

-G-15960

NESIKA BEACH-OPHIR WATER DIST.
ATTN: ALLAN WAGNER

Name 32892 NESIKA RD / P.O. Box 39
By GOLD BEACH OR 97444 Ophir, OR 97464
Address _____

Application No. G- 15960
Permit No. G- 15718
Certificate No. _____

(Superseding)
15728

FEEES PAID

Date	Amount	Receipt No.
3/25/03	\$400.00	58951
9/30/03	175.00	63347
10/8/03	125.00	63568
03-10-14	575.00	111330

Stream Index, Page No. _____

FEEES REFUNDED

Date Amount Check No.

Date filed _____
Priority _____
Action suspended until C-2033

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

02151

Return to applicant _____
Date of approval _____

CONSTRUCTION

Date for beginning _____
Date for completion 10-1-08
Extended to 10-1-2033

REMARKS

SEE FILE S-85514

Date for application of water _____
Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed _____

FINAL PROOF

Blank mailed _____
Proof received _____
Date certificate issued _____

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-15960

**Final Order
Extension of Time for Permit Number G-15728
Permit Holder: Nesika Beach Ophir Water District**

Permit Information

Application File G-15960 / Permit G-15728

Basin 17 – South Coast Basin / Watermaster District 19

Date of Priority: March 25, 2003

Authorized Use of Water

Source of Water: One Well within the Greggs Creek Basin
Purpose or Use: Quasi-Municipal
Maximum Rate: 1.0 cubic feet per second (cfs); being 1.0 cfs from
November 1 through June 30; 0.9 cfs from July through
July 31; 0.7 cfs from August 1 through August 31; and 0.6
cfs from September 1 through October 31

**This Extension of Time request is being processed in accordance with
Oregon Revised Statute 537.630 and 539.010(5), and
Oregon Administrative Rule Chapter 690, Division 315**

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file 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.

Application History

Permit G-15728 was issued by the Department on September 16, 2004. The permit called for

complete application of water to beneficial use by October 1, 2008. On March 10, 2014, Nesika Beach Ophir Water District submitted an application to the Department for an extension of time for Permit G-15728. In accordance with OAR 690-315-0050(2), on December 9, 2014, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2033. The protest period closed January 23, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated December 9, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Development Limitations

The appropriation of any water up to 1.0 cfs under Permit G-15728 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 that grants access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. Use of water under Permit G-15728 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

ORDER

The extension of time for Application G-15960, Permit G-15728, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2008 to October 1, 2033.

DATED: January 30, 2015



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

If you have any questions about statements contained in this document, please contact Mabelle A Bamberger at (503) 986-0802.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

Mailing List for Extension FO Copies

FO Date: January 30, 2015

**Application G-15960
Permit G-15728**

Copies Mailed	
By:	<u>BW</u> (SUPPORT STAFF)
on:	<u>1/30/15</u> (DATE)

Original mailed to permit holder:

Nesika Beach Ophir Water District
Attn: Michael Meszaros
P.O. Box 39
Ophir, OR 97464

Copies sent to:

1. WRD - App. File G-15960/ Permit G-15728

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving electronic copy via e-mail (10 AM day of signature date)

(DONE BY EXTENSION SPECIALIST)

1. WRD - Watermaster District 19, Mitch Lewis
2. WRD - Lisa Jaramillo, Transfer and Conservation Services (TACS) (Quasi-Division 86)
Done by ce Date 1-29-15

CASEWORKER: MAB

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-15728, Water Right Application G-15960,) PROPOSED FINAL ORDER
in the name of the Nesika Beach Ophir Water District)

Permit Information

Application File G-15960 / Permit G-15728

Basin 17 – South Coast Basin / Watermaster District 19

Date of Priority: March 25, 2003

Authorized Use of Water

Source of Water: One Well within the Greggs Creek Basin
Purpose or Use: Quasi-Municipal
Maximum Rate: 1.0 cubic feet per second (cfs); being 1.0 cfs from
November 1 through June 30; 0.9 cfs from July through
July 31; 0.7 cfs from August 1 through August 31; and 0.6
cfs from September 1 through October 31

**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 G-15728, water right Application G-15960.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2008 to

October 1, 2033.

- Make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order and allow an extension of time, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0090(3) requires the Department, under specific circumstances, to condition an extension of time for 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

1. Permit G-15728 was granted by the Department on September 16, 2004. The permit authorizes the use of up to 1.0 cfs of water, being 1.0 cfs from November 1 through June 30; 0.9 cfs from July 1 through July 31; 0.7 cfs from August 1 through August 31; and 0.6 cfs from September 1 through October 31; from a well within the Greggs Creek Basin for quasi-municipal use. It specified complete application of water was to be made on or before October 1, 2008.
2. The permit holder submitted an "Application for Extension of Time" to the Department on March 10, 2014, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-15728 be extended from October 1, 2008 to October 1, 2033. This is the first extension of time request for Permit G-15728.
3. Notification of the Application for Extension of Time for Permit G-15728 was published in the Department's Public Notice dated March 25, 2014. No public comments were received regarding the extension application.
4. On July 24, 2014 the permit holder submitted additional information to supplement their Application for Extension of Time.

Review Criteria for 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. This determination shall consider the applicable requirements of ORS 537.230¹, 537.630² and/or 539.010(5)³

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

5. On March 10, 2014, the Department received an Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999.

Duration of Extension [OAR 690-315-0080(1)(c) and (1)(d)]

Under OAR 690-315-0080(1)(c),(d), in order to approve an extension of time for quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.630 applies to ground water permits only.

³ ORS 537.010(5) applies to surface water and ground water permits.

complete the project within the time requested.

7. The remaining work to be accomplished under Permit G-15728 consists of drilling the well, meeting all permit conditions, completing construction, and applying water to full beneficial use.
8. As of July 24, 2014, the permit holder has not appropriated any water of the 1.0 cfs of water authorized under Permit G-15728 for quasi-municipal purposes.
9. In addition to the 1.0 cfs of water authorized under Permit G-15728, Nesika Beach Ophir Water District holds the following rights:
 - Permit G-13613 for 0.5 cfs of water from one well for quasi-municipal use;
 - Certificate 37549 for 0.2 cfs of water from one well for group domestic for 112 families;
 - Permit S-53985 for 1.0 cfs of water diverted from Greggs Creek for quasi-municipal use.

Nesika Beach Ophir Water District's permit and certificate total 1.7 cfs of ground water and 1.0 cfs of surface water. Nesika Beach Ophir Water District has not yet made beneficial use of 1.0 cfs of water under Permit G-15728 and 1.0 cfs of water under Permit S-53985.

10. Nesika Beach Ophir Water District's peak water demand within its service area boundaries was 1.24 cfs in 2014.
11. According to the Nesika Beach Ophir Water District, in 2014, the population within its service boundary was 2,167. Nesika Beach Ophir Water District estimates the population to increase at an estimated growth rate of 1.6 percent per year, reaching an estimated population of 2,975 by the year 2033. According to the permit holder they recently annexed 33.22 acres of industrial zoned property into their service area.
12. According to the Nesika Beach Ophir Water District, their peak demand is projected to be approximately 1.7 cfs of water by the year 2033. The newly annexed industrial zoned property that projects water use of 10,000 gallons per day for a wood pyrolyzation facility.
13. Full development of Permit G-15728 is needed to meet the present and future water demands of Nesika Beach Ophir Water District, including system redundancy and emergency use.
14. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2033, to accomplish the application of water to beneficial use under the terms of Permit G-15728 is both reasonable and necessary.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g) and (4)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a),(3)(c) and (4)]

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a 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(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

15. During the original development time frame under Permit G-15728, a staff gage was installed and the permit holder began recording stream flow measurements in Greggs Creek.
16. As of March 10, 2014, the permit holder invested \$1,000, which is 1 percent of the total projected cost for complete development of this project. The permit holder estimates an additional \$108,707 investment is needed for the completion of this project.
17. As of July 24, 2014, no water has been appropriated.
18. Since October 1, 2008, the permit holder has installed a staff gauge on Greggs Creek at Ophir Road Bridge and has submitted measurements to the Department required under Permit G-15728.
19. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0080(3)(b)]

20. As of March 10, 2014, the permit holder invested \$1,000, which is 1 percent of the total projected cost for complete development of this project. The permit holder estimates an additional \$108,707 investment is needed for the completion of this project.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d) and (5)(a-f)]

For quasi-municipal water use permits issued after November 2, 1998, in making a determination of good cause pursuant to 690-315-0080(3)(d), the Department shall also consider, but is not limited to, the factors in 690-315-0080(5)(a-f).

The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs

of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0080(5)(a-f)].

21. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-15728; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-15728 is not located within a limited or critical ground water area. The point of appropriation for Permit G-15728, located within the Greggs Creek Basin, is not located within or above any state or federal scenic waterway. The point of appropriation is within areas ranked moderate for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is/are located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

Economic investment in the project to date [OAR 690-315-0080(5)(d)].

22. As of March 10, 2014, the permit holder invested \$1,000, which is 1 percent of the total projected cost for complete development of this project. The permit holder estimates an additional \$108,707 investment is needed for the completion of this project.

Other economic interests dependent on completion of the project [OAR 690-315-0080(5)(e)].

23. None have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0080(5)(f)].

24. As described in Findings 7 through 13 Nesika Beach Ophir Water District has indicated, and the Department finds that Nesika Beach Ophir Water District must rely on full development of Permit G- 15728 to meet its present and future water demands.
25. Nesika Beach Ophir Water District projects a population increase of 1.6 percent per year over a 19 year period, being 2014 to 2033 and also expects commercial and industrial growth.
26. Given the current water supply situation of Nesika Beach Ophir Water District, including current and expected demands, the need for system redundancy, and emergency water supply, there is a market and present demand for the water to be supplied under Permit G-15728.

27. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that appropriation of any water up to 1.0 cfs under Permit G-15728 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 that grants access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

Fair Return Upon Investment [OAR 690-315-0080(3)(e)]

28. Use and income from the permitted water development project would likely result in reasonable returns upon the investment made in the project to date.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

29. Delays caused by any other governmental requirements in the development of this project have not been identified.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

30. According to Nesika Beach Ophir Water District, delay of development under Permit G-15728 was due, in part, to the size and scope of the quasi-municipal water system, which was designed to be phased in over a period of years, and to the availability of funding to expand the water supply system.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to completely apply water to the full beneficial use pursuant to ORS 537.630(1).
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. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0080(1)(b).
4. The time requested to apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Full application of water to beneficial use can be completed by October 1, 2033⁴

⁴ Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

pursuant to OAR 690-315-0080(1)(d).

6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the permit holder has shown good cause for an extension of time to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 28, above, and specified under Item 1 of the "Conditions" section of this PFO, the appropriation of water beyond 0.00 cfs up to 1.000 cfs under Permit G-15728 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 that grants access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7).

Continued on the following page

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time to apply the water to beneficial use under Permit G-15728 from October 1, 2008 to October 1, 2033.

Subject to the following conditions:

CONDITIONS

1. Development Limitations

Appropriation of any water up to 1.0 cfs under Permit G-15728 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 that grants access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. Use of water under Permit G-15728 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

DATED: December 9, 2014


Dwight French
Water Right Services Division Administrator

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 submit a

written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **January 23, 2015**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed 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 proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant 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 protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Mabelle A Bamberger at 503-986-0802.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to: Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: December 9, 2014

**Application G-15960
Permit G-15728**

Copies Mailed	
By: <u>BW</u>	(SUPPORT STAFF)
on: <u>12/9/14</u>	(DATE)

Original mailed to Applicant:

Nesika Beach Ophir Water District
Attn: Michael Meszaros
P.O. Box 39
Ophir, OR 97464

Copies sent to:

1. WRD - App. File G- 15960 / Permit G-15728

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving electronic copy via e-mail (10 AM Tuesday of signature date)

3. WRD - Watermaster District 19 – Mitch Lewis
4. WRD - Lisa Jaramillo, Transfer and Conservation Services (TACS)
Done by 12-9-14 Date MJB

CASEWORKER: MAB

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued after November 2, 1998
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 15960 Permit: G- 15728 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Nesika Beach-Ophir Water District Attn: Michael Meszaros

Permit Holder's Mailing Address: PO Box 39, Ophir, OR 97464 e-mail nbowd@frontier.com

Phone Number: 541-247-2614 or cell 541-373-0437

POD Location: Township 35S Range 14W Section 20 ¼¼ SE NW

Drainage Basin: 19 County: Curry Watermaster District: 19 Watermaster: Mitch Lewis

Date Permit was issued: 9/16/2004 Priority Date: 3/25/2003 Date of PN: 3/25/2014

Source: A Well within Greggs Creek Basin

Use: Municipal Quasi Municipal _____

"Q": 1 cfs Nov 1 - June 30; 0.9 cfs July 1 - July 31; 0.7 cfs Aug 1 - Aug 31; 0.6 cfs Sept 1 - Oct 31

Orig "A" Date: _____ Orig "B" Date: 10/1/ Orig "C" Date: 10/1/2008

Extension request rec'd: 3/10/2014 Last Authorized "B" Date: 10/1/ Last Authorized "C" Date: 10/1/2008

Request Number (1, 2, 3...): _____ Proposed "B" Date: 10/1/ Proposed C Date: 10/1/2033

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	measure flows in Greggs Creek per Watermaster approved methods (trigger flow of 0.05 cfs)
<input type="checkbox"/>	<input type="checkbox"/>	totalizing flow meter - ok no water use
<input type="checkbox"/>	<input type="checkbox"/>	easements required before water use - ok no water use
<input checked="" type="checkbox"/>	<input type="checkbox"/>	install staff gage at bridge over Greggs Creek
<input checked="" type="checkbox"/>	<input type="checkbox"/>	first 5 years need staff gage readings 3x/week April 1 - Nov 30 submitted to Watermaster
<input type="checkbox"/>	<input type="checkbox"/>	SWL measurements - initial and March thereafter - decline triggers - ok well not constructed
<input type="checkbox"/>	<input type="checkbox"/>	within 3 months of using well, send letter to ODFW requesting annual stream surveys- ok well no constructed

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

Work was accomplished within the time allowed in the permit or previous extension

Water right permit holder conformed with the permit or previous extension conditions

Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0 cfs gpm af Undeveloped portion 0.6 to 1.0 cfs gpm af

Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$77,850 Estimated Remaining Cost: \$144,529

GW REVIEW: Y N

MITIGATION REVIEW: Y N

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Population 2167 (Year) 2014 Growth 3-1% Population 2975 by (Year) 2033 Calculated? Yes

As of 2014 Growth 3-1% Population 2975 by (Year) 2033 Calculated? Yes

Peak Demand 1.24 cfs/gpm (Year) 2014 Peak Demand 1.7 cfs/gpm by (Year) 2033 Calculated? Yes

Determination of the market and the present demand for water or power to be supplied: Identify the closest surface water or localized water basin. Greggs Creek Basin

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "gisdata/dev/projects/salmon/div33map.html"
- within a critical or limited Ground Water Area? Name of area _____
- within a Withdrawn Area? Name of area _____
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

Max "Q" Development Limitations and Div. 86 Water Management and Conservation Plan

Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"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."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____

Protest Deadline

Date: _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **111330**

INVOICE # _____

RECEIVED FROM: Nesika Beach
BY: Ophir Warden District

APPLICATION	6-15960
PERMIT	
TRANSFER	

CASH: CHECK:# 7018 OTHER: (IDENTIFY)

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 46111 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 575.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **111330**

DATED: 3-10-14 BY: [Signature]

Application # G-15960 Permit # G-15728

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 3-10-14

◆ **Extension Specialist ...**

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 7/29/14

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN Am R.

RECEIVED BY OWRD

JUL 24 2014

SALEM, OR



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

Application for
Extension of Time
for Municipal and Quasi-Municipal
Water Use Permits

Make use of this form, Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany the extension of time application.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml

I, Nesika Beach - Ophir Water District

Michael Meszaros

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

NAME OF CONTACT

PO Box 39 Ophir OR 97464

ADDRESS CITY STATE ZIP

(541) 247-2614 *cell (541) 373-0437 nbowd.manager@frontier.com
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-15960
Permit Number G-15728
[OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

x complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2008, be extended to October 1, 2033,

and/or the time in which to:

x apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2008, be extended to October 1, 2033.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.



Handwritten signature of Michael Meszaros

7/21/14

Signature Michael Meszaros

Date

Nesika Beach - Ophir Water District

 PO Box 39
Ophir, OR 97464 
(541) 247 - 2614 FAX (541) 247 - 9684

Ann Reece
Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
Water Rights Service Division
725 Summer St NE, Ste. A
Salem, OR 97301

Dear Ann,

Enclosed is the updated application form for water rights extension for our water district. I addressed all of the concerns that you listed in your e-mail message to me. Hopefully all the needed information is there.

Thanks again for working with us in getting the water right extension that we seek!

Respectfully,



Michael Meszaros, RS
District Manager
Nesika Beach - Ophir Water District
nbowd.manager@frontier.com

SALEM, OR

JUL 24 2014

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JUL 24 2014

SALEM, OR

Michael:

I am evaluating the District's extension of time request, and I have a few questions for you.

- ✓ Has the District obtained "all necessary easements and approvals to install a staff gage on the bridge over Greggs Creek on Ophir Road/Coast Highway"?
- ✓ On the extension application, Item #8, it states that current peak demand is 240 cfs in 2014. Should this be in gallons per minute (gpm)? change to cfs 1.24
- ✓ On Item 10.c, the population growth rate is indicated at 1%. A current population of 1926 at 1% growth would reach 2376 in 21 years, but is reported at a population of 2978. My growth calculator shows an increase to 2978 is closer to a 2% growth rate. <http://waynesword.palomar.edu/lmexer9.htm> (link to a population growth calculator). Could you please verify the growth rate and/or resultant population in 2033? cool!
- ✓ Does the projected water use include the 10,000 GPD (7 gpm or 1.15cfs?) for the wood pyrolyzation facility? NO - NOT REQUESTED YET.
- ✓ On Chart V, would it be possible to project what years you expect to reach the development goals itemized on the chart? And also, I know this can be difficult, but we need some sort of estimated costs for the work yet to be completed.
- ✓ And finally, the District's ground water rights total 1.7 cfs, but the district indicates they will only need ~~1.23~~ 1.70 cfs by 2033. It appears, *without further explanation*, that the extension request is for too short of a period of time, but should be extended to when the District will total 1.7 cfs. (Note, if the extension request is amended to go beyond 2033 the population estimates and projected water demand will also need to be projected out to the same date as the amended "extended to" date).

I understand that the extension application can be difficult and cumbersome. The statutes (ORS 537.630) and rules (OAR Division 315) guide what we need to ask on the extension application, and outline the items we need to evaluate in order to find good cause for approving an extension of time request. Please call me if I can be of any assistance with any of these items, or if you wish to discuss any of these items with me.

- ✓ Should documents be sent to both the PO Box in Ophir and the ~~street address in Gold Beach?~~
- Best Regards,
Ann Reece

Water Right Services Division
Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@wrds.state.or.us

JUL 24 2014

Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits LEM, OR

Please provide the information requested by item numbers 1-13. OWRD will use this information to evaluate your Application for Extension of Time.

- [OAR 690-315-0070(3)]
1. **Submit the appropriate extension of time fee (\$575), as specified under ORS 536.050.** If the extension application fee has already been paid, please provide indicate why and when it was paid. *The statute for this fee may be viewed at http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors536.html*

**Check enclosed*

- [OAR 690-315-0070(3)(c)]
2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.

Begin Date: N/A. **Construction of** N/A **began.**
 (month/year) (details)

- [OAR 690-315-0070(3)(d)]
3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**

Begin Date: N/A. **Construction of** N/A **began.**
 (month/year) (details)

- [OAR 690-315-0070(3)(e) and OAR 690-315-0070(3)(i)]
4. **Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. Present the list in chronological order in Chart-I.**

CHART-I

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – e.g. Well drilled.</i>	COST

JUL 24 2014

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	SALEM, OR COST
	Date the permit was signed - find date above signature on last page of permit.	
9/16/2004	Signed by Phillip Ward – Acting Director	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
	No specific date of construction required is on permit	
10/1/	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request.</i> <i>For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
6/29/2006	District purchased 5 acres of land on Greggs Creek for development for a sum total of \$91,000.00	91,000
	Curry County tax Lot # 35-14-20C-00201	
	Annual payments of \$8650 made January 8 th of each year until paid	

CHART-I (continued)

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	<i>List work/actions done after the last authorized date for complete application of water has passed.</i>	SALEM, OR
3/4/2014	Annual yearly payments of \$8,650 (include interest) have been made in 2006, 2007	77,850.00
	2008, 2009, 2010, 2011, 2012, 2013, 2014	
Total Cost to Date		\$77,850.00

[OAR 690-315-0070(3)(f)]

5. **Provide evidence of compliance with conditions contained in the original permit, in any previous extension(s), and/or in any permit amendments (Chart II), or the reason the condition was not satisfied (Chart III).**

Conditions requiring a response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to accomplish a specific action, such as a condition that requires plans and specifications for a reservoir, a Water Management and Conservation Plan, a ground water monitoring plan or some other document which "...shall be submitted...within two years of permit issuance." If your permit requires submittal of a Water Conservation and Management Plan, please indicate the date the plan was submitted to or approved by OWRD, or whether it is still being drafted, etc.;
- and/or
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."

- 5-A) **Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.**

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CHART-II

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	11/15/2008	Staff gauge was installed on Greggs Creek at Ophir Rd Bridge
		Measurements submitted to WRD as required

SALEM, OR

** Condition No: Attach a copy of the permit and, if applicable, any prior permit extensions or permit amendments with conditions identified and hand-numbered in a continuous number sequence throughout all such documents. Responses to Items 5-A and 5-B should reference each condition by number to correspond with the hand-written number sequence on the attached documents containing permit conditions.

- 5-B) If applicable conditions have NOT complied with all, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-III

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
2	UNK	Requirement – Static well reading every March
		Requirement is un-fulfilled due to no well being constructed to date
		- No static levels available

[OAR 690-315-0070(3)(g)]

6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit. Report water use as of the C-Date in the permit, or as of the “extended to” date of the most recent prior extension of time (if any).

6-A) For Surface Water Permit Extensions: N/A

6-B) For Ground Water Permit Extensions:

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CHART-IV

SALEM, OR

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED							
			Well Log Number E.g. MULT 60493	Well Tag Number E.g. # 40151 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See below)	Maximum instantaneous rate used by C-date or prior extension -- from this well - under <u>this permit only</u> (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the rate used from this well under each water right. (Typically the total of all uses from a single well will not exceed the well's pumping capacity.)		
								Permit, Certificate, or Transfer No.	Rate (CFS or GPM)	
n/a	n/a	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-		
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-		
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-		
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-		
Total instantaneous rate from all wells utilized under this permit used by C-date or most recent "extended to" date										

6-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed with OWRD? Yes No

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

Current Population: 2167 as of Year: 2014

Methodology used to estimate current population served: Water System Master Plan

[OAR 690-315-0070(3)(p)]

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SALEM, OR

8. **Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate.**

Identify the total rate, or duty if applicable, of water being used to meet the current peak demand for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm (gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on “Attachment A” in the column named “*Max Amount of Beneficial Water Used to Date*” [under Item 10-A (a)].

Current Peak Hourly Water Demand: 1.24 cfs as of Year: 2014

Methodology used to estimate current peak demand:

Current Master Plan

[OAR 690-315-0070(3)(k)]

9. **Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.**

- *No construction has been undertaken due to budget constraints. Budgeted funds are being used to purchase land and make land payments.*

[OAR 690-315-0070(3)(l)]

- 10-A. **Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.**

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held – **SEE ATTACHMENT A**
List all water rights held, including this permit, currently held by the permit holder. Use the format shown in “Attachment A” (see last page of this Application for Extension of Time). A link to the Water Rights Information System (WRIS), accessed through OWRD’s website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> may be a helpful source for compiling this information.

Use the “Use Limitations” column to identify and explain why any water right is not currently utilized to meet current peak water demands, or which is used only in a limited capacity.

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SALEM, OR

b) Water Supply Contracts and/or Agreements

List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities.

N/A

List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

N/A

c) Projected Population

Identify the projected population growth rate. The population projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the population projections such as historical growth rates or any factors affecting growth trends.

Population Growth Rate: 3% 2010 to 2020, then 1% 2020 to 2050

Projected Population: 2975 as of Year: 2033

Methodology used to estimate projected population and population growth rate: Water System Master Plan

d) Future Peak Water Demands

Identify the projected peak water. The peak water demand projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the water demand projection, such as historical growth rates or any factors affecting growth trends. Include a summary of how the subject permit, and other water rights and /or supply contracts held by the permit holder are planned or expected to be used to meet anticipated future water needs

Projected Peak Water Demand: 1.70 cfs as of Year: 2033 – (Peak Hourly Demand)

Methodology used to estimate peak water demand: Water System Master Plan

Table 5.3.1

Year	Population	EDUs	Annual Demand (mg)	ADD (gpd)	MMD (gpd)	MDD (gpd)	PHD (gpd)	Cfs rq'd PHD	Cfs rq'd ADD
2000	1433	597	56.66	155,220	238,800	388,050	530,000	0.82	0.24
2005	1661	692	65.68	179,940	276,835	449,855	614,500	0.95	0.27
2010	1926	802	76.14	208,600	320,930	521,510	712,175	1.10	0.32
2015	2232	930	88.27	241,830	372,040	604,570	825,840	1.28	0.37
2020	2588	1078	102.33	280,345	431,300	700,860	957,265	1.48	0.43
2030	2888	1203	114.19	312,850	481,308	782,125	1,068,265	1.65	0.48
2033	2975	1239	117.65	322,329	495,892	805,824	1,100,634	1.70	0.495

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- e) Potential Growth
 Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

NBOWD recently annexed 33.22 acres of industrial zoned property into our District. Date of annexation – 11/07/2013 Water demand estimated by property owner – 10,000 GPD for wood pyrolyzation facility. This has not been accounted for in peak water demand calculations as use has not yet been requested.

