (2)]**

*The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(2).*

**Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1), ORS 539.010(5), OAR 690-315-0080(2)(a)(c) and (3)]**

*Reasonable diligence and good faith of the appropriator during the permit period constitutes a continuing test of whether and under what conditions to grant an extension. In determining the reasonable diligence and good faith of a municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(3).*

21. Prior to October 1, 1999, the following had occurred: the City of Brookings had constructed a new water treatment facility, installed water distribution lines, constructed pump stations, installed pumps, constructed a 200,000 gallon water reservoir, constructed a 1,500,000 gallon water reservoir, installed several water storage tanks, completed construction of a new Ranney-type intake structure, installed a meter, periodically performed distribution system improvements and upgraded the capacity of the water filtration plant.
22. As of February 25, 2003, the permit holder has invested 100 percent of the total projected cost for complete development of this project, being an approximate total of \$20,000,000. No additional investment is anticipated for the completion of this project.
23. Since the issuance of Permit #S-27610 on October 26, 1961, approximately 2.1 cfs of water has been diverted from the Chetco River for beneficial municipal purposes under the terms of the permit.

**Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose [ORS 539.010(5), OAR 690-315-0080(2)(b)]**

24. As of February 25, 2003, the permit holder has invested an approximate total of \$20,000,000 into the project, consisting of construction of a new water treatment facility, installation of water distribution lines, construction of pump stations, installation of pumps, construction of a 200,000 gallon water reservoir, construction of a 1,500,000 gallon water reservoir, installation of several water storage tanks, construction of a new Ranney-type intake structure, installation of a meter, periodic improvements made to the distribution system and capacity upgrades to the water filtration plant. No additional investment is anticipated for the completion of this project.

**The Market and Present Demands for Water** *[OAR 690-315-0080(2)(d)]*

25. As described in findings #14 through #18 above, the City must rely almost exclusively on its water right permits from the Chetco River.
26. The City projects a population increase, on average, of 3.0 percent per year over the next twenty-two years and according to their April 2000 Water System Master Plan (Section 3, page 3-7), the City expects commercial and industrial growth to be similar and proportionate to their residential growth.
27. Given the City's current water supply situation and current and expected demands, there is a market and present demand for the water to be supplied under Permit #S-27610.

**Fair Return Upon Investment** *[ORS 539.010(5), OAR 690-315-0080(2)(e)]*

28. Use and income from the permitted water development project already results in reasonable returns upon the investment made to date, as demonstrated by the City's schedule of rates established for water service.

**Other Governmental Requirements** *[ORS 537.230(2), OAR 690-315-0080(2)(f)]*

29. Delay in the development of this project was not caused by any other governmental requirements.

**Events which Delayed Development under the Permit** *[OAR 690-315-0080(2)(g)]*

30. Delay of development under Permit #S-27610 was due, in part, to the size and scope of the municipal water system, which was designed to be phased in over a period of years.

**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.

2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. Pursuant to ORS 537.230(1), the permit holder is not required to demonstrate that actual construction of the project began within one year of the date of issuance of the permit, as required by OAR 690-315-0080(1)(b).
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2025<sup>2</sup>, [OAR 690-315-0080(1)(d)].
6. After considering the reasonable diligence and good faith of the appropriator, the financial investment made, the market and present demands for water, the fair return upon the investment, the requirements of other governmental agencies and uncontrollable events which delayed development under the permit, the Department has determined that the applicant has shown good cause for an extension to complete construction and complete application of water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. In accordance with OAR 690-315-0090(3), the Department has established, as specified under Item #1 of the "Conditions" section of this Proposed Final Order for an Extension of Time, that the diversion of water beyond 2.1 cfs under Permit #S-27610 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86. The required Water Management and Conservation Plan shall be submitted to the Department within 3 years from the date this extension is final.

---

<sup>2</sup> For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625.

**Proposed Order**

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #S-27610 from October 1, 1999, to October 1, 2025; and

Extend the time for complete application of water to beneficial use under Permit #S-27610 from October 1, 1999, to October 1, 2025.

Subject to the following conditions:

**CONDITIONS**

**1. Development Limitations**

Diversion of water beyond 2.1 cfs under Permit #S-27610 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86. The required Water Management and Conservation Plan shall be submitted to the Department within 3 years from the date this extension is final.

DATED: August 19, 2003



Dwight French  
Water Rights Section Manager

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

**Proposed Final Order Hearing Rights**

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **Friday, October 3, 2003**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
  
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - B. The applicant submitted a timely request for a contested case hearing.