- f) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2033**

[OAR 690-315-0070(3)(l)]

- 10-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.**

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

N/A

[OAR 690-315-0070(3)(j) and OAR 690-315-0070(3)(m)]

- 11. Provide an estimate of the costs to complete water development and summary of the future plan and schedule to complete construction and/or perfect the water right.**

Considering the demand projections in Item 10-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the major planning, work and/or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit. The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plans may help when formulating a response.

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
7/1/2014	Test well to be drilled – 6" casing	4,707.00
1/1/2021	Final payment Greggs Creek property	35,822.28

	Future developments	
7/1/2021	-Enlarge test well to 12" casing	10,000
7/1/2021	-Construct pumphouse and install pump and controls	40,000
7/1/2021	-Install .5 miles 6" transmission line	50,000
7/1/2021	OHA regulatory compliance	4,000
Year: <u>2033</u>	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	\$144,529.28
Estimated Total Cost to Complete Development		\$144,529.28

[OAR 690-315-0070(3)(n)]

12. Justify the time requested to complete the project and/or apply the water to full beneficial use.

A justification should integrate information from Items 5-B, 6-A or 6-B, 9, 10-A, and 11 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

- NBOWD respectfully request this extension due to the fact that we have been unable to dedicate time and finances to complete the Gregg's Creek Well in a timely manner due to limited fiscal resources. Our District does not tax and receives only revenue from water sales. Our goal is to complete the purchase of the property first, and then implement investment into construction of the well, pumphouse, transmission lines as funding allows. Systems Development Charges are being reserved in a Special Fund to accomplish the proposed projects.
- We are currently burdened by our recently acquired \$3.5 million dollar improvement project that included 4 miles of pipeline replacement, and construction of two storage tanks with a total capacity of .53 MG. Annual loan payments are \$105,000.00

[OAR 690-315-0070(3)(o)]

13. Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time

- NB-O Water District has undergone several management changes since 2005. Continuity of work has not been good. This application should have been submitted several years ago. The Management during that period from 2005 until 2012 was not knowledgeable in water rights issues. Our District desires to be committed to compliance of all regulatory requirements. We appreciate OWRD's confidence in our Districts ability to move forward.

[OAR 690-315-0070(3)(q)]

14. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

N/A

RECEIVED BY OWRD

JUL 24 2014

SALEM, OR

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15960

Superceding Final Order

Application History


On August 23, 2004, the Department issued a FINAL ORDER INCORPORATING SETTLEMENT AGREEMENT was issued approving application G-15960 and Permit G-15718.

Based upon continued review, the Department has determined that Permit G-15718 requires modification to correctly describe the places of use.

Order

Permit G-15728 is issued to supersede Permit G-15718. Permit G-15718 is of no further force or effect.

DATED September 16, 2004


Phillip C. Ward, Acting Director
Water Resources Department

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 of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0812. 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 Moulun at 503-986-0824. If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NESIKA BEACH-OPHIR WATER DISTRICT
32892 NESIKA RD
GOLD BEACH, OR 97444

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15960

SOURCE OF WATER: A WELL IN GREGGS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND (CFS); BEING 1.0 CFS FROM NOVEMBER 1 THROUGH JUNE 30; 0.9 CFS FROM JULY 1 THROUGH JULY 31; 0.7 CFS FROM AUGUST 1 THROUGH AUGUST 31; 0.6 CFS FROM SEPTEMBER 1 THROUGH SEPTEMBER 30; AND 0.6 CFS FROM OCTOBER 1 THROUGH OCTOBER 31

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

WELL LOCATION: SE ¼ NW ¼, SECTION 20, T35S, R14W, W.M.; 560 FEET NORTH & 1835 FEET EAST FROM W1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

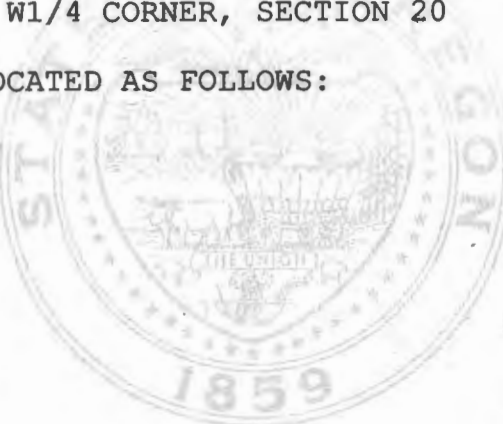
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SW ¼
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NW ¼ SE ¼
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SECTION 8

NE ¼ NW ¼
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SECTION 17

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SECTION 19

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SECTION 30

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SECTION 31

TOWNSHIP 35 SOUTH, RANGE 14
WEST, W.M.

SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼
SECTION 36

TOWNSHIP 35 SOUTH, RANGE 15
WEST, W.M.

NE ¼ SW ¼
SW ¼ SW ¼
NW ¼ SE ¼
SECTION 5

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SECTION 6

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SECTION 7

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SECTION 8

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SECTION 9

NE ¼ NW ¼
SECTION 16

NW ¼ NE ¼
SW ¼ NE ¼
NW ¼ SE ¼
SECTION 17

TOWNSHIP 36 SOUTH, RANGE 14 WEST,
W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 12

TOWNSHIP 36 SOUTH, RANGE 15 WEST,
W.M.

By-pass flows:

- A. The permittee shall measure the water flow in Greggs Creek in a manner and location approved by the watermaster as appropriate to determine the impact of water use under this permit on Greggs Creek.
- B. If the flow of water in Greggs Creek at the location described in the paragraph above is 0.05 cfs or less, and the watermaster determines that all other appropriators of water from Greggs Creek are appropriating water legally, the permittee shall cease to appropriate water or reduce its rate of appropriation, as directed by the watermaster, under this permit until the flow in that location is more than 0.05 cfs.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
- D. Before water use begins under this permit, permittee shall obtain all necessary easements and approvals to install a staff gage on the bridge ~~by~~ Greggs Creek on Ophir Road/Coast Highway and install a staff gage at that location in a manner satisfactory to the watermaster. In addition to the staff gage, permittee may install any other measuring device at the location, as approved by the watermaster. Permittee shall maintain the staff gage in good working order.

- E. For the first five years after the issuance of this permit and beginning within two months of issuance of this permit, permittee shall take staff gage readings, or other stream measurements meeting the watermaster's approval, three (3) days each week during the period of April 1 through November 30 of each year. Permittee shall compile these readings or measurements in legible logs and submit those logs to the watermaster annually.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Within three months after the permittee begins appropriating water under this permit, the permittee shall send a letter to the Oregon Department of Fish and Wildlife requesting annual stream surveys of Greggs Creek in the vicinity of the well authorized by this permit. Permittee will request the surveys occur during the months of July, August or September.

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

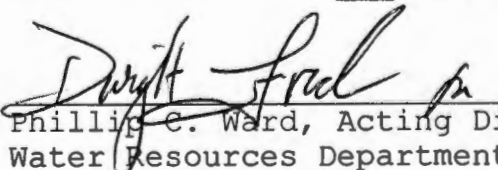
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Permit G-15718, issued August 23, 2004, is superceded by this instrument and is of no further force or effect.

Issued September 16, 2004


Phillip C. Ward, Acting Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



REECE Ann L

From: REECE Ann L
Sent: Monday, March 17, 2014 10:40 AM
To: 'nbow@frontier.com' *resent nbowd*
Subject: Nesika Beach - Ophir Water District Extension of Time request Permit G-15728

SentFromSession: REESE.reeceal.3/17/2014 8:21:07 AM

Michael Meszaros
Nesika Beach - Ophir Water District

Michael:

I am evaluating the District's extension of time request, and I have a few questions for you.

Has the District obtained "all necessary easements and approvals to install a staff gage on the bridge over Greggs Creek on Ophir Road/Coast Highway"?

On the extension application, Item #8, it states that current peak demand is 240 cfs in 2014. Should this be in gallons per minute (gpm)?

On Item 10.c, the population growth rate is indicated at 1%. A current population of 1926 at 1% growth would reach 2376 in 21 years, but is reported at a population of 2978. My growth calculator shows an increase to 2978 is closer to a 2% growth rate. <http://waynesword.palomar.edu/lmexer9.htm> (link to a population growth calculator). Could you please verify the growth rate and/or resultant population in 2033?

Does the projected water use include the 10,000 GPD (7 gpm or 1.15cfs?) for the wood pyrolyzation facility?

On Chart V, would it be possible to project what years you expect to reach the development goals itemized on the chart? And also, I know this can be difficult, but we need some sort of estimated costs for the work yet to be completed.

And finally, the District's ground water rights total 1.7 cfs, but the district indicates they will only need 1.23 cfs by 2033. It appears, *without further explanation*, that the extension request is for too short of a period of time, but should be extended to when the District will total 1.7 cfs. (Note, if the extension request is amended to go beyond 2033 the population estimates and projected water demand will also need to be projected out to the same date as the amended "extended to" date).

I understand that the extension application can be difficult and cumbersome. The statutes (ORS 537.630) and rules (OAR Division 315) guide what we need to ask on the extension application, and outline the items we need to evaluate in order to find good cause for approving an extension of time request. Please call me if I can be of any assistance with any of these items, or if you wish to discuss any of these items with me.

Should documents be sent to *both* the PO Box in Ophir and the street address in Gold Beach?

Best Regards,

Ann Reece

Water Right Services Division

Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@wrд.state.or.us

REECE Ann L

Nesika Beach

From: nbowd.manager <nbowd.manager@frontier.com>
Sent: Thursday, April 03, 2014 1:25 PM
To: REECE Ann L; lisa.jaramillo@state.or.us; Mitch Lewis
Subject: Re: staff gauge measurements for Permit G-15728
Attachments: NBOWD - Staff guage.xls

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ann, Mitch, Lisa,

We located the staff gauge readings and transferred them from a pencil notebook to Excel. I read the permit and it asked for 5 years of readings, April 1 thru Nov 30th. Looks like a few more readings were made in times outside of that parameter. It also looks like were short some readings. About one years worth. Don't know if that's a problem. The gauge is still in place if we need to do more readings.

Thanks

Mike

Michael Meszaros, REHS
Manager
Nesika Beach-Ophir Water District
PO Box 39
Ophir, OR 97464
(541) 247-2614
nbowd.manager@frontier.com

Date	Weather	Guage	Date	Weather	Guage	Date	Weather	Guage
11/19/2004	Clear	1	1/3/2005	Clear	2.02	7/5/2005	Fog	1.4
11/22/2004	Cloudy	0.94	1/25/2005		1.34	7/7/2005	Clear	1.42
11/23/2004	Cloudy	0.9	1/31/2005	Clear	1.34	7/8/2005	Cloudy	1.42
11/29/2004	Cold Clear	1.02	2/7/2005	Clear	1.3	7/11/2005	Cloudy	1.42
12/1/2004	Clear	1	3/7/2005	Clear	1.32	7/12/2005	Overcast	1.4
12/6/2004	Rain	1.82	3/22/2005	Rain	2.2	7/15/2005	Clear	1.44
12/7/2004	Storm PM before	2.8	3/29/2005	Rain	2.55	7/18/2005	Clear	1.42
12/10/2004	Rain	2.6	4/4/2005	Rain	2.25	7/20/2005	Clear	1.42
12/13/2004	Rain	1.86	4/8/2005	Rain	2.4	7/22/2005	Rain pm before	1.46
12/28/2004	Overcast	1.84	4/11/2005		2.14	7/26/2005	Clear	1.4
			4/18/2005	Rain	2.02	7/27/2005	Clear	1.41
			5/2/2005	Sunny	1.56	7/28/2005	Clear	1.4
			5/3/2005	Sunny	1.53	8/1/2005	Clear	1.4
			5/4/2005	Drizzle	1.54	8/2/2005	Clear	1.4
			5/11/2005	Sunny	1.78	8/3/2005	Clear	1.4
			5/12/2005	overcast	1.7	8/4/2005	Clear	1.4
			5/13/2005	overcast	1.65	8/8/2005	Clear	1.36
			5/17/2005	Rain	1.7	8/9/2005	Clear	1.36
			5/18/2005	Rain	2	8/11/2005	Clear	1.35
			5/19/2005	Rain	2.1	8/16/2005	Clear	1.36
			5/23/2005	Clear	1.68	8/17/2005	Clear	1.35
			5/24/2005	Clear	1.65	8/18/2005	Clear	1.3
			5/25/2005	Clear Hot	1.6	8/23/2005	Clear	1.3
			5/26/2005	Fog	1.56	8/24/2005	Clear	1.3
			5/31/2005	overcast	1.52	8/26/2005	Fog	1.25
			6/2/2005	Clear	1.48	8/29/2005	Clear	1.28
			6/3/2005	Clear	1.48	8/31/2005	Clear	1.28
			6/7/2005	Rain	1.76	9/1/2005	Clear	1.28
			6/8/2005	Clear	1.65	9/6/2005	Clear	1.28
			6/9/2005	Drizzle	1.6	9/7/2005	Clear	1.28
			6/13/2005	Fog	1.48	9/8/2005	Clear	1.28
			6/15/2005	Clear	1.45	9/12/2005	Fog	1.32
			6/16/2005	Drizzle	1.43	9/13/2005	Fog	1.32
			6/17/2005	Rain	1.56	9/14/2005	Fog	1.3
			6/20/2005	Clear	1.7	9/19/2005	Clear	1.3
			6/21/2005	overcast	1.63	9/20/2005	Clear	1.3
			6/22/2005	Clear	1.6	9/21/2005	Clear & fog	1.3
			6/27/2005	Drizzle	1.46	9/26/2005	Clear	1.26
			6/28/2005	Clear	1.46	9/27/2005	Clear	1.24
			6/29/2005	Clear	1.46	9/28/2005	Clear	1.26
				pg 1				

Date	Weather	Guage	Date	Weather	Guage	Date	Weather	Guage
10/2/2006	Fog	2.48	4/9/2007	Ptly Cloudy	1.8	7/11/2007	Overcast	1.35
10/4/2006	Lt Rain	2.52	4/16/2007	Cloudy	1.9	7/13/2007	Ptly Cloudy	1.33
10/5/2006	Clear	2.5	4/17/2007			7/16/2007	Clear	1.35
10/9/2006	Clear Hot	2.46	4/19/2007	Ptly Cloudy	2	7/17/2007	Lt Rain	1.36
10/11/2006	Clear	2.36	4/23/2007	Clear	1.86	7/25/2007	Clear	1.3
10/13/2006	Foggy	2.32	4/26/2007	Clear	1.86	7/26/2007	Clear	1.3
10/16/2006	Lt Rain	2.52	4/30/2007	Clear	1.65	7/27/2007	Clear	1.28
10/17/2006	Ptly Cloudy	2.51	5/1/2007	Overcast	1.66	7/30/2007	Clear	1.28
10/19/2006	Clear	2.44	5/2/2007	Lt. Rain	1.76	7/31/2007	Clear	1.28
10/23/2006	Clear	2.42	5/7/2007	Clear	1.68	8/3/2007	Clear	1.28
10/24/2006	Clear	2.4	5/8/2007	Clear	1.66	8/6/2007	Overcast	1.28
10/26/2006	Clear	2.42	5/9/2007	Clear	1.65	8/7/2007	Overcast	1.29
10/30/2006	Clear	2.4	5/10/2007	Fog	1.64	8/8/2007	Clear	1.28
10/31/2006	Fog	2.42	5/15/2007	Fog	1.56	8/13/2007	Clear	1.26
11/2/2006	Rain	2.62	5/16/2007	Clear	1.56	8/14/2007	Clear	1.25
11/3/2006	Rain	2.64	5/17/2007	Fog	1.58	8/16/2007	Ptly Cloudy	1.22
11/6/2006	Rain	2.54	5/21/2007	Clear Windy	1.52	8/22/2007	Ptly Cloudy	1.3
11/7/2006	Clear	1.48	5/22/2007	Clear Windy	1.52	8/23/2007	Clear	1030
11/8/2006	Clear	1.48	5/25/2007	Ptly Cloudy	1.5	8/24/2007	Clear	1.28
11/10/2006		1.4	5/29/2007	Clear	1.5	8/27/2007	Clear	1.22
			5/30/2007	Fog	1.5	8/27/2007	Clear	1.21
			5/31/2007	Clear	1.48	8/29/2007	Clear	1.21
			6/1/2007	Clear	1.48	9/4/2007	Lt Rain	1.34
			6/4/2007	Clear	1.4	9/6/2007	Clear	1.2
			6/7/2007	Overcast	1.66	9/10/2007	Clear	1.15
			6/8/2007	Clear	1.68	9/11/2007	Fog	1.19
			6/11/2007	Clear	1.52	9/12/2007	Fog	1.19
			6/13/2007	Overcast	1.48	9/17/2007	Clear	1.18
			6/18/2007	Clear	1.42	9/24/2007	Clear	1.18
			6/19/2007	Clear	1.4	9/25/2007	Clear	1.19
			6/22/2007	Clear	1.4	9/27/2007	Clear	1.18
			6/25/2007	Fog	1.38	9/28/2007	Rain pm before	1.38
			6/27/2007	Fog	1.38	10/1/2007	Fog	1.34
			6/28/2007	Fog	1.4	10/2/2007	Clear	1.32
			7/2/2007	Clear	1.35	10/3/2007	Lt Rain	1.38
			7/3/2007	Clear	1.32	10/8/2007	Fog	1.3
			7/5/2007	Clear	1.35	10/10/2007	Rain	1.78
			7/6/2007	Clear	1.35	10/11/2007	Overcast	1.58
			7/10/2007	Clear	1.33	10/15/2007	Lt Rain	1.44
				pg 3				

Date	Weather	Guage	Date	Weather	Guage	Date	Weather	Guage
10/17/2007	Lt Rain	1.62	6/13/2008	Clear	1.84	9/17/2008	Fog	1.8
10/18/2007	Rain	1.89	6/16/2008	Clear	1.9	9/23/2008	Clear	1.86
10/24/2007	Clear	1.5	6/17/2008	Clear	1.88	9/25/2008	Cloudy	1.8
10/24/2007	Clear	1.48	6/24/2008	Clear	1.88	9/26/2008	Clear	1.86
10/26/2007	Clear	1.47	6/25/2008	Clear	1.86	9/30/2008	Fog	1.72
10/29/2007	Rain	1.42	6/30/2008	Fog	1.9	10/1/2008	Cloudy	1.7
10/30/2007	Clear	1.4	7/2/2008	Fog	1.9	10/2/2008	Rain	1.9
11/5/2007	Clear	1.31	7/3/2008	Clear	1.9	10/3/2008	Rain	2
11/19/2007	Lots of Rain	Full	7/7/2007	Clear	1.86	10/6/2008	Overcast	1.96
			7/8/2007	Clear Hot	1.86	10/9/2008	Overcast	2.02
			7/9/2008	Fog	1.86	10/10/2008	Ptly Cloudy	2.05
			7/14/2008	Ptly Cloudy	1.84	10/13/2008	Clear	2
			7/15/2008	Fog	1.86	10/14/2008	Clear	2.02
			7/18/2008	Clear	1.86	10/15/2008	Clear	2.04
			7/21/2008	Overcast	1.89	10/20/2008	Lt Rain	2.08
			7/23/2008	Clear	1.88	10/21/2008	Clear	2.06
			7/25/2008	Fog	1.9	10/23/2008	Clear	2.04
			7/28/2008	Fog	1.9	10/27/2008	Fog	2.14
			7/29/2008	Overcast	1.92	10/28/2008	Overcast	2.16
			7/30/2008	Clear	1.92	11/3/2008	Rain	2.3
			7/31/2008	Clear	1.9	11/5/2008	Rain	2.18
			8/1/2008	Clear	1.9	11/10/2008	Lt Rain	2.32
			8/5/2008	Fog	1.9	11/12/2008	Overcast	2.3
			8/6/2008	Fog	1.9	11/13/2008	Rain pm before	2.76
			8/11/2008	Clear	1.9	11/15/2008	Clear	2.3
			8/12/2008		1.9			
			8/15/2008	Clear	1.9			
			8/18/2008	Clear	1.86			
			8/21/2008	Ptly Cloudy	1.98			
			8/22/2008	Sunny	1.94			
			8/25/2008	Clear	1.92			
			8/26/2008	Clear	1.92			
			9/4/2008	Clear	1.78			
			9/5/2008	Clear	1.72			
			9/8/2008	Clear	1.62			
			9/9/2008	Clear	1.62			
			9/10/2008	Clear	1.62			
			9/15/2008	Fog	1.68			
			9/16/2008	Fog	1.72			
				pg 4				

REECE Ann L

From: REECE Ann L
Sent: Monday, March 17, 2014 1:34 PM
To: nbowd@frontier.com
Cc: LEWIS Mitch E
Subject: staff gage measurements for Permit G-15728

SentFromSession: REESE.reeceal.3/17/2014 8:21:07 AM

Michael:

The permit has a condition that for the first 5 years, beginning 2 months after issuance of the permit, that the permit holder shall take staff gage readings, 3 times per week from April 1 through Nov. 30. The measurements were to be compiled in legible logs and submitted to the watermaster annually.

I checked with Mitch Lewis, the District 19 Watermaster, and he is not aware of any staff gage measurements for Greggs Creek being submitted from the District. Could you please check to see if these measurements are available from the District?

Best Regards,

Ann Reece

Water Right Services Division
Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@wrd.state.or.us

Gregg's Creek

Date	Weather	Guage	Date	Weather	Guage	Date	Weather	Guage
11/19/2004	Clear	1	1/3/2005	Clear	2.02	7/5/2005	Fog	1.4
11/22/2004	Cloudy	0.94	1/25/2005		1.34	7/7/2005	Clear	1.42
11/23/2004	Cloudy	0.9	1/31/2005	Clear	1.34	7/8/2005	Cloudy	1.42
11/29/2004	Cold Clear	1.02	2/7/2005	Clear	1.3	7/11/2005	Cloudy	1.42
12/1/2004	Clear	1	3/7/2005	Clear	1.32	7/12/2005	Overcast	1.4
12/6/2004	Rain	1.82	3/22/2005	Rain	2.2	7/15/2005	Clear	1.44
12/7/2004	Storm PM before	2.8	3/29/2005	Rain	2.55	7/18/2005	Clear	1.42
12/10/2004	Rain	2.6	4/4/2005	Rain	2.25	7/20/2005	Clear	1.42
12/13/2004	Rain	1.86	4/8/2005	Rain	2.4	7/22/2005	Rain pm before	1.46
12/28/2004	Overcast	1.84	4/11/2005		2.14	7/26/2005	Clear	1.4
			4/18/2005	Rain	2.02	7/27/2005	Clear	1.41
			5/2/2005	Sunny	1.56	7/28/2005	Clear	1.4
			5/3/2005	Sunny	1.53	8/1/2005	Clear	1.4
			5/4/2005	Drizzle	1.54	8/2/2005	Clear	1.4
			5/11/2005	Sunny	1.78	8/3/2005	Clear	1.4
			5/12/2005	overcast	1.7	8/4/2005	Clear	1.4
			5/13/2005	overcast	1.65	8/8/2005	Clear	1.36
			5/17/2005	Rain	1.7	8/9/2005	Clear	1.36
			5/18/2005	Rain	2	8/11/2005	Clear	1.35
			5/19/2005	Rain	2.1	8/16/2005	Clear	1.36
			5/23/2005	Clear	1.68	8/17/2005	Clear	1.35
			5/24/2005	Clear	1.65	8/18/2005	Clear	1.3
			5/25/2005	Clear Hot	1.6	8/23/2005	Clear	1.3
			5/26/2005	Fog	1.56	8/24/2005	Clear	1.3
			5/31/2005	overcast	1.52	8/26/2005	Fog	1.25
			6/2/2005	Clear	1.48	8/29/2005	Clear	1.28
			6/3/2005	Clear	1.48	8/31/2005	Clear	1.28
			6/7/2005	Rain	1.76	9/1/2005	Clear	1.28
			6/8/2005	Clear	1.65	9/6/2005	Clear	1.28
			6/9/2005	Drizzle	1.6	9/7/2005	Clear	1.28
			6/13/2005	Fog	1.48	9/8/2005	Clear	1.28
			6/15/2005	Clear	1.45	9/12/2005	Fog	1.32
			6/16/2005	Drizzle	1.43	9/13/2005	Fog	1.32
			6/17/2005	Rain	1.56	9/14/2005	Fog	1.3
			6/20/2005	Clear	1.7	9/19/2005	Clear	1.3
			6/21/2005	overcast	1.63	9/20/2005	Clear	1.3
			6/22/2005	Clear	1.6	9/21/2005	Clear & fog	1.3
			6/27/2005	Drizzle	1.46	9/26/2005	Clear	1.26
			6/28/2005	Clear	1.46	9/27/2005	Clear	1.24
			6/29/2005	Clear	1.46	9/28/2005	Clear	1.26

STAFF GAUGE
Readings

NESIKA BEACH - OPHIR WATER DISTRICT
P.O. BOX 39
OPHIR, OR 97464

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Date	Weather	Guage	Date	Weather	Guage	Date	Weather	Guage
10/3/2005	Rain	1.48	4/5/2006	Rain	2.6	7/3/2006	Clear	2.25
10/4/2005	Cloudy	1.44	4/6/2006	Clear	2.64	7/5/2006	Overcast	2.23
10/5/2005	Cloudy	1.4	4/8/2006	Clear	2.3	7/6/2006	Clear	2.25
10/10/2005	Clear	1.36	4/12/2006	Clear	2.2	7/10/2006	Clear	2.22
10/11/2005	Clear	1.36	4/13/2006	Clear	2.18	7/12/2006	Fog mist	2.22
10/12/2005	Clear	1.35	4/18/2006	Clear	2.12	7/14/2006	Clear	2.22
10/13/2005	Cloudy	1.36	4/22/2006	Ptly Cloudy	2.15	7/16/2006	Clear	2.24
10/18/2005	Cloudy	1.47	4/23/2006	Rain	2.25	7/18/2006	Clear	2.3
10/19/2005	Lt Rain	1.5	4/25/2006	Rain	2.21	7/19/2006	Clear	2.32
10/20/2005	Cloudy	1.5	5/2/2006	Clear	2	7/24/2006	Clear Hot	2.32
10/25/2005	Cloudy	1.57	5/4/2006	Clear	2.05	7/25/2006	Clear	2.35
10/26/2005	Rain pm before	1.72	5/5/2006		2.64	7/27/2006	Clear	2.4
10/27/2005		1.62	5/8/2006	Clear		7/31/2006	Clear	2.4
11/1/2005	Rain	1.6	5/16/2006	Clear	2.2	8/2/2006	Clear	2.38
11/2/2005	Rain	2.1	5/17/2006	Fog	2.18	8/4/2006	Clear	2.43
11/4/2005	Rain	2.3	5/18/2006	Clear	2.2	8/7/2006	Foggy	2.45
11/7/2005	Rain	2.33	5/19/2006	Fog	2.18	8/8/2006	Ptly Cloudy	2.5
11/9/2005	Clear	1.82	5/22/2006		2.12	8/10/2006	Clear	2.48
11/14/2005	Clear	2.02	5/23/2006		2.2	8/14/2006	Clear	2.5
11/21/2005	Fog	1.62	5/24/2006		2.18	8/16/2006	Clear	2.5
12/1/2005	Rain	Flood	5/30/2006	Clear	2.12	8/22/2006	Clear	2.54
			5/31/2006	Lt Rain	2.1	8/23/2006	Clear	2.54
			6/1/2006	Lt Rain	2.15	8/25/2006	Clear	2.51
			6/5/2006	Overcast	2.35	8/31/2006		2.52
			6/7/2006	Clear	2.25	9/1/2006		2.52
			6/9/2006	Clear	2.25	9/4/2006		2.4
			6/13/2006	Overcast	2.2	9/7/2006		2.46
			6/14/2006	Lt Rain	2.18	9/11/2006	Clear	2.35
			6/15/2006	Clear	2.21	9/12/2006		2.38
			6/20/2006	Clear	2.35	9/13/2006	Clear	2.42
			6/22/2006	Clear	2.35	9/17/2006	Drizzle	2.52
			6/27/2006	Clear	2.3	9/19/2006	Clear	2.58
			6/28/2006	Clear	2.3	9/21/2006	Overcast	2.55
			6/30/2006	Foggy	2.28	9/27/2006	Foggy	2.36
						9/28/2006	Foggy	2.38
						9/29/2006	Foggy	2.44

**NESIKA BEACH - OPHIR WATER DISTRICT
P.O. BOX 39
OPHIR, OR 97464**

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Date	Weather	Guage	Date	Weather	Guage	Date	Weather	Guage
10/2/2006	Fog	2.48	4/9/2007	Ptly Cloudy	1.8	7/11/2007	Overcast	1.35
10/4/2006	Lt Rain	2.52	4/16/2007	Cloudy	1.9	7/13/2007	Ptly Cloudy	1.33
10/5/2006	Clear	2.5	4/17/2007			7/16/2007	Clear	1.35
10/9/2006	Clear Hot	2.46	4/19/2007	Ptly Cloudy	2	7/17/2007	Lt Rain	1.36
10/11/2006	Clear	2.36	4/23/2007	Clear	1.86	7/25/2007	Clear	1.3
10/13/2006	Foggy	2.32	4/26/2007	Clear	1.86	7/26/2007	Clear	1.3
10/16/2006	Lt Rain	2.52	4/30/2007	Clear	1.65	7/27/2007	Clear	1.28
10/17/2006	Ptly Cloudy	2.51	5/1/2007	Overcast	1.66	7/30/2007	Clear	1.28
10/19/2006	Clear	2.44	5/2/2007	Lt. Rain	1.76	7/31/2007	Clear	1.28
10/23/2006	Clear	2.42	5/7/2007	Clear	1.68	8/3/2007	Clear	1.28
10/24/2006	Clear	2.4	5/8/2007	Clear	1.66	8/6/2007	Overcast	1.28
10/26/2006	Clear	2.42	5/9/2007	Clear	1.65	8/7/2007	Overcast	1.29
10/30/2006	Clear	2.4	5/10/2007	Fog	1.64	8/8/2007	Clear	1.28
10/31/2006	Fog	2.42	5/15/2007	Fog	1.56	8/13/2007	Clear	1.26
11/2/2006	Rain	2.62	5/16/2007	Clear	1.56	8/14/2007	Clear	1.25
11/3/2006	Rain	2.64	5/17/2007	Fog	1.58	8/16/2007	Ptly Cloudy	1.22
11/6/2006	Rain	2.54	5/21/2007	Clear Windy	1.52	8/22/2007	Ptly Cloudy	1.3
11/7/2006	Clear	1.48	5/22/2007	Clear Windy	1.52	8/23/2007	Clear	1030
11/8/2006	Clear	1.48	5/25/2007	Ptly Cloudy	1.5	8/24/2007	Clear	1.28
11/10/2006		1.4	5/29/2007	Clear	1.5	8/27/2007	Clear	1.22
			5/30/2007	Fog	1.5	8/27/2007	Clear	1.21
			5/31/2007	Clear	1.48	8/29/2007	Clear	1.21
			6/1/2007	Clear	1.48	9/4/2007	Lt Rain	1.34
			6/4/2007	Clear	1.4	9/6/2007	Clear	1.2
			6/7/2007	Overcast	1.66	9/10/2007	Clear	1.15
			6/8/2007	Clear	1.68	9/11/2007	Fog	1.19
			6/11/2007	Clear	1.52	9/12/2007	Fog	1.19
			6/13/2007	Overcast	1.48	9/17/2007	Clear	1.18
			6/18/2007	Clear	1.42	9/24/2007	Clear	1.18
			6/19/2007	Clear	1.4	9/25/2007	Clear	1.19
			6/22/2007	Clear	1.4	9/27/2007	Clear	1.18
			6/25/2007	Fog	1.38	9/28/2007	Rain pm before	1.38
			6/27/2007	Fog	1.38	10/1/2007	Fog	1.34
			6/28/2007	Fog	1.4	10/2/2007	Clear	1.32
			7/2/2007	Clear	1.35	10/3/2007	Lt Rain	1.38
			7/3/2007	Clear	1.32	10/8/2007	Fog	1.3
			7/5/2007	Clear	1.35	10/10/2007	Rain	1.78
			7/6/2007	Clear	1.35	10/11/2007	Overcast	1.58
			7/10/2007	Clear	1.33	10/15/2007	Lt Rain	1.44

**NESIKA BEACH - OPHIR WATER DISTRICT
P.O. BOX 39
OPHIR, OR 97464**

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Date	Weather	Guage	Date	Weather	Guage	Date	Weather	Guage
10/17/2007	Lt Rain	1.62	6/13/2008	Clear	1.84	9/17/2008	Fog	1.8
10/18/2007	Rain	1.89	6/16/2008	Clear	1.9	9/23/2008	Clear	1.86
10/24/2007	Clear	1.5	6/17/2008	Clear	1.88	9/25/2008	Cloudy	1.8
10/24/2007	Clear	1.48	6/24/2008	Clear	1.88	9/26/2008	Clear	1.86
10/26/2007	Clear	1.47	6/25/2008	Clear	1.86	9/30/2008	Fog	1.72
10/29/2007	Rain	1.42	6/30/2008	Fog	1.9	10/1/2008	Cloudy	1.7
10/30/2007	Clear	1.4	7/2/2008	Fog	1.9	10/2/2008	Rain	1.9
11/5/2007	Clear	1.31	7/3/2008	Clear	1.9	10/3/2008	Rain	2
11/19/2007	Lots of Rain	Full	7/7/2007	Clear	1.86	10/6/2008	Overcast	1.96
			7/8/2007	Clear Hot	1.86	10/9/2008	Overcast	2.02
			7/9/2008	Fog	1.86	10/10/2008	Ptly Cloudy	2.05
			7/14/2008	Ptly Cloudy	1.84	10/13/2008	Clear	2
			7/15/2008	Fog	1.86	10/14/2008	Clear	2.02
			7/18/2008	Clear	1.86	10/15/2008	Clear	2.04
			7/21/2008	Overcast	1.89	10/20/2008	Lt Rain	2.08
			7/23/2008	Clear	1.88	10/21/2008	Clear	2.06
			7/25/2008	Fog	1.9	10/23/2008	Clear	2.04
			7/28/2008	Fog	1.9	10/27/2008	Fog	2.14
			7/29/2008	Overcast	1.92	10/28/2008	Overcast	2.16
			7/30/2008	Clear	1.92	11/3/2008	Rain	2.3
			7/31/2008	Clear	1.9	11/5/2008	Rain	2.18
			8/1/2008	Clear	1.9	11/10/2008	Lt Rain	2.32
			8/5/2008	Fog	1.9	11/12/2008	Overcast	2.3
			8/6/2008	Fog	1.9	11/13/2008	Rain pm before	2.76
			8/11/2008	Clear	1.9	11/15/2008	Clear	2.3
			8/12/2008		1.9			
			8/15/2008	Clear	1.9			
			8/18/2008	Clear	1.86			
			8/21/2008	Ptly Cloudy	1.98			
			8/22/2008	Sunny	1.94			
			8/25/2008	Clear	1.92			
			8/26/2008	Clear	1.92			
			9/4/2008	Clear	1.78			
			9/5/2008	Clear	1.72			
			9/8/2008	Clear	1.62			
			9/9/2008	Clear	1.62			
			9/10/2008	Clear	1.62			
			9/15/2008	Fog	1.68			
			9/16/2008	Fog	1.72			

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Water Rights Inventory for (Name of Entity) Nesika Beach – Ophir water District

(List of All Permits, Permit Amendments, Certificates, Transfers, New Applications)

Ground Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. ¹ or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date ²	Notes or Limitations to water use ³
									Maximum Instantaneous Rate Diverted to Date (cfs)		
G-14016	G-13613	1-5-1996			A Well	Rogue River Well	Quasi-Muni	0.5 cfs	0.5 cfs	10-01-2015	
G-3788	G-3571	4-18-1967	37549		A Well	Rogue River Well	Group Domestic for 112 families	0.2 cfs	0.2 cfs	N/A - certificated	
G-15960	G-15728	3-25-2003			A Well	Greggs Creek Well	Quasi-Muni	1.0 cfs	0	10-01-2008	Exten

Surface Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date	Notes or Limitations to water use
									Maximum Instantaneous Rate Diverted to Date (cfs)		
S85514	S-53985	3-25-2003			Greggs Creek	Greggs Creek Property	Quasi-muni	1.0 cfs	0	10-01-2008	District has decided to not apply for extension on this right

Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate
N/A				

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Attachment "A"
For Extension of Time Application

¹ P.A. = Permit Amendment

² Date by which full application of water is to be made within the terms and conditions of the permit (date will be specified in the permit or on the last extension Final Order).

³ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is somehow limited due to quality, seasonal, etc. limitations, or if a the actual diversion rate is less than a certificated rate, please explain why.

Water Rights Inventory for (Name of Entity) Nesika Beach – Ophir water District

(List of All Permits, Permit Amendments, Certificates, Transfers, New Applications)

Ground Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. ¹ or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion		Authorized Completion Date ²	Notes or Limitations to water use ³
									Maximum Instantaneous Rate Diverted to Date (cfs)			
G-14016	G-13613	1-5-1996			A Well	Rogue River Well	Quasi-Muni	0.5 cfs	0.5 cfs		10-01-2015	
G-3788	G-3571	4-18-1967	37549		A Well	Rogue River Well	Group Domestic for 112 families	0.2 cfs	0.2 cfs		N/A - certificated	
G-15960	G-15728	3-25-2003			A Well	Greggs Creek Well	Quasi-Muni	1.0 cfs	0		10-01-2008	

Surface Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion		Authorized Completion Date	Notes or Limitations to water use
									Maximum Instantaneous Rate Diverted to Date (cfs)			
S85514	S-53985	3-25-2003			Greggs Creek	Greggs Creek Property	Quasi-muni	1.0 cfs	0		10-01-2008	District has decided to not apply for extension on this right

Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate
N/A				

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SALEM, OR

Attachment "A"
For Extension of Time Application

¹ P.A. = Permit Amendment

² Date by which full application of water is to be made within the terms and conditions of the permit (date will be specified in the permit or on the last extension Final Order).

³ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is somehow limited due to quality, seasonal, etc. limitations, or if a the actual diversion rate is less than a certificated rate, please explain why.

Superseded
By 7-24-14 Application



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

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany the extension of time application.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

*michael direct e-mail
nbowd.manager@frontier.com*

I, Nesika Beach – Ophir Water District

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

Michael Meszaros
NAME OF CONTACT

mailing address → PO Box 39
32892 Nesika Rd.
ADDRESS

Ophir
Gold Beach
CITY

OR
OR
STATE

97464
97444
ZIP

(541) 247-2614 *cell (541) 373-0437
PHONE

nbowd@frontier.com
E-MAIL ADDRESS

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the permit holder of:

Application Number G-15960

Permit Number G-15728

[OAR 690-315-0070(3)(b)]

MAR 10 2014

do hereby request that the time in which to:

x complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2008, be extended to October 1, 2033,

and/or the time in which to:

x apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2008, be extended to October 1, 2033.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Michael Meszaros

3/4/14

Signature

Date

Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

Please provide the information requested by item numbers 1-13. OWRD will use this information to evaluate your Application for Extension of Time.

- [OAR 690-315-0070(3)]
1. **Submit the appropriate extension of time fee (\$575), as specified under ORS 536.050.** If the extension application fee has already been paid, please provide indicate why and when it was paid. *The statute for this fee may be viewed at http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors536.html*

*Check enclosed

- [OAR 690-315-0070(3)(c)]
2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.

Begin Date: N/A. **Construction of** N/A **began.**
 (month/year) (details)

- [OAR 690-315-0070(3)(d)]
3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**

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Begin Date: N/A. **Construction of** N/A **began.**
 (month/year) (details)

MAR 10 2014

SALEM, OR

- [OAR 690-315-0070(3)(e) and OAR 690-315-0070(3)(i)]
4. **Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. *Present the list in chronological order in Chart-I.***

CHART-I

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – e.g. Well drilled.</i>	COST

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	COST
	Date the permit was signed - find date above signature on last page of permit.	
9/16/2004	Signed by Phillip Ward – Acting Director	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
	No specific date of construction required is on permit	
10/1/	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request.</i> <i>For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
6/29/2006	District purchased 5 acres of land on Greggs Creek for development for a sum total of \$91,000.00	91,000
	Curry County tax Lot # 35-14-20C-00201	
	Annual payments made January 8 th of each year until paid	

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CHART-I (continued)

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED <i>For Other than 1st Application for Extension of Time: List any work/actions done during the time period most recent extension.</i>	COST
10/1/	Date of the last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED	COST

	<i>List work/actions done after the last authorized date for complete application of water has passed.</i>	
3/4/2014	Annual yearly payments of \$8,600 (include interest) have been made in 2006, 2007 2008, 2009, 2010, 2011, 2012, 2013, 2014	77,400.00
Total Cost to Date		\$77,400.00

[OAR 690-315-0070(3)(f)]

5. Provide evidence of compliance with conditions contained in the original permit, in any previous extension(s), and/or in any permit amendments (Chart II), or the reason the condition was not satisfied (Chart III).

Conditions requiring a response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to accomplish a specific action, such as a condition that requires plans and specifications for a reservoir, a Water Management and Conservation Plan, a ground water monitoring plan or some other document which "...shall be submitted...within two years of permit issuance." If your permit requires submittal of a Water Conservation and Management Plan, please indicate the date the plan was submitted to or approved by OWRD, or whether it is still being drafted, etc.;
and/or
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."

5-A) Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.

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CHART-II

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	UNK	Staff gauge was installed on Greggs Creek at Ophir Rd Bridge
		Measurements submitted to WRD as required

** Condition No: Attach a copy of the permit and, if applicable, any prior permit extensions or permit amendments with conditions identified and hand-numbered in a continuous number sequence throughout all such documents. Responses to Items 5-A and 5-B should reference each condition by number to correspond with the hand-written number sequence on the attached documents containing permit conditions.

5-B) If applicable conditions have NOT complied with all, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-III

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
2	UNK	Requirement – Static well reading every March
		Requirement is un-fulfilled due to no well being constructed to date
		- No static levels available

[OAR 690-315-0070(3)(g)]

6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit. Report water use as of the C-Date in the permit, or as of the “extended to” date of the most recent prior extension of time (if any).

6-A) For Surface Water Permit Extensions: N/A

6-B) For Ground Water Permit Extensions:

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CHART-IV

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED						
			Well Log Number E.g. MULT 60493	Well Tag Number E.g. # 40151 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See below)	Maximum instantaneous rate used by C-date or prior extension -- from this well - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the rate used from this well under each water right. (Typically the total of all uses from a single well will not exceed the well's pumping capacity.)	
								Permit, Certificate, or Transfer No.	Rate (CFS or GPM)
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-	
Total instantaneous rate from all wells utilized under this permit used by C-date or most recent "extended to" date									

6-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed with OWRD? Yes No

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

Current Population: 1926 as of Year: 2013

Methodology used to estimate current population served: Water System Master Plan

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[OAR 690-315-0070(3)(p)]

8. Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate.

Identify the total rate, or duty if applicable, of water being used to meet the current peak demand for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm (gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on “Attachment A” in the column named “*Max Amount of Beneficial Water Used to Date*” [under Item 10-A (a)].

Current Peak Water Demand: 240cfs as of Year: 2014

Methodology used to estimate current peak demand: *Current Pumping Records*

[OAR 690-315-0070(3)(k)]

9. Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.

No construction has been undertaken due to budget constraints. Budgeted funds are being used to purchase land

[OAR 690-315-0070(3)(l)]

10-A. Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held – *SEE ATTACHMENT A*
List all water rights held, including this permit, currently held by the permit holder. Use the format shown in “Attachment A” (see last page of this Application for Extension of Time). A link to the Water Rights Information System (WRIS), accessed through OWRD’s website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> may be a helpful source for compiling this information.

Use the “Use Limitations” column to identify and explain why any water right is not currently utilized to meet current peak water demands, or which is used only in a limited capacity.

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- b) Water Supply Contracts and/or Agreements
List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities.

N/A

List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

N/A

- c) Projected Population
Identify the projected population growth rate. The population projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the population projections such as historical growth rates or any factors affecting growth trends.

Population Growth Rate: 1 %

Projected Population: 2978 as of Year: 2033

Methodology used to estimate projected population and population growth rate: Water System Master Plan

- d) Future Peak Water Demands
Identify the projected peak water. The peak water demand projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the water demand projection, such as historical growth rates or any factors affecting growth trends. Include a summary of how the subject permit, and other water rights and /or supply contracts held by the permit holder are planned or expected to be used to meet anticipated future water needs

Projected Peak Water Demand: 1.23 cfs as of Year: 2033

Methodology used to estimate peak water demand: Water System Master Plan

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- e) Potential Growth
Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

NBOWD recently annexed 33.22 acres of industrial zoned property into our District. Date of annexation – 11/07/2013 Water demand requested by property owner – 10,000 GPD for wood pyrolyzation facility.

f) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2033**

[OAR 690-315-0070(3)(l)]

10-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

N/A

[OAR 690-315-0070(3)(j) and OAR 690-315-0070(3)(m)]

11. Provide an estimate of the costs to complete water development and summary of the future plan and schedule to complete construction and/or perfect the water right.

Considering the demand projections in Item 10-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the major planning, work and/or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit. The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plans may help when formulating a response.

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
7/1/2014	Test well to be drilled – 6” casing	4,707.00
	Future developments	
	Install .5 miles 6” transmission line	unk
	Enlarge test well to 12” casing	
	Construct pumphouse and install pump and controls	
	OHA regulatory compliance	
Year: <u>2033</u>	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	SALEM, OR
Estimated Total Cost to Complete Development		UNK

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[OAR 690-315-0070(3)(n)]

12. Justify the time requested to complete the project and/or apply the water to full beneficial use.

A justification should integrate information from Items 5-B, 6-A or 6-B, 9, 10-A, and 11 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

- NBOWD respectfully request this extension due to the fact that our District has limited fiscal resources. Our goal is to complete the purchase of the property first, and then implement investment into construction of the well, pumphouse, transmission lines as funding allows.
- We are currently burdened by our recently acquired \$3.5 million dollar improvement project that included 4 miles of pipeline replacement, and construction of two storage tanks with a total capacity of .53 MG. Annual loan payments are \$105,000.00

[OAR 690-315-0070(3)(o)]

13. Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time

- NB-O Water District has undergone several management changes since 2005. Continuity of work has not been good. This application should have been submitted several years ago. The Management during that period from 2005 until 2012 was not knowledgeable in water rights issues. Our District desires to be committed to compliance of all regulatory requirements. We appreciate OWRD's confidence in our Districts ability to move forward.

[OAR 690-315-0070(3)(q)]

14. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

N/A

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MAR 10 2014

SALEM, OR



Oregon

John A. Kitzhaber, MD, 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

July 24, 2014

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-15960 (Permit G-15728)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Ann Reece at (503) 986-0834. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

BAMBERGER Machelles A

From: REECE Ann L
Sent: Thursday, November 13, 2014 11:22 AM
To: nbowd.manager
Cc: BAMBERGER Machelles A; CLARK Gerry E
Subject: RE: Water permit S-53985

SentFromSession: REESE.reeceal.11/13/2014 8:57:35 AM

Mike,

We are probably a few months out on getting the extension request processed. You may want to hold off on initiating cancellation until the extension has been finalized. You may check back with Machelles Bamberger, if say you don't see anything within four months.

Another thought on the surface water right would be to apply for an extension of time because the completion date has passed (Oct 1, 2008), then turn around and submit a claim of beneficial use for SUPPLEMENTAL quasi-municipal use. This would be a diminishment of the water right, but the source would be available if the groundwater source ever had problems. To proof up on supplemental use, district does not need to prove up on beneficial use, but would need to demonstrate that they are ready, willing and able to utilize the source if needed. . Certain permit conditions, for example, a flow meter and fish screening (or waiver) may need to be met. If you are interested in exploring this route, I suggest contacting Gerry Clark for more specific information on what it means to be ready, willing and able.

Best Regards,

Ann Reece

Water Right Services Division
Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@ wrd.state.or.us

From: nbowd.manager [mailto:nbowd.manager@frontier.com]
Sent: Thursday, November 13, 2014 10:50 AM
To: REECE Ann L
Subject: Re: Water permit S-53985

Hello Ann,

I have another question if I may. Our Board of Directors voted last night to voluntarily cancel this surface water permit ONLY if it does not affect the extension application that we have submitted for the ground water permit G-15728. I'm pretty sure that it doesn't, but they wanted me to check. If there is not jeopardy on the groundwater permit, then we'll go ahead and cancel the surface permit.

I did notice on the WRIS query that the extension application for permit G-15728 was received and that the public comment period ended 8-28-14. Any idea on a time-frame that the extension will be approved?

Thanks for your help on this and for your direction on the Claim of Beneficial Use for the G13613.

Mike

Michael Meszaros, REHS
Manager
Nesika Beach-Ophir Water District
PO Box 39
Ophir, OR 97464
Office (541) 247-2614 Cell (541)373-0437
nbowd.manager@frontier.com



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From: REECE Ann L <ann.l.reece@state.or.us>
To: nbowd.manager <nbowd.manager@frontier.com>
Cc: CLARK Gerry E <gerald.e.clark@state.or.us>
Sent: Wednesday, November 12, 2014 2:46 PM
Subject: RE: Water permit G13613

Mike,

Here is a link to the claim of beneficial use process:

http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx. The Claim of Beneficial Use will be prepared, signed and sealed by the CWRE. Gerry Clark reviews the claims once they are received by the Department. If you have any specific questions about the process, I suggest you contact Gerry directly.

(And just to clarify, you have one year past the extension date to file the Claim of Beneficial Use.)

Best Regards,

Ann Reece

Water Right Services Division
Hydroelectric Analyst / Municipal Extension Specialist
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@wr.state.or.us

From: nbowd.manager [<mailto:nbowd.manager@frontier.com>]
Sent: Wednesday, November 12, 2014 1:40 PM

To: ann.l.reece@state.or.us
Subject: Water permit G13613

Hi Ann,


I have a quick question if you don't mind. Our Permit G13613 has an extension until 2015. I would like to get the process started to get a certificate for this use. I have already found a CWRE that will do the job. I'm just unsure of what we need to do and what forms to submit.

Could you give me an idea of how to proceed?