**If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503) 387-8455, extension 201. Address all other correspondence to:**

**Water Rights Section  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, OR 97301-4172  
Fax #: (503) 378-2496**

**This document was prepared by Lisa J. Juul. If you have any questions about any of the statements contained in this document, I am most likely the best person to answer your questions. You may contact me by telephone at (503) 378-8455, extension 272.**

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulon. Her extension number is 239.**

**If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at extension 201.**

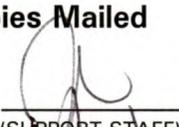
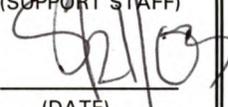
# Mailing List for Extension PFO Copies

**Application #S-37091**  
**Permit #S-27610**

**PFO Date: August 19, 2003**

**Original mailed to:**

**Applicant: City of Brookings**  
**Attn: Leo Lightle**  
**898 Elk Drive**  
**Brookings, OR 97415**

<b>Copies Mailed</b>
<b>By:</b>  (SUPPORT STAFF)
<b>on:</b>  (DATE)

**For Extension PFO's - Copies sent to:**

1. WRD - Appl. File #S-37091/ Permit #S-27610
2. WRD - Watermaster District: #19 - Mitch Lewis, Coquille
3. WRD - Regional Manager: SWR - Grants Pass
4. WRD - Doug Parrow, Salem
5. ODFW - Dist #0 - Todd Confer, Gold Beach
6. DEQ - West Region - John Blanchard, Medford

**Other interested parties:**

7. NONE

**CASEWORKER: LJJ**

S:\groups\wr\extensions\P F O\Work\_315 rules\s37091.wpd

# Abstract of Permit No. 27610

Application No. 37091

Certificate No.

Name

BROOKINGS WATER COMPANY, by Elmer Bankus, Owner

Address

Brookings, Oregon

ASSIGNED  
City of Brookings  
Box C  
Brookings OR 97415

Source of water supply

Chetco River, trib. Pacific Ocean

Use

Municipal

Point of diversion

N. 76° 54' W. 1687 ft. from the SW cor. of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 34; being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 33, T. 40 S., R. 13 W., W.M., in the county of Curry

Number of acres

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
41 S	13 W	5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Priority date

September 14, 1961

Amount of water

4.0 c.f.s., measured at the point of diversion

Time limit to begin construction

October 26, 1962

Time limit to complete construction

10/1/63 extended to 10-1-99 extended to

Time limit to completely apply water

10/1/64 extended to 10-1-99 extended to

Remarks:

ugh

Application # S-37091 / Permit # S-27610

## Route Slip ... Extension of Time

*per Division 315 Rules... (Extensions received on July 1, 2001 or after)*

◆ **WRIG...**  
Money Received: \$100.00 on 2-25-03

◆ **Lisa Juul...**  
Extension Completeness: ~~Signature~~ received 3-14-03  
( If NOT complete, send certified letter requesting add'l information. )

**If Extension Appl complete and \$100 fee submitted, route to...**

◆ **Jonnine Fuss...**  
Initial 30-day Public Notice: 3/4/03 JB  
Update Extension Database: 3/4/03 JB  
Files back to filing cabinets: back to Lisa

**At the close of the Initial 30-day Comment Period...**

◆ **Lisa Juul...**  
Pull files for Ext PFO review: \_\_\_\_\_  
Extension PFO completed: \_\_\_\_\_

**Once Extension PFO signed by Dwight French...**

◆ **Jonnine Fuss...**  
Prepare Ext PFO for mailing to applicant: \_\_\_\_\_  
Mail to those who commented and paid copy fee: \_\_\_\_\_  
Include Ext PFO on weekly Public Notice: \_\_\_\_\_

**Within 60 days after the close of the 45-day PFO Protest Period...**  
(PFO Protest Period ends 45 days from PFO sign date)...

◆ **Lisa Juul...**  
Issue an Extension FO: \_\_\_\_\_

# Municipal or Quasi-Municipal

## EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: S-37091 / Permit #: S-27610

Permittee's Name: City of Brookings; Attn: Leo Lightle

Permittee's Mailing Address: 898 Elk Drive, Brookings, OR 97415

POD Location: Township 40-S Range 13-W Section 33 ¼ ¼ NESE

Stream Basin: \_\_\_\_\_ County: Curry

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No \$100.00 - Yes  
\*\*\*If "No"..... has certified request for the new extension form been sent? Yes / No
- ✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No  
\*\*\***(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**  
- signature on application - received on 3-14-03.
- ✓ 3. Date Permit was issued: 10-26-61 (priority = 9-14-61)
- ✓ 4. Source: Chetco River, trib to Pacific Ocean
- ✓ 5. Use: Municipal
- ✓ 6. "Q": 4.0 cfs
- ✓ 7. Original "B" Date: 10-1-63 Original "C" Date: 10-1-64
- ✓ 8. Conditions of Permit: Original "A" Date: 10-26-62  
• Orig. A, B & C Dates
  