Thanks

Mike

Michael Meszaros, REHS
Manager
Nesika Beach-Ophir Water District
PO Box 39
Ophir, OR 97464
Office (541) 247-2614 Cell (541)373-0437
nbowd.manager@frontier.com

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Mailing List for SS FO/Permit Copies

Application #G-15960

Mailing List Print Date: September 13, 2004

Original mailed to(when permit issued, include copy of permit map):

Applicant: NESIKA BEACH-OPHIR WATER DISTRICT, 32892 NESIKA RD, GOLD BEACH, OR 97444

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # G-15960
2. Water Availability: Ken Stahr
3. WRD - Data Center
4. WRD - Watermaster # 19
5. Regional Manager: SWR
6. WRD - Dave Jarrett

Copies Mailed
By: <u>AS</u>
(SUPPORT STAFF)
on: <u>9-16-04</u>
(DATE)

Permit Copies ONLY sent to Other Interested Persons (*CWRE, Agent, Commenter, etc.*)

7. Bryan M. Flavin, CWRE #366
8. Paul Smith, PO Box 1242, Gold Beach OR 97444

CASEWORKER : Gaineyjw

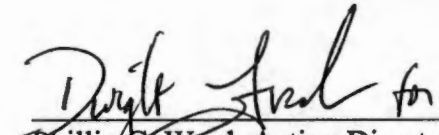
BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	
G-15960 in the Name of Nesika Beach,	)	FINAL ORDER
Ophir Water District,	)	INCORPORATING
<i>Applicant</i>	)	SETTLEMENT
	)	AGREEMENT
S. Paul Smith,)	
<i>Protestant</i>)	

Based on the attached Settlement Agreement that is incorporated herein, I find the proposed use will ensure the preservation of the public welfare, safety and health.

Therefore, it is ordered that Application G 15960 is approved and the permit shall issue.

DATED this 23 day of August, 2004.


Phillip C. Ward, Acting Director
Oregon Water Resources Department

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	
G-15960 in the Name of Nesika Beach-,	)	SETTLEMENT
Ophir Water District,	)	AGREEMENT
<i>Applicant</i>)	
)	
vs.)	
)	
S. Paul Smith,)	
<i>Protestant</i>)	

The Oregon Water Resources Department (“OWRD”), the Nesika Beach-Ophir Water District (“Applicant”) and S. Paul Smith (“Protestant”) do hereby stipulate and agree as follows:

Background

- I. On March 25, 2003, Applicant submitted an application to OWRD for 1.0 cubic feet per second (cfs) of water from a well in the Greggs Creek Basin, for quasi-municipal use in Curry County.
- II. On August 26, 2003, OWRD issued a Proposed Final Order (“PFO”) recommending approval of application G-15960 with conditions. The PFO stated that the proposed groundwater use would have the potential for substantial interference with the nearest surface water source, namely Greggs Creek. Due to this hydraulic connection with surface water, the draft permit limited the maximum rate allowed based on surface water availability at an 80 percent exceedance standard.
- III. On October 8, 2003, Protestant timely submitted a protest to the PFO for application G-15960 expressing concern about the potential negative impacts to the fish and wildlife in the Greggs Creek watershed, requesting an environmental impact study and stating a preference for use of water from the Rogue River.
- IV. On February 24, 2004, Protestant and representatives for Applicant and OWRD attended a meeting to negotiate settlement of the protest.
- V. Applicant, Protestant and OWRD agree that the issues raised in the protest can be resolved solely on the following terms.

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AUG 23 2004

WATER RESOURCES DEPT
SALEM, OREGON

Terms of the Agreement


1. The parties to this Settlement Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this agreement and final order.
2. In signing this Settlement Agreement, the Protestant withdraws his protest against the PFO for application G-15960
3. Upon payment of \$250.00 in outstanding permit recording fees, OWRD will issue a permit containing the following conditions in addition to those conditions contained in the PFO:
 - a. Before water use begins under this permit, permittee shall obtain all necessary easements and approvals to install a staff gage on the bridge over Greggs Creek on Ophir Road/Coast Highway and install a staff gage at that location in a manner satisfactory to the watermaster. In addition to the staff gage, permittee may install any other measuring device at that location, as approved by the watermaster. Permittee shall maintain the staff gage in good working order.
 - b. For the first five years after the issuance of this permit and beginning within two months of issuance of this permit, permittee shall take staff gage readings, or other stream measurements meeting the watermaster's approval, 3 days each week during the period of April 1 through November 30 of each year. Permittee shall compile these readings or measurements in legible logs and submit those logs to the watermaster annually.
 - c. Within three months after the permittee begins appropriating water under this permit, the permittee shall send a letter to the Oregon Department of Fish and Wildlife requesting annual stream surveys of Greggs Creek in the vicinity of the well authorized by this permit. The permittee will request the surveys occur during the months of July, August or September.
 - d. The permittee shall measure the water flow in Greggs Creek in a manner and location approved by the watermaster as appropriate to determine the impact of water use under this permit on Greggs Creek.
 - e. If the flow of water in Greggs Creek at the location described in the paragraph above is 0.05 cfs or less, and the watermaster determines that all other appropriators of water from Greggs Creek are appropriating water legally, the permittee shall cease to appropriate water or reduce its rate of appropriation, as directed by the watermaster, under this permit until the flow in that location is more than 0.05 cfs.
4. After receiving from Applicant a well log related to application G-15960, OWRD will mail a copy of the well log to Protestant.

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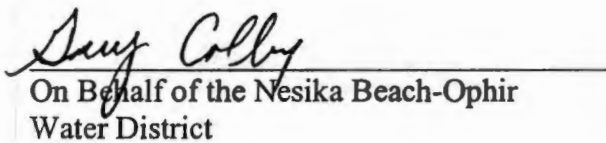
AUG 23 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

5. OWRD will take several miscellaneous stream measurements of Greggs Creek during the period of August through October, as time and funding permits.
6. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.
7. This Agreement may be executed simultaneously or with separate signature pages and in more than one counterpart, each of which will be deemed an original, and all of which together shall constitute one and the same Agreement.


S. Paul Smith

8-9-04
Date


On Behalf of the Nesika Beach-Ophir
Water District

9 Aug. 04
Date


On Behalf of the Oregon Water Resources
Department

June 24, 2004
Date

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AUG 23 2004

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF CURRY

*Superseded
by Permit
G-15728*

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NESIKA BEACH-OPHIR WATER DISTRICT
32892 NESIKA RD
GOLD BEACH, OR 97444

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15960

SOURCE OF WATER: A WELL IN GREGGS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND (CFS); BEING 1.0 CFS FROM NOVEMBER 1 THROUGH JUNE 30; 0.9 CFS FROM JULY 1 THROUGH JULY 31; 0.7 CFS FROM AUGUST 1 THROUGH AUGUST 31; 0.6 CFS FROM SEPTEMBER 1 THROUGH SEPTEMBER 30; AND 0.6 CFS FROM OCTOBER 1 THROUGH OCTOBER 31

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

WELL LOCATION: SE ¼ NW ¼, SECTION 20, T35S, R14W, W.M.; 560 FEET NORTH & 1835 FEET EAST FROM W1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 8

NW ¼ SW ¼
SW ¼ SW ¼
SECTION 17

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 19

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SW ¼
SW ¼ SW ¼
NW ¼ NW ¼
SECTION 20

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼

SE ¼ NW ¼
NE ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼

SECTION 30

SW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼

SECTION 31

SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 14
WEST, W.M.

SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 15
WEST, W.M.

NE ¼ SW ¼
SW ¼ SW ¼
NW ¼ SE ¼
SECTION 5

NW ¼ NW ¼
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NW ¼ SW ¼
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SECTION 6

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SECTION 7

NE ¼ NE ¼
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SECTION 8

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SE ¼ SW ¼
NE ¼ SE ¼
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SW ¼ SE ¼
SE ¼ SE ¼
SECTION 9

NE ¼ NW ¼
SECTION 16

NW ¼ NE ¼
SW ¼ NE ¼
NW ¼ SE ¼
SECTION 17

TOWNSHIP 36 SOUTH, RANGE 14 WEST,
W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 12

TOWNSHIP 36 SOUTH, RANGE 15 WEST,
W.M.

By-pass flows:

- A. The permittee shall measure the water flow in Greggs Creek in a manner and location approved by the watermaster as appropriate to determine the impact of water use under this permit on Greggs Creek.
- B. If the flow of water in Greggs Creek at the location described in the paragraph above is 0.05 cfs or less, and the watermaster determines that all other appropriators of water from Greggs Creek are appropriating water legally, the permittee shall cease to appropriate water or reduce its rate of appropriation, as directed by the watermaster, under this permit until the flow in that location is more than 0.05 cfs.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
- D. Before water use begins under this permit, permittee shall obtain all necessary easements and approvals to install a staff gage on the bridge over Greggs Creek on Ophir Road/Coast Highway and install a staff gage at that location in a manner satisfactory to the watermaster. In addition to the staff gage, permittee may install any other measuring device at the location, as approved by the watermaster. Permittee shall maintain the staff gage in good working order.

- E. For the first five years after the issuance of this permit and beginning within two months of issuance of this permit, permittee shall take staff gage readings, or other stream measurements meeting the watermaster's approval, three (3) days each week during the period of April 1 through November 30 of each year. Permittee shall compile these readings or measurements in legible logs and submit those logs to the watermaster annually.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Within three months after the permittee begins appropriating water under this permit, the permittee shall send a letter to the Oregon Department of Fish and Wildlife requesting annual stream surveys of Greggs Creek in the vicinity of the well authorized by this permit. Permittee will request the surveys occur during the months of July, August or September.

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

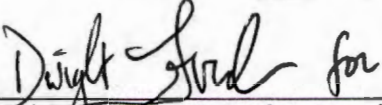
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

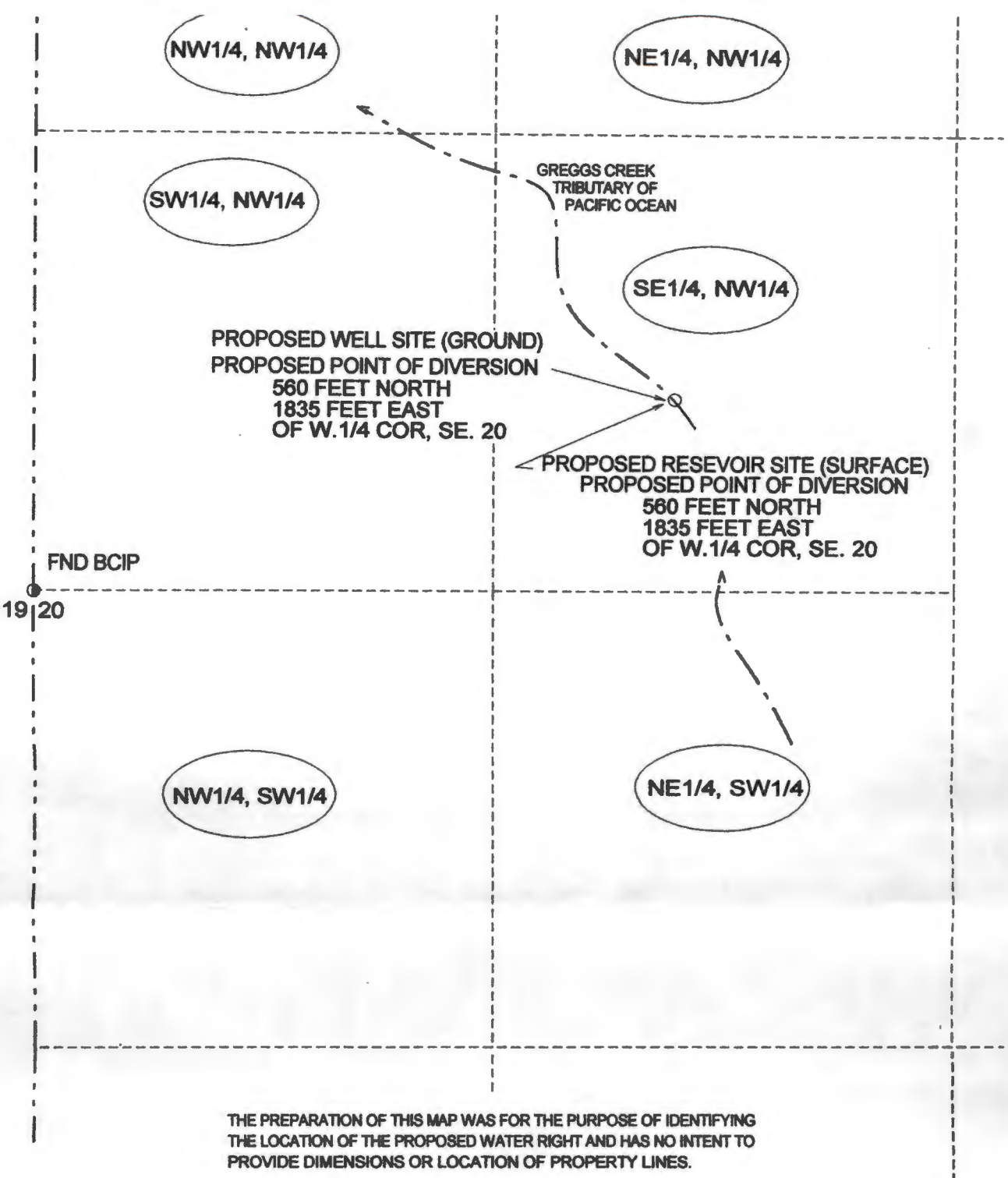
Issued August 23, 2004



Philip C. Ward, Acting Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

*app# G. 15960
Permit #*

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

**SE 1/4, NW 1/4, SECTION 20
T. 35 S., R. 14 W., W. M.**

JULY 2002



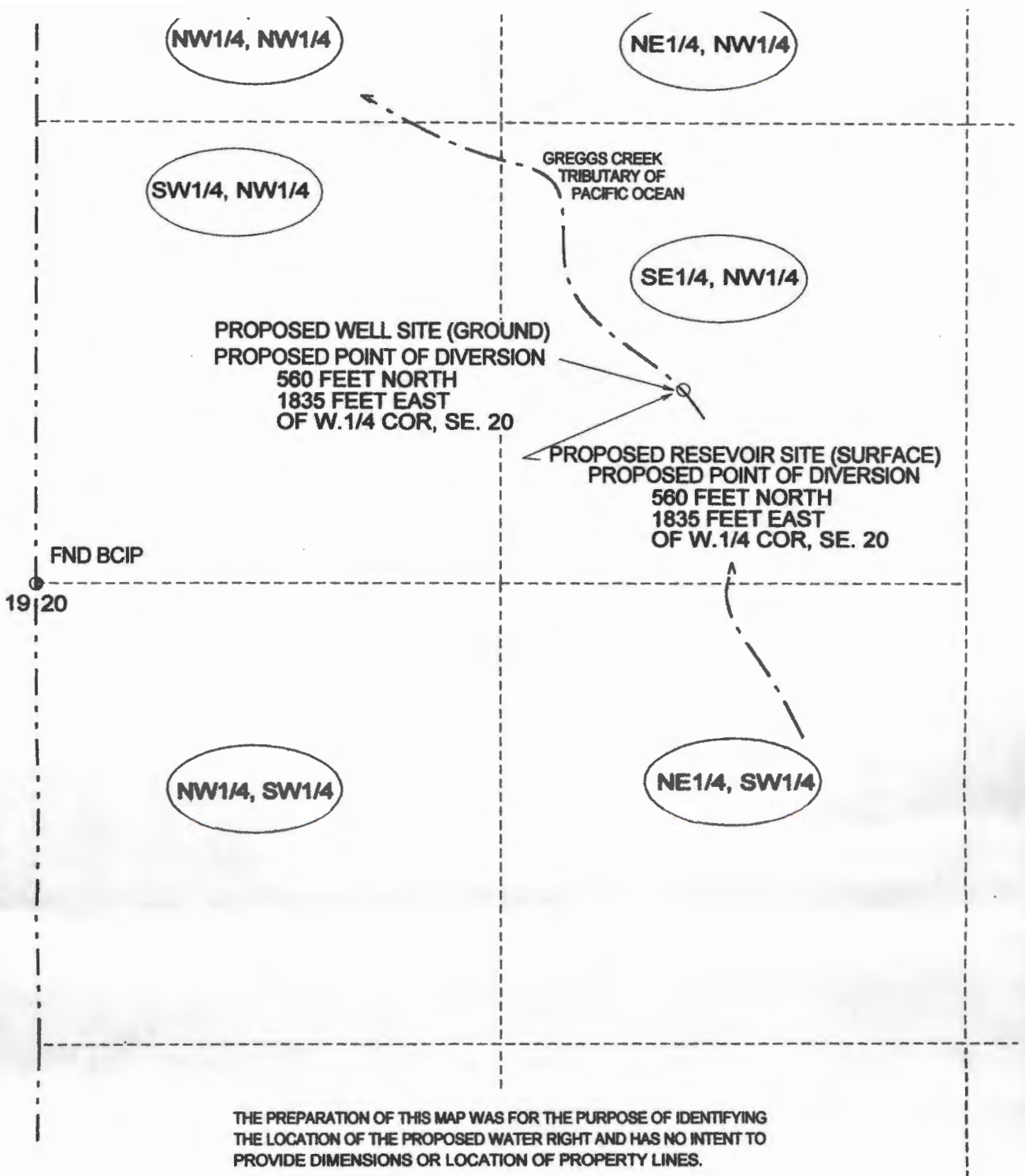
RECEIVED
MAR 25 2003
WATER RESOURCES DEPT.
SALEM, OREGON

EXPIRES 12/31/03

APPLICANT

BRYAN FLAVIN LAND SURVEYING
BRYAN M. FLAVIN
REGISTERED LAND SURVEYOR
CERTIFIED WATER RIGHTS EXAMINER
12053 SQUAW VALLEY ROAD
GOLD BEACH, OREGON 97444
541-247-6485

NESIKA BEACH/OPHIR WATER DISTRICT
32892 NESIKA ROAD



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
T. 35 S., R. 14 W., W. M.

JULY 2002



1" = 400'



EXPIRES 12/31/03

RECEIVED

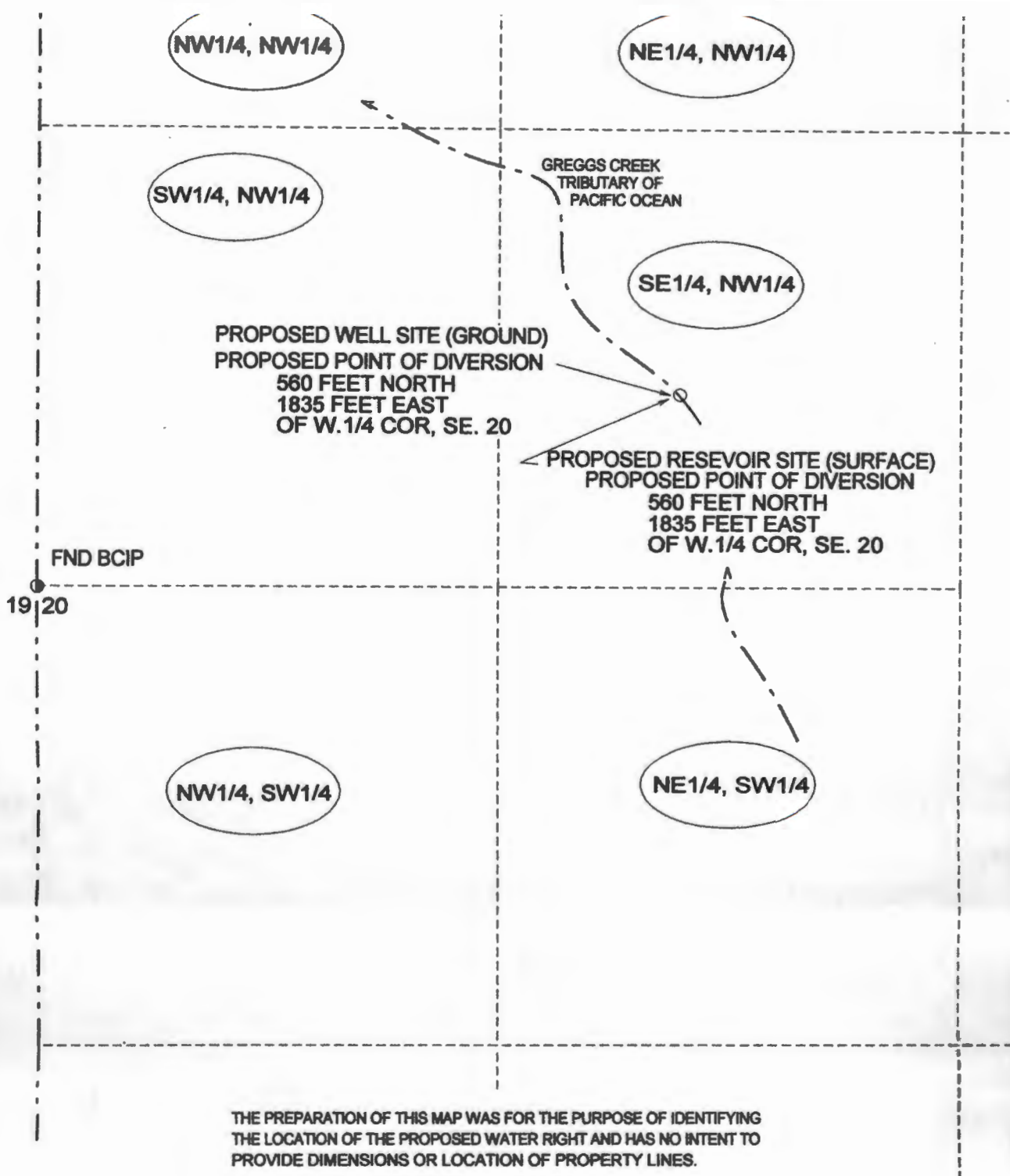
MAR 25 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

APPLICANT

YAN FLAVIN LAND SURVEYING
 YAN M. FLAVIN
 REGISTERED LAND SURVEYOR
 CERTIFIED WATER RIGHTS EXAMINER
 153 SQUAW VALLEY ROAD
 LD BEACH, OREGON 97444
 1-247-6485
 IRE #366

NESIKA BEACH/OPHIR WATER DISTRICTS
 32892 NESIKA ROAD
 GOLD BEACH, OREGON 97444

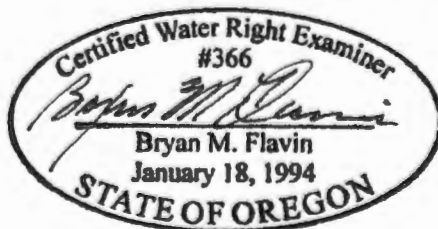


WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
T. 35 S., R. 14 W., W. M.

JULY 2002



EXPIRES 12/31/03

RECEIVED

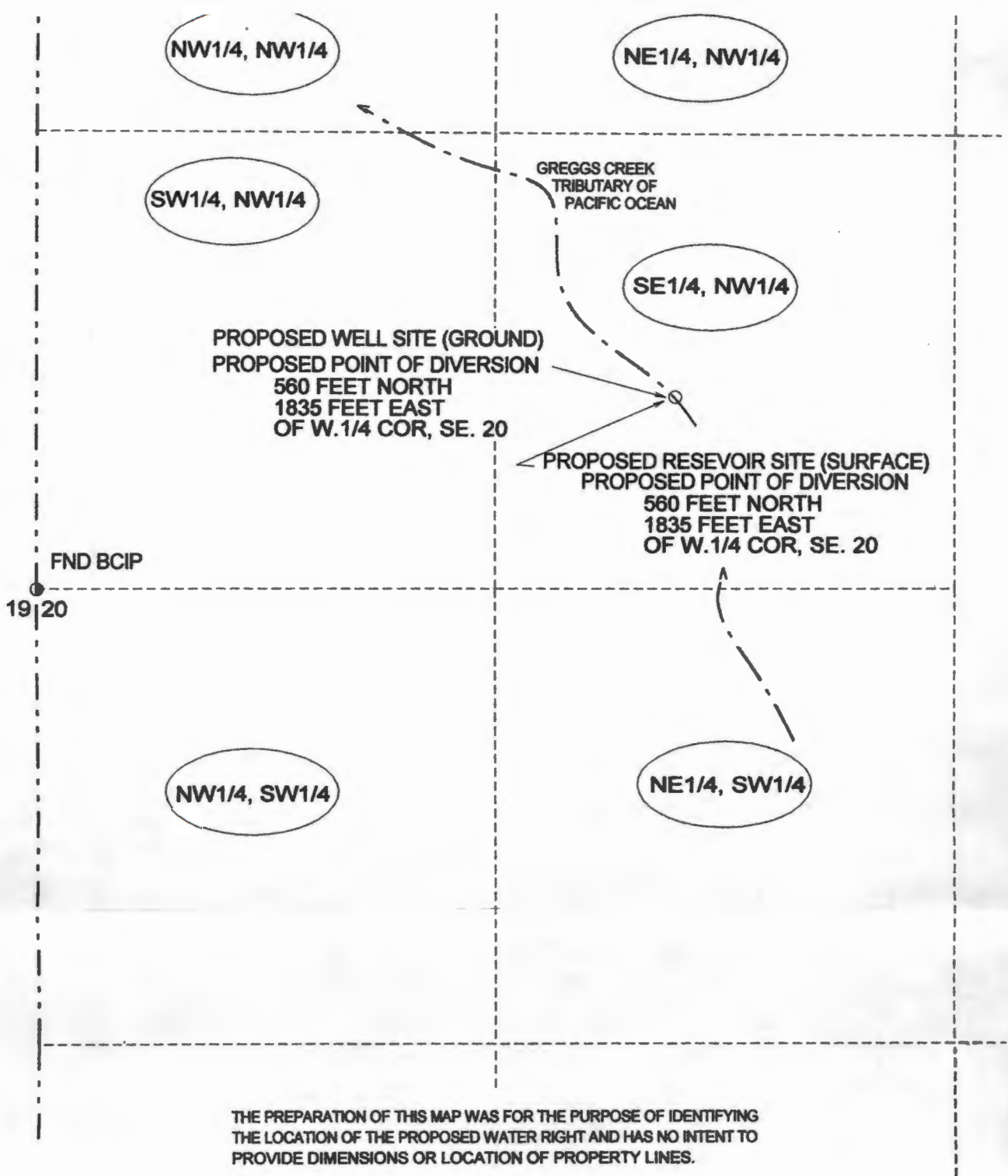
MAR 25 2003

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICT
32892 NESIKA ROAD
SOLD BEACH, OREGON 97444

BRYAN FLAVIN LAND SURVEYING
BRYAN M. FLAVIN
REGISTERED LAND SURVEYOR
CERTIFIED WATER RIGHTS EXAMINER
32053 SQUAW VALLEY ROAD
SOLD BEACH, OREGON 97444
541-247-6485



WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

**SE 1/4, NW 1/4, SECTION 20
 T. 35 S., R. 14 W., W. M.**

JULY 2002



1" = 400'



EXPIRES 12/31/03

RECEIVED
 MAR 25 2003
 WATER RESOURCES DEPT.
 SALEM, OREGON

APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICT
 32892 NESIKA ROAD

RYAN FLAVIN LAND SURVEYING
 RYAN M. FLAVIN
 REGISTERED LAND SURVEYOR
 CERTIFIED WATER RIGHTS EXAMINER
 2053 SQUAW VALLEY ROAD
 OLD BEACH, OREGON 97444
 41-247-6485

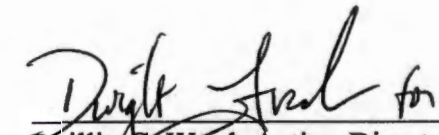
BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	
G-15960 in the Name of Nesika Beach,	)	FINAL ORDER
Ophir Water District,	)	INCORPORATING
<i>Applicant</i>	)	SETTLEMENT
	)	AGREEMENT
S. Paul Smith,)	
<i>Protestant</i>)	

Based on the attached Settlement Agreement that is incorporated herein, I find the proposed use will ensure the preservation of the public welfare, safety and health.

Therefore, it is ordered that Application G 15960 is approved and the permit shall issue.

DATED this 23 day of August, 2004.



Phillip C. Ward, Acting Director
Oregon Water Resources Department

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
G-15960 in the Name of Nesika Beach-,) **SETTLEMENT**
Ophir Water District,) **AGREEMENT**
Applicant)
)
vs.)
)
S. Paul Smith,)
Protestant)

The Oregon Water Resources Department (“OWRD”), the Nesika Beach-Ophir Water District (“Applicant”) and S. Paul Smith (“Protestant”) do hereby stipulate and agree as follows:

Background

- I. On March 25, 2003, Applicant submitted an application to OWRD for 1.0 cubic feet per second (cfs) of water from a well in the Greggs Creek Basin, for quasi-municipal use in Curry County.
- II. On August 26, 2003, OWRD issued a Proposed Final Order (“PFO”) recommending approval of application G-15960 with conditions. The PFO stated that the proposed groundwater use would have the potential for substantial interference with the nearest surface water source, namely Greggs Creek. Due to this hydraulic connection with surface water, the draft permit limited the maximum rate allowed based on surface water availability at an 80 percent exceedance standard.
- III. On October 8, 2003, Protestant timely submitted a protest to the PFO for application G-15960 expressing concern about the potential negative impacts to the fish and wildlife in the Greggs Creek watershed, requesting an environmental impact study and stating a preference for use of water from the Rogue River.
- IV. On February 24, 2004, Protestant and representatives for Applicant and OWRD attended a meeting to negotiate settlement of the protest.
- V. Applicant, Protestant and OWRD agree that the issues raised in the protest can be resolved solely on the following terms.

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AUG 23 2004

Terms of the Agreement

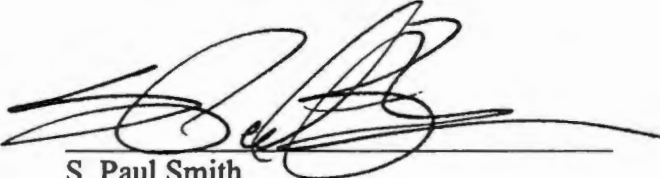
1. The parties to this Settlement Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this agreement and final order.
2. In signing this Settlement Agreement, the Protestant withdraws his protest against the PFO for application G-15960
3. Upon payment of \$250.00 in outstanding permit recording fees, OWRD will issue a permit containing the following conditions in addition to those conditions contained in the PFO:
 - a. Before water use begins under this permit, permittee shall obtain all necessary easements and approvals to install a staff gage on the bridge over Greggs Creek on Ophir Road/Coast Highway and install a staff gage at that location in a manner satisfactory to the watermaster. In addition to the staff gage, permittee may install any other measuring device at that location, as approved by the watermaster. Permittee shall maintain the staff gage in good working order.
 - b. For the first five years after the issuance of this permit and beginning within two months of issuance of this permit, permittee shall take staff gage readings, or other stream measurements meeting the watermaster's approval, 3 days each week during the period of April 1 through November 30 of each year. Permittee shall compile these readings or measurements in legible logs and submit those logs to the watermaster annually.
 - c. Within three months after the permittee begins appropriating water under this permit, the permittee shall send a letter to the Oregon Department of Fish and Wildlife requesting annual stream surveys of Greggs Creek in the vicinity of the well authorized by this permit. The permittee will request the surveys occur during the months of July, August or September.
 - d. The permittee shall measure the water flow in Greggs Creek in a manner and location approved by the watermaster as appropriate to determine the impact of water use under this permit on Greggs Creek.
 - e. If the flow of water in Greggs Creek at the location described in the paragraph above is 0.05 cfs or less, and the watermaster determines that all other appropriators of water from Greggs Creek are appropriating water legally, the permittee shall cease to appropriate water or reduce its rate of appropriation, as directed by the watermaster, under this permit until the flow in that location is more than 0.05 cfs.
4. After receiving from Applicant a well log related to application G-15960, OWRD will mail a copy of the well log to Protestant.

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AUG 23 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

5. OWRD will take several miscellaneous stream measurements of Greggs Creek during the period of August through October, as time and funding permits.
6. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.
7. This Agreement may be executed simultaneously or with separate signature pages and in more than one counterpart, each of which will be deemed an original, and all of which together shall constitute one and the same Agreement.


S. Paul Smith

8-9-04
Date


On Behalf of the Nesika Beach-Ophir
Water District

9 Aug. 04
Date


On Behalf of the Oregon Water Resources
Department

June 24, 2004
Date

RECEIVED

AUG 23 2004

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NESIKA BEACH-OPHIR WATER DISTRICT
32892 NESIKA RD
GOLD BEACH, OR 97444

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15960

SOURCE OF WATER: A WELL IN GREGGS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND (CFS); BEING 1.0 CFS FROM NOVEMBER 1 THROUGH JUNE 30; 0.9 CFS FROM JULY 1 THROUGH JULY 31; 0.7 CFS FROM AUGUST 1 THROUGH AUGUST 31; 0.6 CFS FROM SEPTEMBER 1 THROUGH SEPTEMBER 30; AND 0.6 CFS FROM OCTOBER 1 THROUGH OCTOBER 31

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

WELL LOCATION: SE ¼ NW ¼, SECTION 20, T35S, R14W, W.M.; 560 FEET NORTH & 1835 FEET EAST FROM W1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 8

NW ¼ SW ¼
SW ¼ SW ¼
SECTION 17

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 19

NW ¼ NW ¼
SW ¼ NW ¼
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SECTION 20

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SECTION 30

SW ¼ NE ¼
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SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼

SECTION 31

SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 14
WEST, W.M.

SE ¼ NE ¼
NE ¼ SE ¼
SE ¼ SE ¼

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 15
WEST, W.M.

NE ¼ SW ¼
SW ¼ SW ¼
NW ¼ SE ¼
SECTION 5

NW ¼ NW ¼
SW ¼ NW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SE ¼
SECTION 6

NW ¼ NW ¼
SECTION 7

NE ¼ NE ¼
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SE ¼ SE ¼

SECTION 8

SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
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SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 9

NE ¼ NW ¼

SECTION 16

NW ¼ NE ¼
SW ¼ NE ¼
NW ¼ SE ¼

SECTION 17

TOWNSHIP 36 SOUTH, RANGE 14 WEST,
W.M.

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 12

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W.M.

By-pass flows:

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Measurement, recording and reporting conditions:

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- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
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- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

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

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

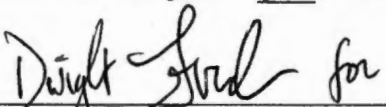
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 23, 2004


 Philip C. Ward, Acting Director
 Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

STEBBINS & COFFEY

ATTORNEYS AT LAW

Michael R. Stebbins
James C. Coffey
Matthew P. Muenchrath

P.O. Box 1006
745 California St.
North Bend, OR 97459

Tel: (541) 756-2066
Fax: (541) 756-2060
www.stebbinsandcoffey.com

August 19, 2004

Kimberly Grigsby
Agency Representative
Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97301-4172

**RE: Nesika Beach-Ophir Water District
Water Right Application - G-15960**

Dear Ms. Grigsby:

Enclosed is a fully executed Settlement Agreement signed by Chairman Guy Colby, on behalf of the Nesika Beach – Ophir Water District and Mr. S. Paul Smith, the protestant, on August 9, 2004. Pursuant to the terms of the Settlement Agreement, my client is requesting that the Department enter the final order incorporating this Settlement Agreement and issue a water rights permit consistent with the draft permit attached to the Settlement Agreement.

Thank you for your assistance in this matter. If anything further needs to be done in order for a water permit to be issued to the District, please contact me at your earliest convenience.

Sincerely,



JAMES C. COFFEY
Email: coffey@stebbinsandcoffey.com

JCC/mlw

Cc: Alan Wagner
Steve Donovan

RECEIVED

AUG 23 2004

WATER RESOURCES DEPT
SALEM, OREGON

Coquille Office: 280 North Collier Street, Coquille, Oregon 97423

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
G-15960 in the Name of Nesika Beach-,) SETTLEMENT
Ophir Water District,) AGREEMENT
Applicant)
vs.)
S. Paul Smith,)
Protestant)

The Oregon Water Resources Department ("OWRD"), the Nesika Beach-Ophir Water District ("Applicant") and S. Paul Smith ("Protestant") do hereby stipulate and agree as follows:

Background

- I. On March 25, 2003, Applicant submitted an application to OWRD for 1.0 cubic feet per second (cfs) of water from a well in the Greggs Creek Basin, for quasi-municipal use in Curry County.
- II. On August 26, 2003, OWRD issued a Proposed Final Order ("PFO") recommending approval of application G-15960 with conditions. The PFO stated that the proposed groundwater use would have the potential for substantial interference with the nearest surface water source, namely Greggs Creek. Due to this hydraulic connection with surface water, the draft permit limited the maximum rate allowed based on surface water availability at an 80 percent exceedance standard.
- III. On October 8, 2003, Protestant timely submitted a protest to the PFO for application G-15960 expressing concern about the potential negative impacts to the fish and wildlife in the Greggs Creek watershed, requesting an environmental impact study and stating a preference for use of water from the Rogue River.
- IV. On February 24, 2004, Protestant and representatives for Applicant and OWRD attended a meeting to negotiate settlement of the protest.
- V. Applicant, Protestant and OWRD agree that the issues raised in the protest can be resolved solely on the following terms.

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AUG 23 2004

WATER RESOURCES DEPT
SALEM, OREGON

Terms of the Agreement


1. The parties to this Settlement Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this agreement and final order.
2. In signing this Settlement Agreement, the Protestant withdraws his protest against the PFO for application G-15960
3. Upon payment of \$250.00 in outstanding permit recording fees, OWRD will issue a permit containing the following conditions in addition to those conditions contained in the PFO:
 - a. Before water use begins under this permit, permittee shall obtain all necessary easements and approvals to install a staff gage on the bridge over Greggs Creek on Ophir Road/Coast Highway and install a staff gage at that location in a manner satisfactory to the watermaster. In addition to the staff gage, permittee may install any other measuring device at that location, as approved by the watermaster. Permittee shall maintain the staff gage in good working order.
 - b. For the first five years after the issuance of this permit and beginning within two months of issuance of this permit, permittee shall take staff gage readings, or other stream measurements meeting the watermaster's approval, 3 days each week during the period of April 1 through November 30 of each year. Permittee shall compile these readings or measurements in legible logs and submit those logs to the watermaster annually.
 - c. Within three months after the permittee begins appropriating water under this permit, the permittee shall send a letter to the Oregon Department of Fish and Wildlife requesting annual stream surveys of Greggs Creek in the vicinity of the well authorized by this permit. The permittee will request the surveys occur during the months of July, August or September.
 - d. The permittee shall measure the water flow in Greggs Creek in a manner and location approved by the watermaster as appropriate to determine the impact of water use under this permit on Greggs Creek.
 - e. If the flow of water in Greggs Creek at the location described in the paragraph above is 0.05 cfs or less, and the watermaster determines that all other appropriators of water from Greggs Creek are appropriating water legally, the permittee shall cease to appropriate water or reduce its rate of appropriation, as directed by the watermaster, under this permit until the flow in that location is more than 0.05 cfs.
4. After receiving from Applicant a well log related to application G-15960, OWRD will mail a copy of the well log to Protestant.

RECEIVED

AUG 23 2004

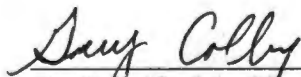
WATER RESOURCES DEPT
SALEM OREGON

5. OWRD will take several miscellaneous stream measurements of Greggs Creek during the period of August through October, as time and funding permits.
6. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.
7. This Agreement may be executed simultaneously or with separate signature pages and in more than one counterpart, each of which will be deemed an original, and all of which together shall constitute one and the same Agreement.



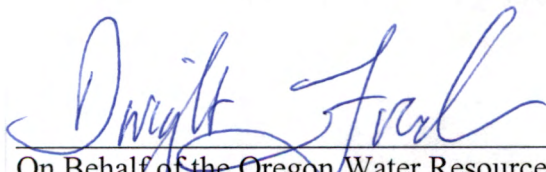
S. Paul Smith

8-9-04
Date



On Behalf of the Nesika Beach-Ophir
Water District

9 Aug. 04
Date



On Behalf of the Oregon Water Resources
Department

June 24, 2004
Date

RECEIVED

AUG 23 2004

WATER RESOURCES DEPT
SALEM, OREGON

STEBBINS & COFFEY
ATTORNEYS AT LAW

Michael R. Stebbins
James C. Coffey

RECEIVED

P.O. Box 1006
745 California St.
North Bend, OR 97459

Tel: (541) 756-2066

Fax: (541) 756-2060

DEC 12 2003

December 8, 2003

WATER RESOURCES DEPT
SALEM OREGON

Kimberly Grigsby
Agency Representative
Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97301-4172

RE: Nesika Beach-Ophir Water District
Water Right Applications - S-85514

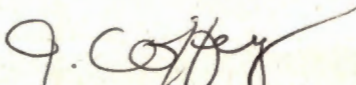
Dear Ms. Grigsby:

On December 1, 2003, I received a letter from Dwight French regarding Water Right Application G-15960 and S-85514. Nesika Beach will attempt to schedule a meeting with Mr. Smith prior to March 1, 2004, to address the questions he has raised in his protest to Water Right Application G-15960.

This letter is to confirm that the Nesika Beach-Ophir Water District requests that the Department continue to process water right application S-85514 to final order.

Thank you for your attention to this matter.

Sincerely,


James C. Coffey

JCC
Enclosure

cc: Allan Wagner
Steve Donovan



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

December 2, 2003

S. Paul Smith
95250 Greggs Creek Rd.
PO Box 1242
Gold Beach, OR 97444

Re: Protest to water right applications G-15960

Dear Mr. Smith:

This letter is to confirm that on November 25, 2003, the Oregon Water Resources Department ("Department") received your letter clarifying that your group is protesting water right application G-15960, rather than application S-85514. I appreciate your prompt response to my inquiry.

Additionally, I wish to inform you that Nesika Beach – Ophir Water District ("District") has requested an administrative hold to provide the District additional time pursue a negotiated settlement of your protest. As a result, the Department has placed application G-15960 on administrative hold until March 1, 2004.

If you have any questions, please call me at (503) 986-0825.

Sincerely,

Kimberly Grigsby
Agency Representative

cc: Nesika Beach-Ophir Water Dist.
James C. Coffey
District #19 watermaster





Oregon

Theodore R. Kulongsoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

December 1, 2003

James C. Coffey
Stebbins & Coffey
P.O. Box 1006
North Bend, OR 97459

**Re: Protest to Water Right Applications G-15960 and S-85514 in the
Name of Nesika Beach-Ophir Water District**

Dear Mr. Coffey:

On November 26, 2003, the Oregon Water Resources Department ("Department") received your letter indicating that you represent the Nesika Beach – Ophir Water District and requesting the Department place applications G-15960 and S-85514 on administrative hold to provide additional time to identify which application was being protested and for settlement negotiations with the protestants in this case.

Since our last discussion, the Department has received notification from Mr. S. Paul Smith that the protestants are protesting application G-15960. I am enclosing a copy of that letter for your records.

Pursuant to OAR 690-310-270, the Water Resources Department (Department) may allow an administrative hold for up to 180 days, or for a longer period if the Director finds that a longer extension is reasonable and necessary. Since application S-85514 is not being protested, the Department sees no need to place that application on administrative hold. As to application G-15960, the Department approves your request for an administrative hold and will not continue processing application G-15960 until **March 1, 2004**.

Please advise Kimberly Grigsby if you wish to reactivate the permitting process for application G-15960 before the administrative hold expires or to renew your request to place application S-85514 on administrative hold. Her telephone number is (503) 986-0825.

Sincerely,

Dwight French
Water Rights Section Manager

enclosure

cc: Allan Wagner

STEBBINS & COFFEY

ATTORNEYS AT LAW

Michael R. Stebbins
James C. Coffey

P.O. Box 1006
745 California St.
North Bend, OR 97459

Tel: (541) 756-2066
Fax: (541) 756-2060

November 24, 2003

Kimberly Grigsby
Agency Representative
Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97301-4172

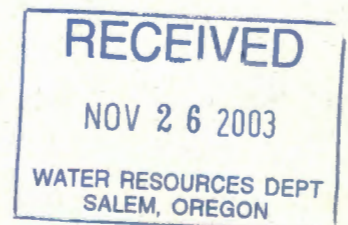
RE: *Protest to Water Right Applications - G15960 and S-85514*

Dear Ms. Grigsby:

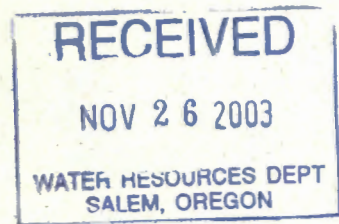
This letter is to advise you that I represent the Nesika Beach - Ophir Water District. Recently Mr. Allan Wagner, the District's General Manager, sent me a copy of your November 10, 2003, letter to him regarding the above referenced protests. Pursuant to that letter, I am writing on behalf of the District to request additional time to resolve the disputes associated with the water rights applications and requesting an administrative hold on the applications.

The reasons for this request are as follows:

1. According to your November 10, 2003, letter to Mr. S. Paul Smith, only one fee for protesting a water right application was paid. Since Mr. Smith is entitled to protest only one water right application, you requested that he send you a letter stating which application he wished to protest. Additional time is needed by the District to respond to the protest, since as of the date of this letter the District has not been advised which application is being protested.
2. After Mr. Smith identifies which water right application he is protesting, the District would like to have additional time to discuss Mr. Smith's concerns with him and attempt to resolve the matter short of a contested case hearing. Part of this process will, of necessity, involve additional time to investigate and review the basis for Mr. Smith's protests and investigate possible solutions. This simply cannot be accomplished by December 9, 2003.



Kimberly Grigsby
November 24, 2003
Page 2



Thank you for your prompt attention to this matter. Please copy my office with all correspondence you send to the District regarding the water rights applications and the protest filed by Mr. Smith. If you have any questions please contact me at my office telephone number.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "J. Coffey". The signature is stylized and written in a cursive-like font.

James C. Coffey

JCC
Enclosure

cc: Allan Wagner F:\CLIENTS\Nesika Beach-Ophir WD 3-140 (Greggs Creek)\Ltr to Kimberly Grigsby of Water Resources -11-24-03.wpd
Steve Donovan

November 18, 2003

Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1271

Attn: Kimberly Grigsby and Oregon Water Resource Department

Thank you for your correspondence regarding G-15960 and S-85514 protests. We appreciate your help in clarifying this process.

We, The Kalmiopsis Audubon Society, The Curry Sportfishing Association, The Curry Anadromous Fishermen, the Oregon State University Extension Watershed Management and myself, S. Paul Smith, as spokesperson, are focusing our protest on G-15960.

We feel the surface water proposal is impractical for the Nesika Beach-Ophir Water Districts needs and will never materialize.

We are protesting G-15960 because the removal of that much water from the aquifer will eventually reduce the already marginal surface flow during our five month yearly drought season. The endangered wild steelhead trout and endangered coastal cutthroat trout that spawn in and are reared in Gregg's Creek would be irreparably displaced by G-15960.

In addition, the fragile wetland area at the mouth of Gregg's Creek would be severely reduced by G-15960, thereby reducing the breeding and feeding grounds of coastal seabirds and migratory waterfowl.

Please keep in mind, Gregg's Creek is not the Nesika Beach-Ophir Water Department's only option. It would be much more practical and economically feasible for the District to utilize their financial resources repairing and upgrading their existing well and pump currently on the Rogue River, as well as, developing a secondary well at that location, or installing a water line approx. 1.5 miles to connect to the Gold Beach water system.

Thank you very much,

S. Paul Smith
PO Box 1242 - Gold Beach, OR 97444

RECEIVED

NOV 25 2003

WATER RESOURCES DEPT
SALEM OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

November 10, 2003

S. Paul Smith
95250 Greggs Creek Rd.
PO Box 1242
Gold Beach, OR 97444

Re: **Protest to water right applications G-15960 and S-85514**

Dear Mr. Smith:

On October 8, 2003, the Oregon Water Resources Department ("Department") received the protest submitted by you and others to water right applications G-15960 and S-85514. At that time, the Department received checks totaling \$250.

Pursuant to ORS 536.050(1)(j), the fee for protesting a water right application is \$250. A protestant must submit this protest fee for each water right application protested. Therefore, to protest two water right applications, a protestant must submit two protest fees (\$500) within the time period for filing protests. Since you only submitted one protest fee within the time period for filing protests, you are entitled to protest only one water right application.

Please send me a letter stating whether you wish to protest water right application G-15960 or application S-85514. The Department will apply your protest fee to your protest for the identified application. Please send this letter by **November 28, 2003**.

If you have any questions, please call me at (503) 986-0825.

Sincerely,

Kimberly Grigsby
Agency Representative

cc: Nesika Beach-Ophir Water Dist.
District #19 watermaster





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

November 10, 2003

BY MAIL

Allan Wagner
Nesika Beach-Ophir Water Dist.
32892 Nesika Rd.
Gold Beach, OR 97444

Dear Mr. Wagner:

Pursuant to OAR 690-310-0160(7), I am enclosing copies of the protest filed by S. Paul Smith and others against your groundwater application G-15960 and your surface water application S-85514. Because protests have been filed against these applications, the Oregon Water Resources Department ("OWRD") is required to either issue a final order for that application or schedule a contested case hearing by **December 9, 2003**. You, as the applicant, may request more time to resolve the disputes associated with these applications by writing a letter to me and requesting an administrative hold before the December 9, 2003, deadline.

Please don't hesitate to call me if you have any questions. My telephone number is (503) 986-0825.

Sincerely,

Kimberly Grigsby
Agency Representative

Enclosures

cc: S. Paul Smith
District #19 watermaster



September 30, 2003

Oregon Water Resource Dept
725 Summer Street NE, Suite A
Salem, OR 97301-2430

RECEIVED

OCT 08 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Attention: Jerry Gainey and Renee Moulun

We the undersigned are protesting water right application #G-15960 and S-85514 because we believe the removal of this quantity of water from the Greggs creek aquifer will have a severe negative impact on the native population of endangered wild steelhead trout and wild cutthroat trout. It will also reduce the wetland area of the mouth of Greggs creek; thereby negatively impacting migratory waterfowl and coastal seabirds.

We request that a more thorough environmental impact study be conducted before the final decision on this application is made.

Please keep in mind this is not the Nesika Beach/Ophir Water District's only option. They can always repair and maintain the existing well and pump station currently in use on the Rogue River.

Thank you,



S. Paul Smith
95250 Greggs Creek Rd.
PO Box 1242
Gold Beach, OR 97444
541-247-0404

ENCLOSED ARE
CHECKS TOTALING \$250⁰⁰

ENCLOSED IS
RECEIPT OF PROTEST
COPY TO APPLICANT

Curry Sport Fishing Association
P.O. Box 86
Ophir OR 97464
Mark Lottis Pres. *Mark Lottis*

Oregon State University Extension
P.O. Box 488
Gold Beach OR 97444
Frank A. Burris
Watershed Management Agent

~~Gene Trinkler~~ CAF REP.
Curry Anadromous Fishermen
Indian Creek Hatchery - REP.

Kalmiopsis Audubon Society
P.O. Box 1265
Port Orford, OR 97465.
Ann Vileisis, Ann Vileis
Conservation Director

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number G-15960

Proposed Final Order

Prior to issuance of a permit, recording fees must be submitted to the Department. If submitted before October 1, 2003, the fee is \$175.00; if submitted on or after October 1, 2003, the fee is \$250.00. In order to increase Department efficiency and expedite the processing of your application, please submit the necessary fees prior to the protest deadline of October 10, 2003. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to October 10, 2003 issuance of a permit will be delayed.