- ✓ 9. Extension request received: 2-25-03 Request Number (...1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>): 10<sup>th</sup>
- ✓ 10. Last Authorized "B" Date: 10-1-99 Last Authorized "C" Date: 10-1-99
- ✓ 11. Proposed "B" Date: 10-1-2025 Proposed C Date: 10-1-2025

12. Amount Invested to date: \$ 20,000,000.<sup>00</sup> Estimated Total Cost: \$ 20,000,000.<sup>00</sup>  
(\* per Water Master Plan April 2000) (\*\*\*) Estimated Remaining Cost: None  
page 3-7.

\* 1970 population = 2,720 | 2003 population = 7,350

13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.  Yes /  No \*\*\*If "No"..... What permit terms and/or conditions have not been met?

✓ - yes

14. Work on the water development project completed to date includes: installed a meter (per pg. 39 Water Master Plan)  
• Max use of water = 2.1 cfs (See info on 6-25-03 Fax)  
• installed water distrib. lines  
• constructed pump stations  
• installed storage tanks -  
• constructed new water treatment facility.  
• installed pumps.  
• constr. Ranney-type intake  
• improved distrib. system  
• upgraded water filtration plant capacity.  
• constr. a 200,000 gallon water res.

15. The work remaining to be completed consists of:  
• completion of construction.  
• full beneficial use of water

16. Progress in perfecting the permit is being held up by: \_\_\_\_\_

• waiting for growth of the community to present the need to fully develop the permit.

17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence?  Yes /  No

• Invested 100% of total anticipated investment for completion of this project.  
• Complied with conditions of permit & extensions  
• Used approx. 53% of total quantity of allowed water.  
• Have continued to construct/improve the system.

18. Determination of the market and the present demand for water or power to be supplied: \_\_\_\_\_

• Expect 3% growth rate based on past population growth - See Pg. 3-4 of Master Plan  
• Commercial & industrial growth is expected to be similar & proportionate to residential growth - See 3-7 of April 2000 Master Plan  
• Other water right are NOT reliable - See work sheets.

19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

20. Conditions to be included on Extension PFO: Development Limitations - (2.1 cfs)

**Extension "PFO" Dates**

Checklist Last Revised: 1 / 31 / 2003

Mailing / Issuance Date: 8-19-03

Reviewer's Name: [Signature]

Protest Deadline Date: 10-3-03

Date: 8-5-03

City of Brookings  
App#s-37091 (Permit#s-27610)

L. Juul  
6-25-03

- Current population = 7,350
- April 2000 → Average Daily Demand = 1.33 mgd  
Maximum Daily Demand = 2.67 mgd

$$2,670,000 \text{ gpd } (\div) 7,350 = 363.3 \text{ gpcd}$$

2003 pop. = 7,350 @ 3% growth  
2025 pop. = ?

P = projected population  
a = starting population  
b = growth rate factor  
t = time in years

$$P(t) = ab^t$$

$$P(22) = (7,350)(1.03)^{22}$$

$$P = (7,350)(1.916103409)$$

$$P = 14,083.36006 \rightarrow$$

14,083 - projected population in year 2025

$$14,083 (x) 363.3 \text{ gpcd} = 5,116,353.9 \text{ - projected peak gpd in 2025}$$

$$5,116,353.9 (\div) 24 \text{ hrs} = 213,181.4 \text{ gph}$$

$$213,181.4 \text{ gph } (\div) 60 \text{ min} = 3,553.0 \text{ gpm}$$

$$3,553.0 \text{ gpm } (\div) 448.83 = \boxed{7.92 \text{ cfs}} \leftarrow \text{projected need in 2025}$$

COPY

## SECTION 6 WATER SUPPLY AND RAW WATER TRANSMISSION

### 6.1 GENERAL

The water source, water supply system, and transmission piping between the water source and filtration plant, are integral components of the overall water treatment system and must be evaluated.

### 6.2 HYDRAULIC SCHEMATIC

A hydraulic schematic is included as Figure 6-1. Elevations of the water intake, filtration plant, and water tank are necessary to determine pumping and valving requirements.

### 6.3 WATER RIGHTS

Surface water rights are summarized in Table 6-1.