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On March 25, 2003, Nesika Beach-Ophir Water District submitted an application to the Department for the following water use permit:

- Amount of Water: 1.0 cubic foot per second (CFS)
- Use of Water: Quasi-Municipal use
- Source of Water: A well in Greggs Creek Basin
- Area of Proposed Use: Curry County within Section 8, Township 35 South, Range 14 West, W.M.

On June 27, 2003, the Department mailed the applicant notice of its Initial Review, determining that "The use of 1.0 cubic foot per second (CFS) from a well in Greggs Creek Basin for quasi-municipal uses is allowable November 1 through June 30; 0.9 CFS July 1 through July 31; 0.7 CFS August 1 through August 31; 0.6 CFS September 1 through September 30; and 0.6 CFS October 1 through October 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On July 1, 2003, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The South Coast Basin Program allows the use of water for quasi-municipal use.

Senior water rights exist on a well in Greggs Creek Basin, or on downstream waters.

A well in Greggs Creek Basin is not within or above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely Greggs Creek.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team

recommended that additional limitations or conditions of use be imposed on this application as follows:

Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing rights and the resource.

Because the proposed use of water would have the potential with substantial interference with surface water, an assessment of surface water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available as limited in the attached draft permit for further appropriation (at an 80 percent exceedance probability) during the full season requested.

The Department finds that the amount of water requested, 1.0 CFS, is an acceptable amount.

The proposed well is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.


The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED August 26, 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.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee required by ORS 536.050 (\$200 before October 1, 2003; \$250 on or after October 1, 2003) and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **October 10, 2003**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Jerry Gainey. 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 can reach me at 1-503-378-8455 extension 458.

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 Moulun. 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.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97301

Fax: (503)378-6203

Gaineyjw- WEEK 422

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

NESIKA BEACH-OPHIR WATER DISTRICT
32892 NESIKA RD
GOLD BEACH, OR 97444

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15960

SOURCE OF WATER: A WELL IN GREGGS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND (CFS); BEING 1.0 CFS FROM NOVEMBER 1 THROUGH JUNE 30; 0.9 CFS FROM JULY 1 THROUGH JULY 31; 0.7 CFS FROM AUGUST 1 THROUGH AUGUST 31; 0.6 CFS FROM SEPTEMBER 1 THROUGH SEPTEMBER 30; AND 0.6 CFS FROM OCTOBER 1 THROUGH OCTOBER 31

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

WELL LOCATION: SE ¼ NW ¼ SECTION 20, T35S, R14W, W.M.; 560 FEET NORTH & 1835 FEET EAST FROM W1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼	NW ¼ SW ¼
NW ¼ NE ¼	SW ¼ SW ¼
SW ¼ NE ¼	SECTION 17
SE ¼ NE ¼	NE ¼ NE ¼
SW ¼ NW ¼	SE ¼ NE ¼
SE ¼ NW ¼	NE ¼ SE ¼
NE ¼ SW ¼	SW ¼ SE ¼
NW ¼ SW ¼	SE ¼ SE ¼
SE ¼ SW ¼	SECTION 19
NW ¼ SE ¼	
SW ¼ SE ¼	NW ¼ NW ¼
SECTION 8	SW ¼ NW ¼
	NW ¼ SW ¼

SW ¼ SW ¼
 NW ¼ NW ¼
 SECTION 20
 NE ¼ NE ¼
 NW ¼ NE ¼
 SW ¼ NE ¼
 SE ¼ NW ¼
 NE ¼ SW ¼
 SE ¼ SW ¼
 NW ¼ SE ¼
 SW ¼ SE ¼

SECTION 30
 SW ¼ NE ¼
 NE ¼ NW ¼
 NW ¼ NW ¼
 SW ¼ NW ¼
 SE ¼ NW ¼
 NE ¼ SW ¼
 NW ¼ SW ¼
 SW ¼ SW ¼
 SE ¼ SW ¼

SECTION 31
 SE ¼ NE ¼
 NE ¼ SE ¼
 SE ¼ SE ¼

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 14
 WEST, W.M.

SE ¼ NE ¼
 NE ¼ SE ¼
 SE ¼ SE ¼

SECTION 36

TOWNSHIP 35 SOUTH, RANGE 15
 WEST, W.M.

NE ¼ SW ¼
 SW ¼ SW ¼
 NW ¼ SE ¼
 SECTION 5
 NW ¼ NW ¼
 SW ¼ NW ¼
 NW ¼ SW ¼
 SW ¼ SW ¼
 SE ¼ SE ¼

SECTION 6

NW ¼ NW ¼

SECTION 7

NE ¼ NE ¼
 NW ¼ NE ¼
 SW ¼ NE ¼
 SE ¼ NE ¼
 NE ¼ NW ¼
 NW ¼ NW ¼
 SE ¼ NW ¼
 NE ¼ SW ¼
 SE ¼ SW ¼
 NE ¼ SE ¼
 NW ¼ SE ¼
 SW ¼ SE ¼
 SE ¼ SE ¼

SECTION 8

SW ¼ NW ¼
 SE ¼ NW ¼
 NE ¼ SW ¼
 NW ¼ SW ¼
 SW ¼ SW ¼
 SE ¼ SW ¼
 NE ¼ SE ¼
 NW ¼ SE ¼

SW ¼ SE ¼

SE ¼ SE ¼

SECTION 9

NE ¼ NW ¼

SECTION 16

NW ¼ NE ¼

SW ¼ NE ¼

NW ¼ SE ¼

SECTION 17

TOWNSHIP 36 SOUTH, RANGE 14 WEST,
 W.M.

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

NE ¼ SE ¼

NW ¼ SE ¼

SW ¼ SE ¼

SE ¼ SE ¼

SECTION 12

TOWNSHIP 36 SOUTH, RANGE 15 WEST,
 W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun**Reference Water Level Determination**

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit,

the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2003

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-15960

ROUTED TO: WATER RIGHT

TOWNSHIP/

RANGE-SECTION: 35S/14W-20

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: DEW

TO: Water Rights Section Date May 2, 2003

FROM: Ground Water/Hydrology Section Douglas Woodcock *DW*

Reviewer's Name

SUBJECT: Application G- 15960 Supersedes review of _____

Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

A. **GENERAL INFORMATION:** Applicant's Name: Nesika Beach-Ophir Water District

A1. Applicant(s) seek(s) 1.0 cfs from 1 well(s) in the S. Coast Basin, Greggs Cr subbasin Quad Map: Ophir Quad

A2. Proposed use: Quasi-Municipal Seasonality: Year-Round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, example: 2250' N, 1200' E fr NW cor S 36
1	Proposed	Alluvium	1.0	35S/14W-20 SE-NW	560' N, 1835'E fr W1/4 cor S 20
2					
3					
4					
5					

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval	Casing Intervals	Liner Intervals	Perforations Or Screens	Well Yield	Draw Down	Test Type
1	83											

Use data from application for proposed wells.

A4. Comments: **The well is not constructed at this time and no construction information is provided. The elevation was taken from the Ophir 7.5' map based upon the provided location.**

The bedrock underlying the proposed well area is Jurassic rock of the Otter Point Fm, a mixed assemblage of sandstone, chert, basalt, and blocks of other metamorphic rock. It is faulted and highly sheared in areas. Generally ground water potential is very low. The proposed well was sited near Greggs Cr, a small and narrow drainage with some surficial alluvial material overlying the hard metamorphic rock. Ground water potential is higher in the surficial deposit but hydraulically connected to Greggs Cr. In the absence of information provided on the application, this review assumes the well to be developing water from the alluvium for two reasons; firstly, the application states the aquifer to be "Greggs Cr," and secondly, there is zero possibility of developing a 1.0 CFS well from the bedrock, but a chance within the hydraulically-connected alluvium.

A5. Provisions of the South Coast Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water are, or are not, activated by this application. (Not all basin rules contain such provisions.)
Comments: _____

A6. Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction. Name of administrative area: _____
Comments: _____

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130 (b) (c)

B1. Based upon available data, I have determined that ground water for the proposed use:

- a. is over appropriated, is not over appropriated, or cannot be determined to be over-appropriated during any period of the proposed use;
- b. will not or will likely be available in the amounts requested without injury to prior ground water rights;
- c. will not or will likely to be available within the capacity of the ground water resource; or
- d. will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7B, 7E;
 - ii. The permit should be conditioned as indicated in item 2 below.
 - iii. The permit should contain special condition(s) as indicated in item 3 below;

- B2. a. Condition to allow ground water production from no deeper than _____ ft. below land surface;
- b. Condition to allow ground water production from no shallower than _____ ft. below land surface;
- c. Condition to allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

- B3. Ground water availability remarks: Of the five well logs in Sec 20 (from GRID-Web) four are developed in the bedrock and have a reported 4 gpm between them. There does not appear to be other existing wells located near the proposed well. Well-to-well interference is unlikely.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Alluvium	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: **Proposed aquifer is comprised of unconsolidated stream deposits.**

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than 1/4 mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Greggs Cr	83	80	100	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: **Proposed well taps unconfined GW and is less than 1/4 mile from a stream.**

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. If Q is not distributed by well, use full rate for each well. If modeled, include description and model parameters in Comments (C3b). Any checked box indicates the well is assumed to have the potential to cause substantial interference with surface water.

Well	SW #	Well < 1/4 mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
1	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	---	---	<input type="checkbox"/>	0.71	<input checked="" type="checkbox"/>	72	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: No instream right or minimum streamflow on Greggs Cr. Interference was calculated using a Jenkins model; model parameters are attached. Greggs Cr is tributary to the Pacific Ocean, so no downstream tribs would be impacted.

C4a. **690-09-040 (5):** Estimated impacts on surface water sources as percent or qualitative fraction* of proposed pumping rate. Limit evaluation to one year of pumping.

Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	1	I	H	H	H	H	H	H	H	H	H	H	H

*VL = Very Low (<5%), L = Low (5-25%), I = Intermediate (25-75%), H = High (>75%).

Basis for impact evaluation: This is an estimate based upon the model parameters (attached) that were used in C3a. This estimate assumes pumping begins January 1 and continues through December 31. If the target aquifer for the proposed well is the surficial deposits in the stream valley, there will be a high percentage of interference very quickly.

C4b. **690-09-040 (5):** Evaluation of paragraphs under subsection 5. A determination of Low denotes no connection or a very indirect connection between surface water and ground water; High denotes hydraulic connection that would likely reduce surface water availability in the first year of pumping. Do not equate "Low" and "High" between C4a and C4b.

- (a) The potential to reduce surface water availability in Greggs Crrek is Low or High
- The potential to reduce surface water availability in _____ is Low or High
- The potential to reduce surface water availability in _____ is Low or High
- The potential to reduce surface water availability in _____ is Low or High

Basis: See above

(b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

C4b. **690-09-040 (5)**:. Evaluation of paragraphs under subsection 5 continued.

(c) The **percentage** of appropriation in the first year of use that will be at the expense of surface water 85 %

Basis: Model parameters used in earlier calculations

(d) The timing of interference will be **immediate** (within one year), or **delayed**;

Basis: _____

(e) The potential for cumulative adverse impacts: A graphical distribution of POAs and summary of permitted rights
 are or **are not** available at this time of review.

Impacted stream	Impacted basin or sub-basin	Existing Ground Water Rights (cfs)

Comments: _____

C5. **If properly conditioned**, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:

- i. The permit should contain condition #(s) _____;
- ii. The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. The permit should be conditioned as indicated in item 6 below;

C6. **If the well is not reconstructed**, it will interfere with surface water. Well reconstruction, as follows, will adequately protect surface water from interference. If the ground water use under this permit is found to have the potential for substantial interference with surface water, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.:

The well should be reconstructed as follows: _____

C7. **SW / GW Remarks** _____

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not meet current well construction standards based upon:**

- a. review of the well log;
- b. field inspection by _____;
- c. report of CWRE _____;
- d. other: (specify) _____

D3. **THE WELL construction deficiency:**

- a. constitutes a health threat under Division 200 rules;
- b. commingles water from more than one ground water reservoir;
- c. permits the loss of artesian head;
- d. permits the de-watering of one or more ground water reservoirs;
- e. other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

D5. **THE WELL** a. was, or was not constructed according to the standards in effect at the time of original construction or most recent modification.

b. I don't know if it met standards at the time of construction.

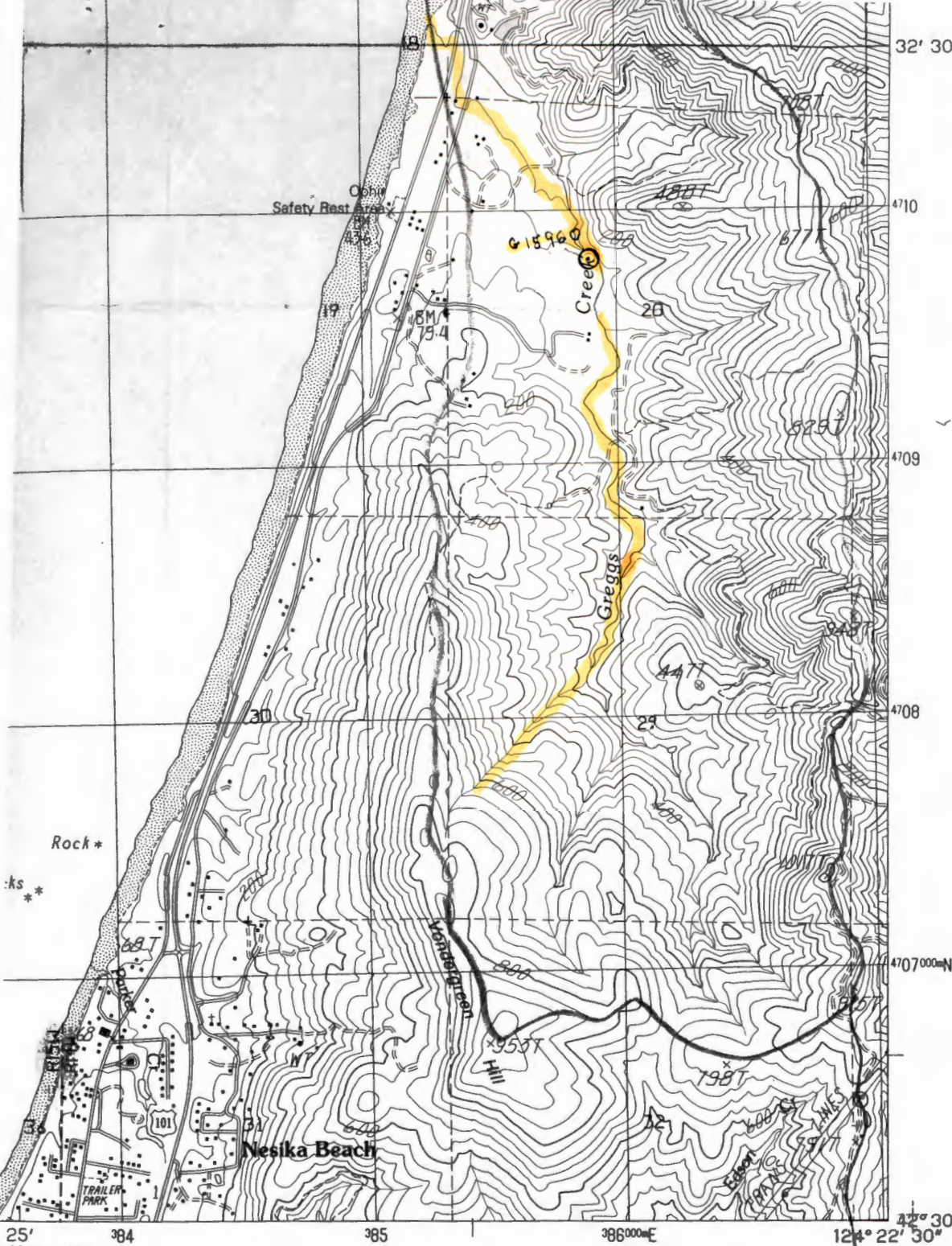
D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. Well construction deficiency has been corrected by the following actions: _____

_____, 200____.
(Enforcement Section Signature)

D8. **Route to Water Rights Section (attach well reconstruction logs to this page).**



170000



0 000 QUADRANGLE LOCATION

1	2	3	1 Port Orford Father Mtn.
4		5	4 Brushy Bald Mtn.
6	7	8	7 Gold Beach Signal Buttes

ADJOINING 7.5' QUADRANGLE NAMES

ROAD LEGEND

- Improved Road.....
- Unimproved Road.....
- Trail.....
- Interstate Route ◡ U.S. Route ○ State Route

FINAL COPY
Do Not Take
 OPHIR, OREG. 177
Notify Jerry S.

PROVISIONAL EDITION 1984

42124-E4-TF-24

177



930 000 FEET

R. 15 W. 25' GOLD BEACH 7.6 MI. CRESCENT CITY, CALIF. 72 MI.

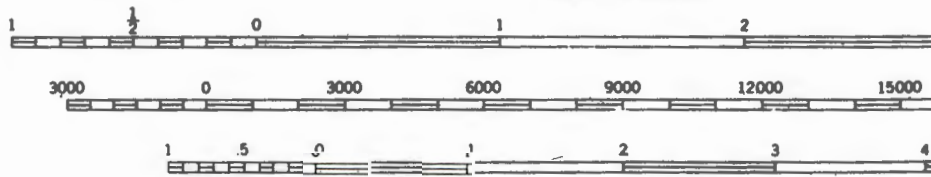
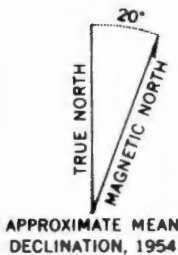
(GOLD BEACH)

R. 14 W.

PORT ORFORD 15' Bull. 90

SCALE 1:62500

Map prepared by multiplex methods
 Field check 1954
 U.S. G.S. sheets 5951 (1948) and 5952 (1950)
 North American datum
 on coordinate system, south zone
 approximate locations



CONTOUR INTERVAL 80 FEET
 DOTTED LINES REPRESENT HALF-INTERVAL CONTOURS
 DATUM IS MEAN SEA LEVEL
 SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 THE AVERAGE RANGE OF TIDE IS APPROXIMATELY 5 FEET

A. Schumacher, 1976
 Gould 1976

Geologic Cross Sections

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 5/ 1/2003 for

GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614

Basin: SOUTH COAST

Exceedance Level: 80

Time: 18:18

Date: 05/01/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	7.99	0.02	0.00	7.97	0.00	0.00	7.97
2	10.10	0.02	0.00	10.10	0.00	0.00	10.10
3	9.12	0.02	0.00	9.10	0.00	0.00	9.10
4	5.08	0.02	0.00	5.06	0.00	0.00	5.06
5	2.43	0.03	0.00	2.40	0.00	0.00	2.40
6	1.55	0.05	0.00	1.50	0.00	0.00	1.50
7	1.13	0.08	0.00	1.05	0.00	0.00	1.05
8	0.87	0.06	0.00	0.81	0.00	0.00	0.81
9	0.76	0.04	0.00	0.72	0.00	0.00	0.72
10	0.71	0.02	0.00	0.69	0.00	0.00	0.69
11	2.43	0.02	0.00	2.41	0.00	0.00	2.41
12	6.74	0.02	0.00	6.72	0.00	0.00	6.72
Stor	6500	23	1	6480	0	0	6480

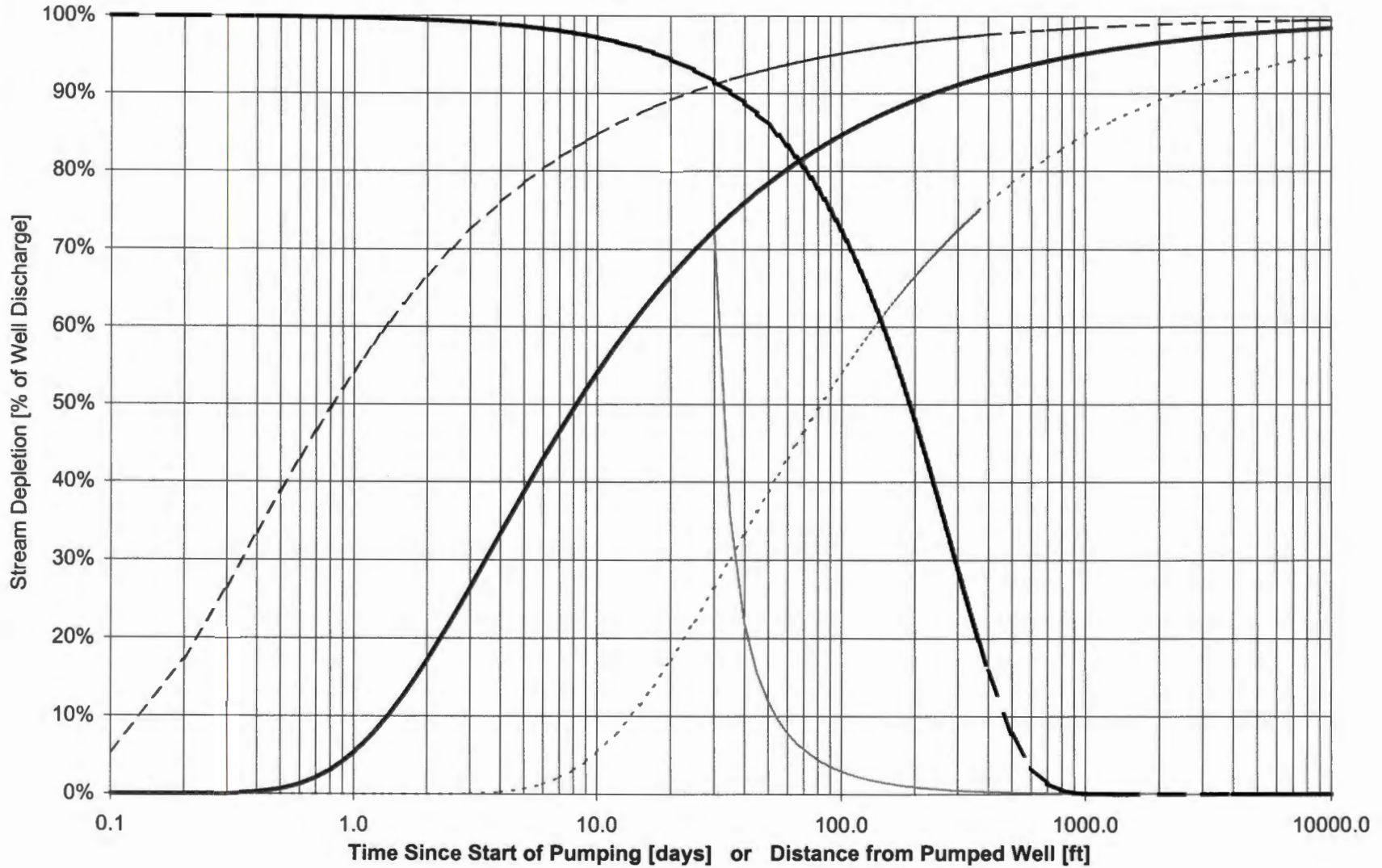
Enter (1) to CONTINUE; (2) to WRITE the Table:

Q = 449 gpm K Max = 1,000 gpd/ft*ft
 a = 100 ft K = 100 gpd/ft*ft
 S = 0.3000 K Min = 10 gpd/ft*ft
 t = 30.00 days

Nisika

T Max = 30,000 gpd/ft
 T = 3,000 gpd/ft
 T Min = 300 gpd/ft

Transient Stream Depletion = 72% at t = 30.00 days



— Residual SD - - - Max SD — SD ····· Min SD - · - SD vs a

Input Data:

Variable	Name	Minimum	"Best"	Maximum	Unit
Well Owner or Well Number	Well		Nisika		
X Coord. for X-Section (Head Distribution)	x		0		[ft]
Perpendicular Distance From Well to Stream	a		100		[ft]
Net Steady Pumping Rate	Q		449		[gpm]
Hydraulic Conductivity	K	10	100	1,000	[gpd/ft*ft]
Aquifer Thickness	b	30	30	30	[ft]
Well Depth	d		30		[ft]
Storativity	S		0.30000		
Effective porosity	n		0.20000		
Hydr. Grad. Perpend. to Stream (must be > 0)	i				
Time Since Pumping Started	time		30.00		[days]

Output Data:

General Output:					
Transmissivity	T	300	3,000	30,000	[gpd/ft]
Hydraulic Conductivity	K	10	100	1,000	[gpd/ft*ft]
		1	13	134	[ft/day]
		4.69E-06	4.69E-05	4.69E-04	[m/s]
Average linear velocity	ALV	0.08	0.84	8.44	[ft/day]
		30.83	308.27	3,082.72	[ft/yr]
Ambient Flux at River per Foot	dQ	0.0026	0.0263	0.2630	[gpm/ft]

Transient Stream Depletion Output:

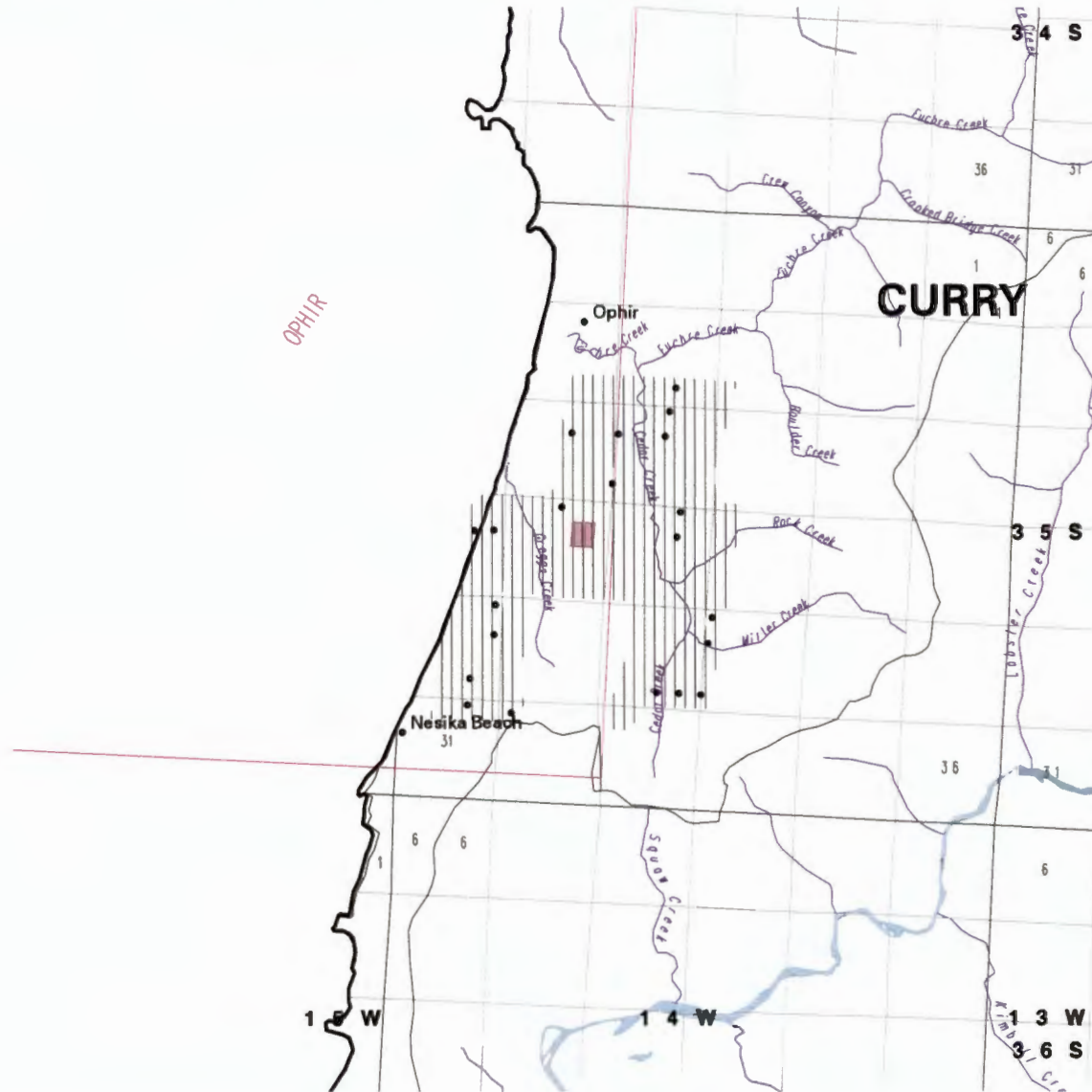
k	SDTr_k	0.6233	0.0623	0.0062	
Transient Stream Depletion (Theis/Jenkins)	SDTr	26%	72%	91%	
Transient Induced Infiltration (Theis/Jenkins)	IITr				

Steady-State Stream Depletion:

Dimensionless Pumping Rate ($\beta \geq 1 \implies$ velocity divide has reached stream)	Beta, β	543.09	54.31	5.43	
SQRT(Beta-1)		23.28	7.30	2.10	
Critical pumping rate	Qc	1	8	83	[gpm]
Dist. fr Well to Velocity Divide at Steady State	rvd	100	100	100	[ft]
Steady-State Stream Depletion (Wilson & Linderfelt)		100%	100%	100%	
Steady-State Induced Infiltration (Wilson & Linderfelt)		95%	83%	47%	

Wells in the vicinity of application G 15960

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ⊗ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELL LOGS WITHIN 1 MILE OF APPLICATION G 15960

ABANDON: 6
 RECONDITIONED: 0
 REPAIRED: 0
 CONVERSION: 0
 DEEPENINGS: 0
 NEW CONSTRUCT: 52

 COMMUNITY USE: 2
 DOMESTIC USE: 54
 INDUSTRIAL USE: 0
 INJECTION USE: 0
 IRRIGATION USE: 0
 THERMAL USE: 0
 LIVESTOCK USE: 0

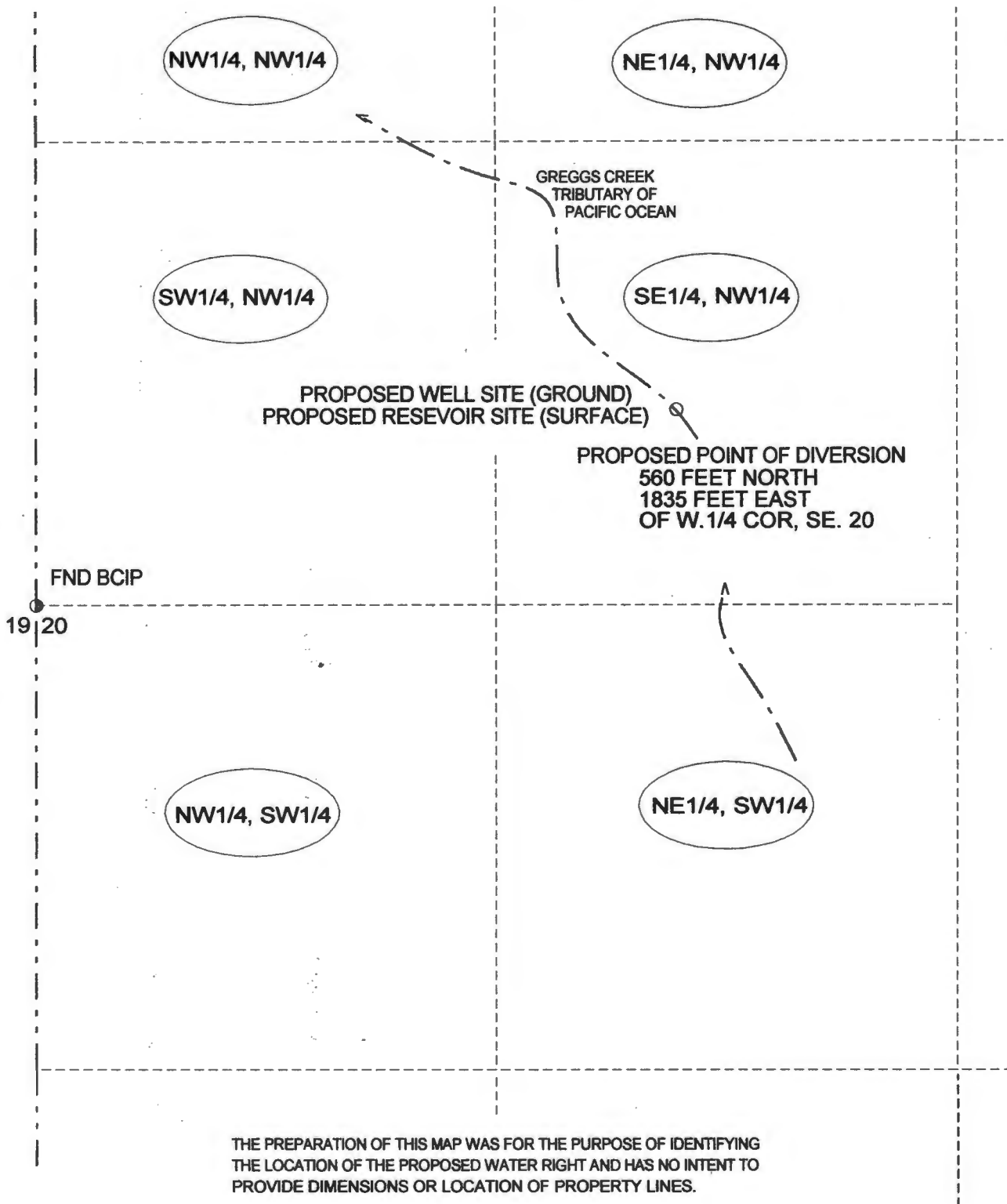
PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15960

\$RECNO	APPLICATION	PERMIT	CLAIM	LOC-QQ	USE_CODE
1	0	0 GR	1044	2.00S 3.00E 1SESE	IR
2	0	0 GR	43	2.00S 3.00E12NWNW	ID
3	G 14412	G 13298	0	2.00S 3.00E12SESW	DO
3	G 14412	G 13298	0	2.00S 3.00E12SESW	IR
4	0	0 GR	443	2.00S 3.00E11NWSW	IR
5				2.00S 3.00E13NENW	
6	G 14330	G 13167	0	2.00S 3.00E14NWSW	IR
6	G 14330	G 13167	0	2.00S 3.00E14NWSW	IR
6	G 14330	G 13167	0	2.00S 3.00E14NWSW	CM
6	G 14330	G 13167	0	2.00S 3.00E14NWSW	CM
6	R 83726	R 12445	0	2.00S 3.00E14NWSW	FW
6	R 83726	R 12445	0	2.00S 3.00E14NWSW	RC
6	R 83726	R 12445	0	2.00S 3.00E14NWSW	FP
7	G 14063	G 12621	0	2.00S 3.00E14SWSW	IR
8	0	0 GR	3474	2.00S 3.00E24SWSW	IR
9	G 11241	G 11134	0	2.00S 4.00E 7NENW	NU
9	G 11241	G 11134	0	2.00S 4.00E 7NENW	NU
9	G 11241	G 11134	0	2.00S 4.00E 7NENW	NU
9	0	0 GR	245	2.00S 4.00E 7NENW	ID
10	G 5559	G 5160	0	2.00S 4.00E 7NWSW	IR

NO CONDITIONED WELLS WITHIN 1 MILE OF APPLICATION G 15960

APPLICATION G 15960 FALLS WITHIN THESE QUAD(S)

OPHIR



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
 T. 35 S., R. 14 W., W. M.

JULY 2002



RECEIVED

MAR 25 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICTS
 32892 NESIKA ROAD
 GOLD BEACH, OREGON 97444

BRYAN FLAVIN LAND SURVEYING
 BRYAN M. FLAVIN
 REGISTERED LAND SURVEYOR
 CERTIFIED WATER RIGHTS EXAMINER
 32053 SQUAW VALLEY ROAD
 GOLD BEACH, OREGON 97444
 541-247-6485
 CWRE #366

EXPIRES 12/31/03

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FFR 0 4 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

app # 3-85514
 Permit #

PFO CHECKLIST

APPLICATION # G-15960

SAVE IN PFO WORK WEEK: 422

10. IR Date 6/27/03 Public Notice Date 7/1/03 Comment Rec'd NO

20. Filed after 10/23/99? Y / N (if N A date should be included)

Changes from IR determinations: _____

OPFWP^{bank} = 657 - totalizing flow meter

NOTE: Per conversation w. H Kim Griggsky, 8/15/03 she is receiving phone calls from concerned citizens after reading the public notice printed in the local newspaper.

Agencies and Additional People to Notify: _____

30. Shortcomings preventing PFO, FO, or permit? Y / N Should process continue? Y / N

40. Is second groundwater review complete? Y / N necessary? Y / N

50. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N

Initials: JWG Date: 8/15/03

Revised 3/7/02

FEE:	EXAM:	<u>250</u>
	Q	<u>150</u>
	SUBTOTAL	<u>400</u>
	RECORD	<u>175</u>
	TOTAL	<u>575</u>
	PD	<u>400</u>
	OWE/REFUND	<u>175</u>

1 CFS

Peer Review
Kerry L.

IR CHECKLIST

Application #: G 15960

County CURRY

Basin: 17-South Coast

WAB: 17-31780614

Township 35S

Range 34 W

Section 8

1/4 1/4

SEGMAPS

FOR POD & POH

- 10. Groundwater Review A B C D River/Stream Name GREGGS Creek
 - a. Groundwater Availability A B C
 - b. Is the well located in a GWLA or CGWA or T1N R3E? (If applicable, include map with POD) Y / N *see attached*
- 25. Use Q-MUNI Priority Date(s) 3/25/03 (If muni or quasi-muni use send to Doug Parrow)
- 30. Allowed under Basin Program Y / N Limitations? Y / N 0AR 690-517
- 40. Withdrawn? Y / N season allowed _____
- 45. Basin Maps have been checked. Y / N River Mile _____
- 50. SWW Y / N (if Y notify state parks)
- 60. Surface water Availability (80% live flow / 50% storage) NA YR
- 70. Divis 33: Y / N / NA Above Bonn Y / N Not allowed April 15 - September 30 Y / N
Below Bonn Y / N If Y add PISPC
Statewide Y / N
- 80. Rate Q-MUNI Rate: Max _____ Req 1.0 CFS
Season: Normal YR Req YR
- 90. B.O.R. or Doug Co. project Y / N contract # _____
- 100. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF, Contract Stored Water) or Large (≥ 1.5 cfs, ≥ 100 AF) condition 7I and municipal require the Large conditions 7E
- 110. Land use approval OK'd needs approval county notified NA
- 120. Watermaster Dist: (1 2 16 18 20 - NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)
- 125. Conflict? Yes No
- 130. per interactive mapping DOA 1010 Y / N (NO COPY TO PAUL MEASLES) 303D Y / N NA CTUIR Y / N
- 140. within Oregon Streamflow Restoration Area? Y / N / NA
- 150. Letter format = Good = Limited = Bad = Bad w/ IRshort = Bad w/ HC Opportunity
- 155. Attach basin map indicating point of diversion?
- 160. CWRE, representative, etc. to notify? Y / N Bryan M. Flavin, CWRE # 366

NOTE: Will need newspaper notification.

Name: Jerry Gandy Date: 6/13/03

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

From: "Doug Parrow" <Douglas.M.PARROW@state.or.us>
To: "jerrywgainey" <jerry.w.gainey@ wrd.state.or.us>
Subject: RE: Nesika Beach-Ophir Water Districts Application G-15960
Date: Fri, 13 Jun 2003 16:45:53 -0700
X-Mailer: Microsoft Outlook IMO, Build 9.0.6604 (9.0.2911.0)
Importance: Normal

Yes, thanks

> -----Original Message-----

> From: jerrywgainey [<mailto:jerry.w.gainey@ wrd.state.or.us>]
> Sent: Friday, June 13, 2003 3:47 PM
> To: Douglas.M.PARROW@ wrd.state.or.us
> Subject: Nesika Beach-Ophir Water Districts Application G-15960

>
>

> Doug,

>

> Nesika Beach-Ophir Water Districts have two applications in for permits,
> S-85514 and G-15960. You have provided comments regarding S-85514, the
> districts have an approved plan that contemplates and justifies the need
> for new water rights and you do not recommend requiring a plan. The
> districts put in the two applications but will only go with the one that
> will be approved or provide the greatest volume of water. With
> that said,
> can I make a copy of your previous comments and put a copy in
> file G-15960.

> Thanks

>
>

=====
> | Jerry Gainey
> <mailto:Jerry.W.GAINEY@ wrd.state.or.us> |
> | Water Right Processing Technician
> <ftp://ftp.wrd.state.or.us> |
> | Oregon Water Resources Department <http://www.wrd.state.or.us> |
> | Voice: (503)-378-8455 x-458 FAX:
> (503)-378-6203 |
>

>

INTEROFFICE MEMORANDUM
Water Rights Section

TO: Doug Parrow

April 11, 2003

FROM: Jerry Gainey

RE: File Number S-85514, Nesika Beach-Ophir Water Districts

The attached application file is being referred to you for your review/determination if a water management and conservation plan is required. In March 1999, the applicants were issued a permit, G-13616 (see copy in file) indicating a plan was required.

Please route to me when finished.

Thanks.

Jerry,

The districts have an approved plan that contemplates and justifies the need for new water rights. Therefore, I do not recommend requiring a plan under this permit, or if a plan is to be required, submission of the plan should be concurrent with the date for updating the existing plan (Feb. 28, 2008)

Doug Parrow

WATER RESOURCES DEPARTMENT

DIVISION 517

SOUTH COAST BASIN PROGRAM

[NOTE: The South Coast Basin is delineated on agency Map, File 17.6, available from the agency.]

690-517-0000 - Classifications

(8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

(9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of this rule and in OAR 690-517-0010 through 690-517-0020.

(10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170

690-517-0020 - Minimum Perennial Streamflows

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest.

The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 2), shall remain in full force and effect except as follows:

(a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded;

(b) The minimum perennial streamflow for the Coquille River Middle Fork above Bear Creek (4 cfs) is rescinded;

(c) The minimum perennial streamflow for the Sixes River above the U.S. Highway 101 crossing is reduced to 25 cfs during the period from August 1 to September 30;

(d) The minimum perennial streamflow for the South Fork Coquille River near Powers is reduced to 15 cfs during the period from June 16 to September 30.

(4) For purposes of distributing water, minimum flows established in 1964 shall be considered part of and not in addition to revised minimum flow regimes.

(5) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Coquille River and tributaries when flows are below the specified levels in Table 2. This limitation shall not apply to:

(a) Domestic and livestock uses and irrigation of non-commercial gardens not exceeding 1/2 acre in area;

(b) Water legally released from storage.

[ED. NOTE: The Tables referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170

Analysis for Application: G15960

Location: 35S-14W-8-NWNE

Uses: QM P

Basins

BASIN_NUM	BASIN_NAME
17	South Coast

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZI
19	SW	2225055	3476	Lloyd VanGordon	Coos County Annex, 290 N Central St	Coquille	97

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
17	70892	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

*POD WID IS - 31730614 gw ganey
6/13/03*

County

COUNTY	FIPS
Curry	41015

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

#19

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: JUNE 20, 2003 30 day Deadline Date: JULY 21, 2003 Application #G-15960

Applicant's Name: NESIKA BEACH-OPHIR WATER DISTRICTS

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: A WELL
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow above ground in a defined channel into another water body?

YES NO SOMETIMES

If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?

YES NO

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

YES NO

If YES, please explain: _____

4) Do you agree with the water availability recommended period of use?

YES NO I DON'T KNOW

If NO, why do you disagree with the recommended period of use and what period do you recommend? _____

5) Did you meet with staff from another agency to discuss this application?

YES NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

YES NO

If YES, please explain: _____

Comments: _____

Name: MITCH LEWIS Date: 7-22-03 Title: WATERMASTER DIST. 19

WRD Contact: Caseworker: JERRY GAINNEY, Water Rights Division, 503-378-8455 ext: 458

Fax: 503-378-6203 / e-mail: Jerry.W.Gainey@state.or.us

RECEIVED

JUL 23 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Revised: 02/13/03

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Developed 6/27/97 - revised 2/13/03)

- fish** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.
- odfw** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.
- B54b** The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- b54c** The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.
- b54m** The permittee may be required in the future to install, maintain, and operate fish screening devices to prevent fish from entering the proposed diversion.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to _____ through _____.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.
- no id yet** (futile call) The use of water allowed herein may be made only at times when waters from the (SPRING OR WHATEVER) would not otherwise flow into a tributary of the (WHATEVER) River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- 4a** This use of water shall be limited when it reduces the flow of water in (NAME OF STREAM).(name of stream).
- pispc** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- no id yet** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

RECEIVED

JUL 23 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Conifer

Form 2 - Lower Columbia/Statewide

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: JUNE 20, 2003 30 day Deadline Date: JULY 21, 2003

Application # G-15960

Applicant's Name: NESIKA BEACH-OPHIR WATER DISTRICTS

SOURCE OF WATER: **GROUNDWATER** SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: A WELL
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

NO / **YES** Species: Coho Status: Sensitive, **Threatened**, Endangered

What stage or value is at risk (circle all that apply): Spawning, Incubation, **Rearing**, **Passage**, **Habitat Value**

2) Will the proposed use result in a **LOSS** in the essential habitat of **THREATENED OR ENDANGERED SPECIES** or a **NET LOSS** in the habitat of a **SENSITIVE SPECIES**?

NO / **YES**

- A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]
- B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO / **YES** [690-33-330(3)]

Which conditions are recommended from the attached Menu of Conditions?

BS7 - totalizing flow meter

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / **YES** [690-33-330(4)]

If YES, please explain: _____

ODFW RECOMMENDATION:

- Approval with fishery conditions.
- _____ Approval without fishery conditions.
- _____ Denial.

ODFW Representative: Name: *Jerry Gainey* Date: 7-22-03

WRD Contact: Caseworker: JERRY GAINEX, Water Rights Division, 503-378-8455 ext: 458
Fax: 503-378-6203 / e-mail: Jerry.W.Gainey@state.or.us

MEMO TO FILES

SUBJECT: G-15960 and S-85514

FROM: Jerry Gainey

Date: August 15, 2003

Per discussion with Kim Grigsby, August 15, 2003, she has been receiving telephone calls from concerned citizens about the above subject applications filed by Nesika Beach-Ophir Water District, from the local newspaper public notice.

Celebrations

Bob Houck of Port Orford had a birthday this past week, and Mark Jones and Caroline Barnes are moving away from Port Orford. These two events were celebrated with a large gathering which included Doug and Ruth Jamieson, Scott Meecun family, Valerie Boum, Ed and Laurie Houck, Linda Houck, Shelly Sweet and daughter, Evelyn, Carol Daniels, George and Brenda Korte, Julie and Laura Watson, Brandon O'Rourke, Rich and Denneta Jamieson, Gina Schnell, Marie and Milo Arnesen, Carol and Jerry McDonald, Steve and Elaine Keenan, Donna Owens, Bob and Donna Mylands, Gayla Conwell and Sheri Robinson.

Hospital update

Claire Ellison of Langlois is recovering from knee surgery but finding it a slow process. We hope everything is better soon.

Reunions

Frank and Jane Cramer of Port Orford attended a family reunion at Silver Falls east of Salem. Joel and Megan Cramer of Canby, Peggy and John Grimes of Pleasant Hill, Bruce and Mauy Cramer, Jesse and

and Lee Killead of Port Orford.

• Bob and Maurene Reding of Phoenix, AZ have been visiting Guy and Pam Lawrence of Port Orford. They enjoyed the cooler weather and not the 117-degree heat that exists south of here.

• Jim and Peggy Lindberg with their granddaughter Rachel Craig of Stanfield, OR visited with Donna Lindberg, Marie Barrington and Lucile Douglas in Port Orford this past week.

• Several out of town visitors have been visiting with Vern and Beth Magnuson in Port Orford including a grandson Randy Sabin of Powers; great grandson Ryan Sabin of Cedar City, UT; Rose and Skip Tackett of Bakersfield, CA; Stephanie and Dan Tackett with three children of Bakersfield, and Sharon Montgomery of Roseburg.

• Betty McArdle and Michael Brown of Portland visited with Walt and June Sabin in Langlois one day last week.

• Jeri Thurkow of Port Orford had long time friends Dick and Peggy Cabo of Medford here to visit and enjoying the Oregon Coast and the cooler weather.

sure list contains the names of those appearing in the list as the respective owners of tax delinquent properties, a description of each such property as the same appears in the latest tax rolls, the year or years for which taxes, special assessments, fees, or other charges are delinquent on each property, together with the principal amount of each year and the amount of accrued and accruing interest thereon through September 22, 2003

TO ALL PERSONS OR PARTIES ABOVE-NAMED, and to all persons owning or claiming to own, or having or claiming to have any interest in any property included in the foreclosure list above set forth, being the Curry County tax foreclosure list:

YOU ARE HEREBY REQUIRED TO TAKE NOTICE THAT Curry County, Oregon, has filed in the Circuit Court of the State of Oregon for Curry County, an application to foreclose the lien of a taxes shown on the 2003 Curry County tax foreclosure set forth, and that Curry County, as plaintiff, will apply to the court for judgment and decree foreclosing such tax liens not less than thirty (30) days from the date of the publication of this notice.

Any and all persons interested in any of the real property included in this foreclosure list are required to file answer and defense, if any there be, to such application for judgment and decree within thirty (30) days from the date of the publication of this notice, which date is August 13, 2003.

Notice of this foreclosure proceeding is given under ORS 312.04 (1) by one (1) publication of the foregoing foreclosure list in the Curry County Reporter, a newspaper of general circulation in Curry County, Oregon. This notice is pursuant to an order of the board of county commissioners for Curry County, Oregon, made and entered on the 9th day of July, 2003. The date of the publication of this foreclosure list is the 13th day of August 2003.

Isabella Brock
CURRY COUNTY TAX COLLECTOR
 CURRY COUNTY, Oregon
 Steve C. Gibbons
 DEPUTY DISTRICT ATTORNEY
 CURRY COUNTY, Oregon

Public Notice

NOTICE OF WATER USE REQUEST

Regarding Applications #S-85514 and #G-15960

The Oregon Water Resources Department is evaluating the request by Nesika Beach-Ophir Water District to use 1.0 cubic foot per second of water from Greggs Creek, for quasi-municipal use. The proposed source of water is located within Curry County, Township 35 South, Ranger 14 West, Section 20. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

ORS 537.130 (3) requires notice to all affected landowners. ORS 537.130 (4) allows this notice to be made through publication for three consecutive weeks in a local newspaper if there are more than 25 landowners involved.

For further information contact the Water Resources Department Water Rights Information Group at 1 (503) 378-8455 ext. 201. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97301-4172.

Publish: August 13, 20, and 27, 2003

Public Notice

PUBLIC INVITATION TO BID

The Curry County Fair Board invites sealed bids for the demolition and removal from the Curry County Fairgrounds that structure commonly known as the 4-H Livestock Pavilion.