Table 6-1 City of Brookings Water Rights

Source	Priority Date	Quantity (cfs)	Quantity (gpd)
Chetco River	1961	2.1 4.00	2,590,000
	1966	3.1 10.00	6,460,000
	1972	6.00	3,880,000
	Subtotal	20.00	12,930,000
Ferry Creek <i>- poor water quality. - Not used once Chetco R. treatment plant constructed.</i>	1913	167.4 AF 3.00	1,940,000
	1966	storage & use 0.23	150,000
	Subtotal	3.23	2,090,000
Joe Hall Creek	1920	2.50	1,620,000
Ransom Creek	1948	0.53 0.34	340,000
Total	---	26.26	17,000,000

*Ransom collector*

← Permit S-27610

← Permit S-31293

? Cert 64614 (Permit G-5601)  
- Chetco R. Well 1

Emergency Supply WMP states it could supply anywhere from 10 to 20 days of use. pg. 2-3

← Cert 4953 (Permit S-467)

← Cert 20734 is for 0.53 cf

Not reliable source →  
Not reliable source →

Brookings also has three water rights for storage in Ferry Creek, totaling 55 million gallons.

City of Brookings  
 Appl # S-37091 / Permit # S-27610  
 Appl # S-41805 / Permit # S-31293

L. June  
 6-25-03

Live Flow  
 permits & Certs  
 Muni Use



6.0 cfs  
 10.0 cfs  
 4.0 cfs

- Cert 64614 - GW  
 (Appl G-5869 / Permit G-5601)  
 - Appls-41805 / Permits-31293  
 SW - Chetco River  
 - Appl S-37091 / Permits-27610  
 SW - Chetco River

Total: 20.0 cfs

Storage & Use  
 of Stored Water  
 Certs  
 Muni Use



Total:  
 167.4 AF

being: Cert 46860 (Appl R-41870 / Permit R-4720)  
 - Storage of 167.4 AF  
 Cert 46861 (Appl S-41871 / Permit S-31224)  
 - Secondary to appropriate 167.4 AF

plus .....

- Cert # 4953 - 2.5 cfs - Joe Hall Creek
- Cert # 20734 - 0.53 cfs - Ransom Creek

# Water Rights Information Query Results

Printed 6-23-03  
L. Juul

Name	Application	Permit	Certificate	Decree	Claim	Transfer	Status
CITY OF BROOKINGS 898 ELK DRIVE BROOKINGS OR 97415 (details)	G5869	G5601	64614	Well - Municipal 6.0 cfs	"Chetco River Well No. 1" - in Chetco R. Basin Municipal Use		NC
CITY OF BROOKINGS BOX C BROOKINGS OR 97415 (details)	R41870	R4720	46860	Storage of Ferry Creek - 167.4 acre-feet Municipal Use	trib of Chetco River - - to be appropriated under Permit S-31224.		NC
CITY OF BROOKINGS 898 ELK DR BROOKINGS OR 97415 (details)	R73396	R11535		Chetco River, trib of Pacific Ocean Storage of → 7.4 AF for Suppl. Irrig. Use			NC
CITY OF BROOKINGS 898 ELK DR BROOKINGS OR 97415 (details)	S41805	S31293		Chetco River - trib of Pacific Ocean 10.0 cfs Municipal Use			NC
CITY OF BROOKINGS BOX C BROOKINGS OR 97415 (details)	S41871	S31224	46861	Use of Stored Water 167.4 Acre-Feet Municipal Use	under Permit R-4720		NC
CITY OF BROOKINGS 898 ELK DR BROOKINGS OR 97415 (details)	S71042	S51383		Chetco River - trib of Pacific Ocean 1.0 cfs Irrig. Use			NC
CITY OF BROOKINGS 898 ELK DR BROOKINGS OR 97415 (details)	S73397	S51595		Use of Chetco River Suppl. Irrig. 62.3 AF of Stored Water Only			NC

Page:1

[Download Place of Use Data](#), [Point of Diversion Data](#), or [Owner Data](#)

[Return to the Water Right Information search screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

# Water Rights Information Query Results

ASSIGNED: Name	Application	Permit	Certificate	Decree	Claim	Transfer	Status
ELMER BANKUS OWNER: BROOKINGS WATER COMPANY BROOKINGS OR 97415 (details)	S37091	S27610		Chetco River - 4.0 cfs Municipal Use	trib of Pacific Ocean		NC

## WORK ACCOMPLISHED

- Original "B" Date = 10-1-63  
Original "C" Date = 10-1-64

1<sup>st</sup> Ext. - submitted on October 1963

- Extended "B" & "C" to : 10-1-65

- - laid approx. total of 7600 feet of 8-inch pipe.
- invested approx. \$45,600.<sup>00</sup>

2<sup>nd</sup> Ext. - submitted on October 1965

- Extended "B" & "C" to : 10-1-67

- - pipe line constructed from intake location on Chetco River to City limits
- installed temporary pump plant
- installed a 2-stage 60 HP pump w/ electric motor

continued