The work involves demolishing the building commonly known as the 4-H livestock pavilion at the Curry County Fairgrounds in Gold Beach, Oregon. This is a steel based building, with some drywall and insulation in the interior. The structure is approximately 100 ft x 200 ft x 16 ft with 9 clear span girders across the 100 ft dimension, approximately 25 ft apart for the 200 foot length of the building. There is a concrete base along the perimeter of the building and footings for the girders as well as a concrete floor in the north end of the building, all of which require removal. Certain light fixtures and other miscellaneous items are to be salvaged and will remain the property of the Curry County Fair. Grading of the site upon removal of the building and footings is to be done with drainage of storm water taken into consideration. Electrical, water, and sewer services are to be protected and preserved during the demolition

Case No.	2003 FORECLOSURE LIST Interest as of 09/22/03	08/08/ Page
BARNES, MARK G & CAROLYN B R16531 3315-0580-00301-00	2-1 *1999-00 1,122.01 2000-01 1,295.75 2001-02 1,293.27 2002-03 1,331.42 TOTALS 5,042.45	658.59 552.00 544.87 142.02 1,747.48
BENNETT, BARBARA J R21620 3215-32DA-01300-00	2-1 *1999-00 527.04 2000-01 602.94 2001-02 591.44 2002-03 614.07 TOTALS 2,335.49	309.20 257.26 157.72 65.50 789.68
BODENSTAB, CURT F & MARI ANNE R14039 4013-34 -00103-00 ACRES 2.38	17-3 *1999-00 71.65 2000-01 186.34 2001-02 216.47 2002-03 227.11 TOTALS 699.37	39.35 79.43 57.19 74.22 200.19
HORTON, DONALD W R12188 4014-12B -00304-00	27-6 *1999-00 283.26 2000-01 248.68 2001-02 337.38 2002-03 336.99 TOTALS 1,206.31	166.18 106.10 89.97 35.94 398.19
MULLEN, DANIEL W R16771 4014-25CB-02700-00 SPLIT CODE W/17-3 143310, ACRES 5.00	17-7 *1999-00 58.77 2000-01 1,136.85 2001-02 1,411.81 2002-03 1,409.32 TOTALS 4,016.75	32.13 485.05 376.48 150.33 1,043.99
MULLEN, IOLA M R16835 4014-25CB-02800-00 SPLIT CODE W/17-3 R21273, ACRES 5.00	17-7 *1999-00 67.95 2000-01 897.65 2001-02 1,122.71 2002-03 1,120.78 TOTALS 3,209.09	37.14 382.99 299.39 119.55 839.07
SPARKS, SUSIE M29263 4014-12B -00304-00	27-6 *1999-00 56.61 2000-01 56.02 TOTALS 112.63	33.21 23.91 59.32



Oregon

Theodore R. Kulongoski, Governor

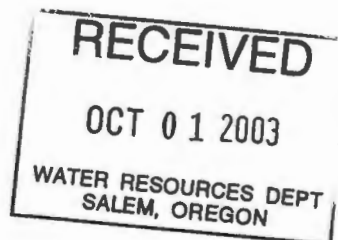
Department of Fish and Wildlife

Gold Beach District Office
29907 Airport Way
PO Box 642
Gold Beach, OR 97444
(541) 247-7605
FAX (541) 247-2321



September, 30, 2003

Jerry Gainey
Water Resources Department
725 Summer St. NE
Salem, OR 97301-1271



RE: Applications #S-85514 & G-15960, Proposed Final Orders
Nesika Beach-Ophir Water District (Quasi-Municipal Use)

Dear Jerry:

The ODFW previously provided review of the above referenced applications at the Initial Review stage. We are satisfied that the conditions placed on the Proposed Final Orders should adequately protect fisheries resources in Greggs Creek. However, we have several additional comments regarding the longer-term operation of the Water District.

In the short-term Greggs Creek is likely the most feasible source of additional water for the District. Greggs Creek provides several advantages such as providing an alternate water source and improving the hydraulics of the water system. However, Greggs Creek provides a rather limited water source and as use of the proposed water rights increases there is a greater likelihood of significant impact to fisheries resources. The ODFW would prefer that the Water District concentrate on developing G-15960 rather than S-85514. Using a well would likely mitigate the impact on surface flow to some degree even though the well may be hydraulically connected to surface water.

The Water District also needs to consider adopting policy/rules to provide for curtailment measures when water supplies are short and possibly a tiered rate structure to discourage excessive water use.

In the longer-term the Water District should be considering purchasing additional water from the Army Corps of Engineers (Lost Creek Dam) and/or connecting to the City of Gold Beach water system. These options may not currently be feasible. However, in the future such options will likely become more cost effective and have the additional benefit of lesser impacts to fish and wildlife resources.

Please call if you have any questions.

Sincerely,

Todd Confer
District Fisheries Biologist
South Coast District

C: Alan Wagner, Nesika Beach-Ophir Water District

Affidavit of Publication

STATE OF OREGON }
COUNTY OF CURRY } SS

Public Notice

NOTICE OF WATER USE REQUEST

Regarding: Applications #S-85514 and #G-15960

The Oregon Water Resources Department is evaluating the request by Nesika Beach-Ophir Water District to use 1.0 cubic foot per second of water from Greggs Creek, for quasi-municipal use. The proposed source of water is located within Curry County, Township 35 South, Ranger 14 West, Section 20. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

ORS 537.130 (3) requires notice to all affected landowners. ORS 537.130 (4) allows this notice to be made through publication for three consecutive weeks in a local newspaper if there are more than 25 landowners involved.

For further information contact the Water Resources Department Water Rights Information Group at 1 (503) 378-8455 ext. 201. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97301-4172.

Publish: August 13, 20, and 27, 2003

I, *Jim Walker*
being first duly sworn, depose and say that I am
the *Publisher*
of the *Curry County Reporter*, a newspaper of
general circulation, as defined by sections
193.010 and 193.020 O.R.S.; and published at
Gold Beach in the aforesaid county and state;
that the *Nesika Beach-Ophir Water District* —
Notice of Water Use Request
a printed copy of which is hereto annexed, was
published in the entire issue of said newspaper
for *3 (Three)*
successive and consecutive weeks in the follow-
ing issues: *August 13, 20, & 27, 2003*

Signed *Jim Walker*

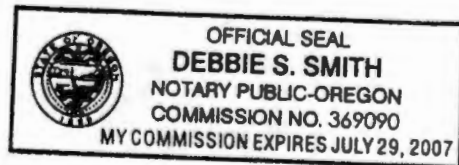
Subscribed and sworn to before me this

27 day of *August*, 20*03*

Debbie S. Smith

Notary Public of Oregon

(My Commission expires *July 29, 2007*.)



RECEIVED

SEP 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85514

Proposed Final Order

Prior to issuance of a permit, recording fees must be submitted to the Department. If submitted before October 1, 2003, the fee is \$175.00; if submitted on or after October 1, 2003, the fee is \$250.00. In order to increase Department efficiency and expedite the processing of your application, please submit the necessary fees prior to the protest deadline of October 10, 2003. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to October 10, 2003 issuance of a permit will be delayed.

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On March 25, 2003, NESIKA BEACH-OPHIR WATER DISTRICT submitted an application to the Department for the following water use permit:

- Amount of Water: 1.0 cubic foot per second (CFS)
- Use of Water: Quasi-Municipal use
- Source of Water: Greggs Creek, a tributary of Pacific Ocean
- Area of Proposed Use: Curry County within Section 8, Township 35 South, Range 14 West, W.M.

On May 9, 2003, the Department mailed the applicant notice of its Initial Review, determining that "The use of 1.0 cubic foot per second from Greggs Creek, a tributary of the Pacific Ocean for quasi-municipal use is allowable year-round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On May 13, 2003, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

RECEIVED
SEP 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Department has determined an error was made in the Initial Review as to the maximum rate/volume of water to be used based upon water availability. The findings of the Initial Review should be corrected to reflect the maximum rate/volume of water as 1.0 cubic foot per second (CFS); being 1.0 CFS from November 1 through June 30; 0.9 CFS from July 1 through July 31; 0.7 CFS from August 1 through August 31; 0.6 CFS from September 1 through October 31.

The South Coast Basin Program allows the use of water for quasi-municipal use.

Senior water rights exist on Greggs Creek, a tributary of Pacific Ocean, or on downstream waters.

Greggs Creek, a tributary of Pacific Ocean is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) during the full season requested.

The Department finds that the amount of water requested, 1.0 CFS, is an acceptable amount.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives

Affidavit of Publication

STATE OF OREGON }
COUNTY OF CURRY } SS

Public Notice

NOTICE OF WATER USE REQUEST

Regarding Applications #S-3518 and #G-15960

The Oregon Water Resources Department is evaluating the request by Nesika Beach-Ophir Water District to use 1.0 cubic foot per second of water from Greggs Creek, for quasi-municipal use. The proposed source of water is located within Curry County, Township 35 South, Ranger 14 West, Section 20. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

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For further information contact the Water Resources Department Water Rights Information Group at 1 (503) 378-8455 ext. 201. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97301-4172.

Publish: August 13, 20, and 27, 2003

I, *Jim Walker*
being first duly sworn, depose and say that I am
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Gold Beach in the aforesaid county and state;
that the *Nesika Beach-Ophir Water District* —
Notice of Water Use Request
a printed copy of which is hereto annexed, was
published in the entire issue of said newspaper
for *3 (Three)*
successive and consecutive weeks in the follow-
ing issues: *August 13, 20, & 27, 2003*

Signed *Jim Walker*

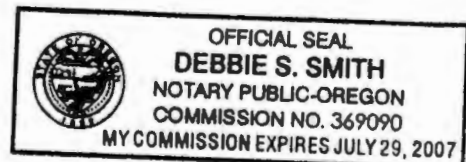
Subscribed and sworn to before me this

27 day of *August*, 20*03*

Debbie S. Smith

Notary Public of Oregon

(My Commission expires *July 29, 2007*)

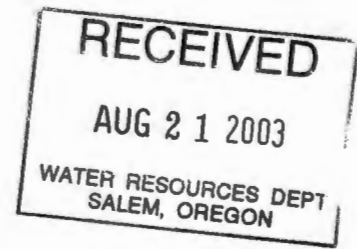


RECEIVED

SEP 3 0 2003

WATER RESOURCES DEPT.
SALEM, OREGON

August 20, 2003



Oregon Water Resources Dept.
158 12th Street N.E.
Salem, Oregon 97301-4172

Attention: Jerry Gainey
Water Rights Division

Re: Applications #S-85514 and #G-15960

Filed by Nesika Beach-Ophir Water District to use 1.0 cubic foot per second of water from Greggs Creek, for quasi-municipal use.

Please send to me a copy of the proposed final order for the above referenced applications. Enclosed is the required \$10.00 fee for said request.

Please inform me of all possible ways that I can be kept informed of any activities or decisions on these applications.

I have a filed water right that has been placed in beneficial use for over 20+ years on a tributary of Greggs Creek. Greggs Creek is an anadromous stream with steelhead and cutthroat trout. During this time of year there is barely a trickle of water in Greggs Creek. The proposed applications do not represent the best interests of the stream nor the water district's future water needs.

Thank you for sending a copy of the proposed final order along with the continuing proceedings on these applications.

Sincerely,

A handwritten signature in black ink that reads "Larry Kammer". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Larry Kammer
95307 Greggs Creek Road
Gold Beach, Oregon 97444
541-247-6612

← PFO mailed 8/27/03
-JCB

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **62250**

INVOICE # _____

RECEIVED FROM: Larry W. Kammer APPLICATION S-85514
 BY: _____ PERMIT _____
 TRANSFER _____

CASH: CHECK: # 10210 OTHER: (IDENTIFY) _____
 TOTAL REC'D \$ 10.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	<u>661111</u>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	<u>PFO Copy</u>	\$ <u>10.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		\$
		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
_____	OTHER (IDENTIFY)	_____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

RECEIPT: **62250** DATED 08/21/03 BY: Paul Taylor

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **62250**

158 12TH ST. N.E.
 SALEM, OR 97301-4172
 378-8455 / 378-8130 (FAX)

INVOICE # 6-15960x

RECEIVED FROM: Larry W. Kammer
 BY: _____

APPLICATION	<u>S-85514</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 10210 OTHER: (IDENTIFY)

TOTAL REC'D \$ 10.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY)	\$
_____	OTHER: (IDENTIFY)	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	<u>66111</u>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	<u>PFO Copy</u>	\$ <u>10.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	0219 \$
_____	OTHER (IDENTIFY)		0220 \$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
_____	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

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

RECEIPT: **62250** DATED 08/21/03 BY: Paul Taylor

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

8-14-03

Jerry Mainey -

ENCLOSED IS CHECK FOR \$20.00 PLEASE SEND ME COPY'S OF PROPOSED FINAL ORDER OF APPLICATIONS

S - 85514 AND
G - 15960

RECEIVED
AUG 18 2003
WATER RESOURCES DEPT
SALEM, OREGON

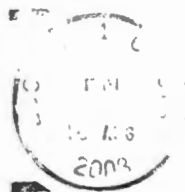
AND PLEASE NOTE THAT EVERY RESIDENT OF GREGG'S CREEK VALLEY IS ADAMANTLY OPPOSED TO THIS REQUEST. GREGG'S CREEK IS AN ANADROMOUS STREAM IN WHICH ENDANGERED CUTTHROAT TROUT AND WILD STEELHEAD SPAWN - THE WATER LEVEL IN SUMMER IS 500 LOW THAT ANY WATER, MUCH LESS 1 C.F.S. TAKEN FROM THE CREEK WOULD CAUSE THE DOOM OF THESE NATIVE FISH. TODD CONFER OF THE GOLD BEACH O.D.F.W. AGREES AND HE WILL BE RESPONDING - PLEASE MAKE NOTE OF THIS IN YOUR FILE - THANK YOU

GOLD DEPT
97444

1242
P.O. 1242 OR.

PAUL SMITH
541-247-0404

PAUL SMITH
P.O. 1242
G.B. OR. 97444



OR. WATER RESOURCES
158 12TH ST. NE.
SALEM, OR.

ATTN.
JERRY GAINNEY

97301-4172
373014172

STATE OF OREGON
WATER RESOURCES DEPARTMENT

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **62172**

INVOICE # _____

RECEIVED FROM: S. Paul Smith

APPLICATION	
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK: # X 1603 OTHER: (IDENTIFY)

\$20.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
	OTHER: (IDENTIFY)		\$

0427 WRD MISCELLANEOUS ACCT

MISCELLANEOUS **661111**

0407	COPY & TAPE FEES		\$20.00
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:		EXAM FEE	RECORD FEE
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0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

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	OTHER (IDENTIFY)		

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0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

OTHER / ADD

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

RECEIPT: **62172**

DATED 08/18/03 BY: Paul Taylor

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



Oregon

Theodore R. Kulongoski, Governor

June 27, 2003

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

NESIKA BEACH-OPHIR WATER DISTRICTS
32892 NESIKA RD
GOLD BEACH, OR 97444

Reference: File G-15960

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except as otherwise noted below.
2. The use of water from a well in Greggs Creek Basin for quasi-municipal uses is **allowable** under OAR 690-517, the South Coast Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely Greggs Creek. Therefore limitations to the surface water source must be applied to this application also.
4. Water in the amount of 1.0 cubic foot per second (CFS) for quasi-municipal uses is **available** November 1 through June 30; and further limited to 0.9 CFS in July; 0.7 CFS in August; 0.6 CFS in September; 0.6 CFS in October. The limitations during the period July through October is due to water availability.
5. The Department has determined that because there are more than 25 landowners involved in the proposed use, you must run a notice of the application in a local newspaper. Please refer to the **ADDITIONAL INFORMATION REQUIRED** section below for specific information.



Summary of Initial Determinations

The use of 1.0 cubic foot per second (CFS) from a well in Greggs Creek Basin for quasi-municipal uses is allowable November 1 through June 30; 0.9 CFS July 1 through July 31; 0.7 CFS August 1 through August 31; 0.6 CFS September 1 through September 30; and 0.6 CFS October 1 through October 31.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Additional Information Required:

- **Since there are more than 25 land owners involved in the proposed use, the Department requests that you must run a notice of the application for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The language to be used in the advertisement of the application is attached. A copy of the affidavit of publication needs to be submitted to the Department following completion of the notice period. The affidavit does not need to be submitted by the date identified below. However, please inform the Department that this process has been initiated by Thursday, July 31, 2003.**

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, July 11, 2003**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The priority date for this application is March 25, 2003.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

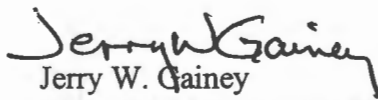
WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application is in an area in which an Agricultural Water Quality Management Area Plan is being developed. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Paul Measeles, (503) 986-4778 at the ODA to learn more about the plan and how it may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-378-8455 extension 201. Feel free to call me at 503-378-8455 extension 458 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: 503-378-6203.

Sincerely,


Jerry W. Gainey
Water Right Processing Technician

enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15960
wab 17-31730614
pou 17-70892
gw a

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-15960

Applicant: NESIKA BEACH WATER DISTRICT; OPHIR WATER DISTRICT

County: Curry

Watermaster: 19

Priority Date: March 25, 2003

Source: A WELL IN GREGGS CR BASIN

Use: QUASI-MUNICIPAL USES

Quantity: 1.0 CUBIC FOOT PER SECOND

Basin Name & Number: South Coast, #17

Stream Index Reference: Volume 3 BASIN 17 MISC

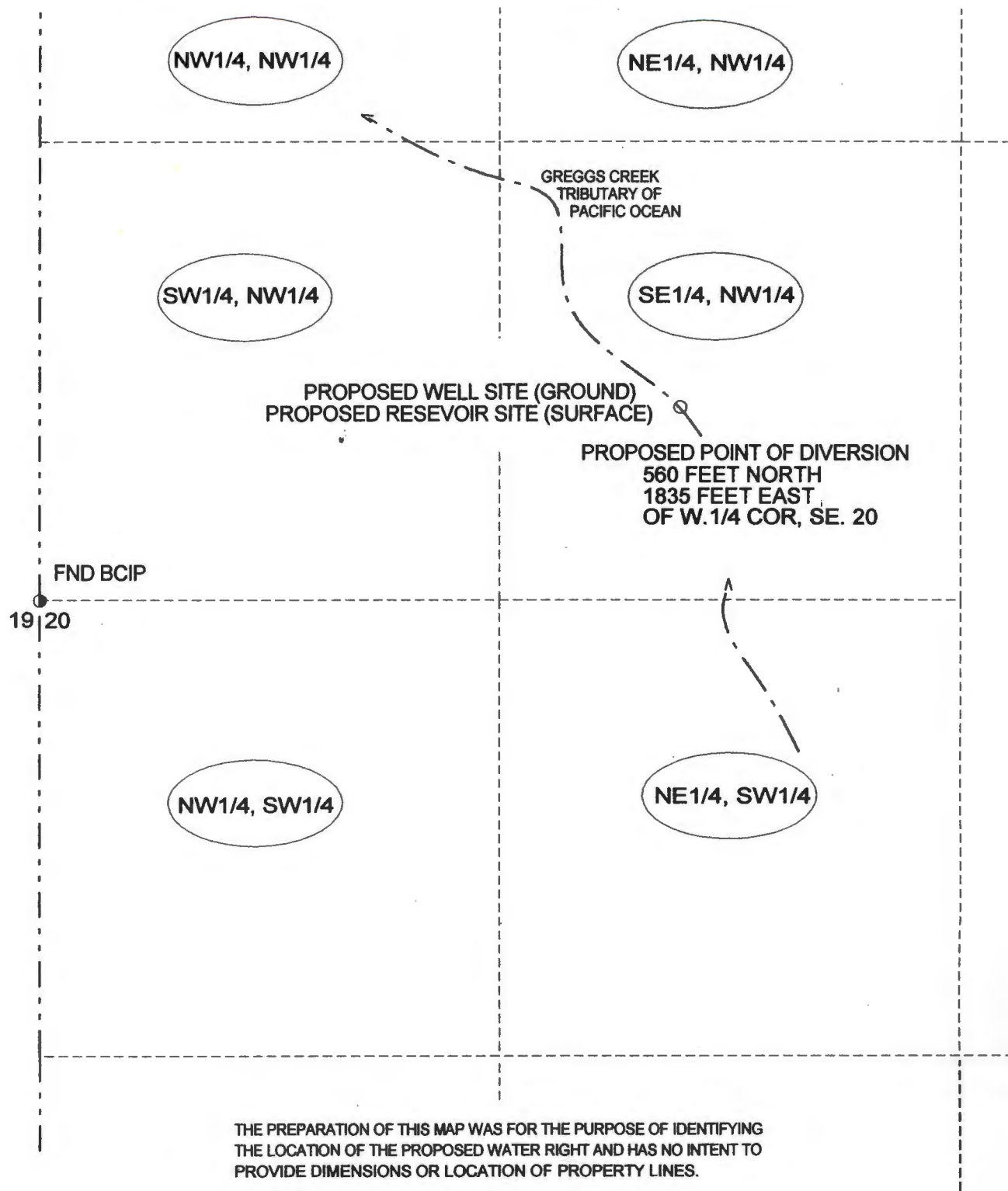
Point of Diversion Location: SENW SECTION 20, T35.0S, R14.0W, W.M.; 560 FEET NORTH
& 1835 FEET EAST FROM W1/4 CORNER, SECTION 20

Place of Use: NWNW QUASI-MUNICIPAL USES, SECTION 8, TOWNSHIP 35.0 SOUTH,
RANGE 14.0 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 11, 2003

PUBLIC NOTICE DATE: Tuesday, July 1, 2003

30 DAY COMMENT DEADLINE DATE: Thursday, July 31, 2003



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

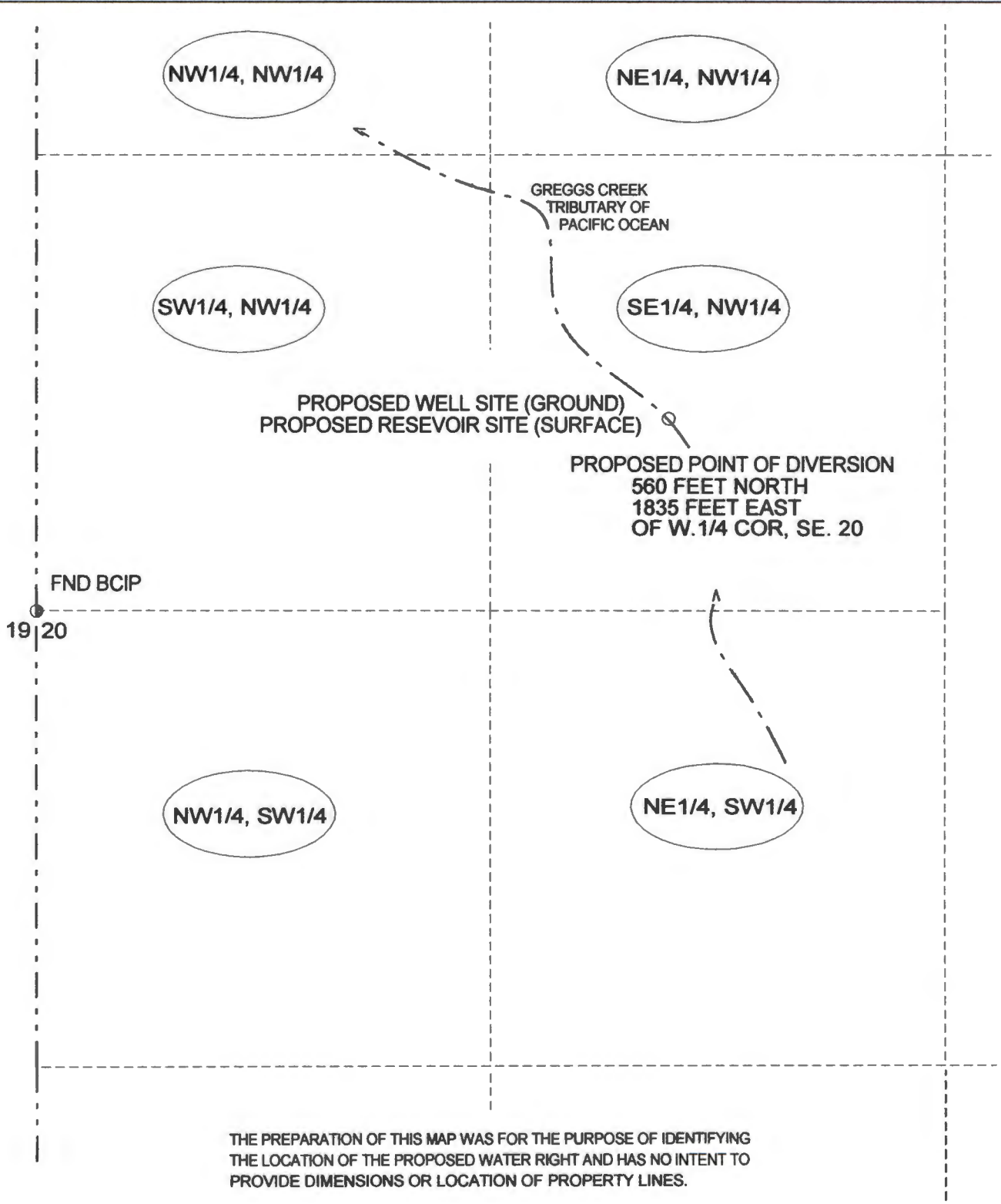
SE 1/4, NW 1/4, SECTION 20
T. 35 S., R. 14 W., W. M.

JULY 2002

*App # G-15960
Permit #*



Certified Water Right Examiner
#366
R. J. Miller



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

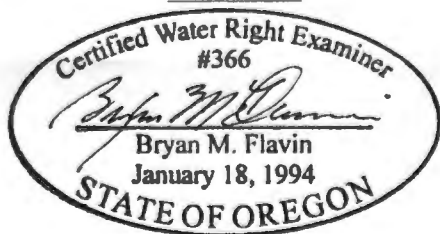
WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
 T. 35 S., R. 14 W., W. M.

JULY 2002

*App # G-15960
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APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICTS
 32892 NESIKA ROAD
 GOLD BEACH, OREGON 97444

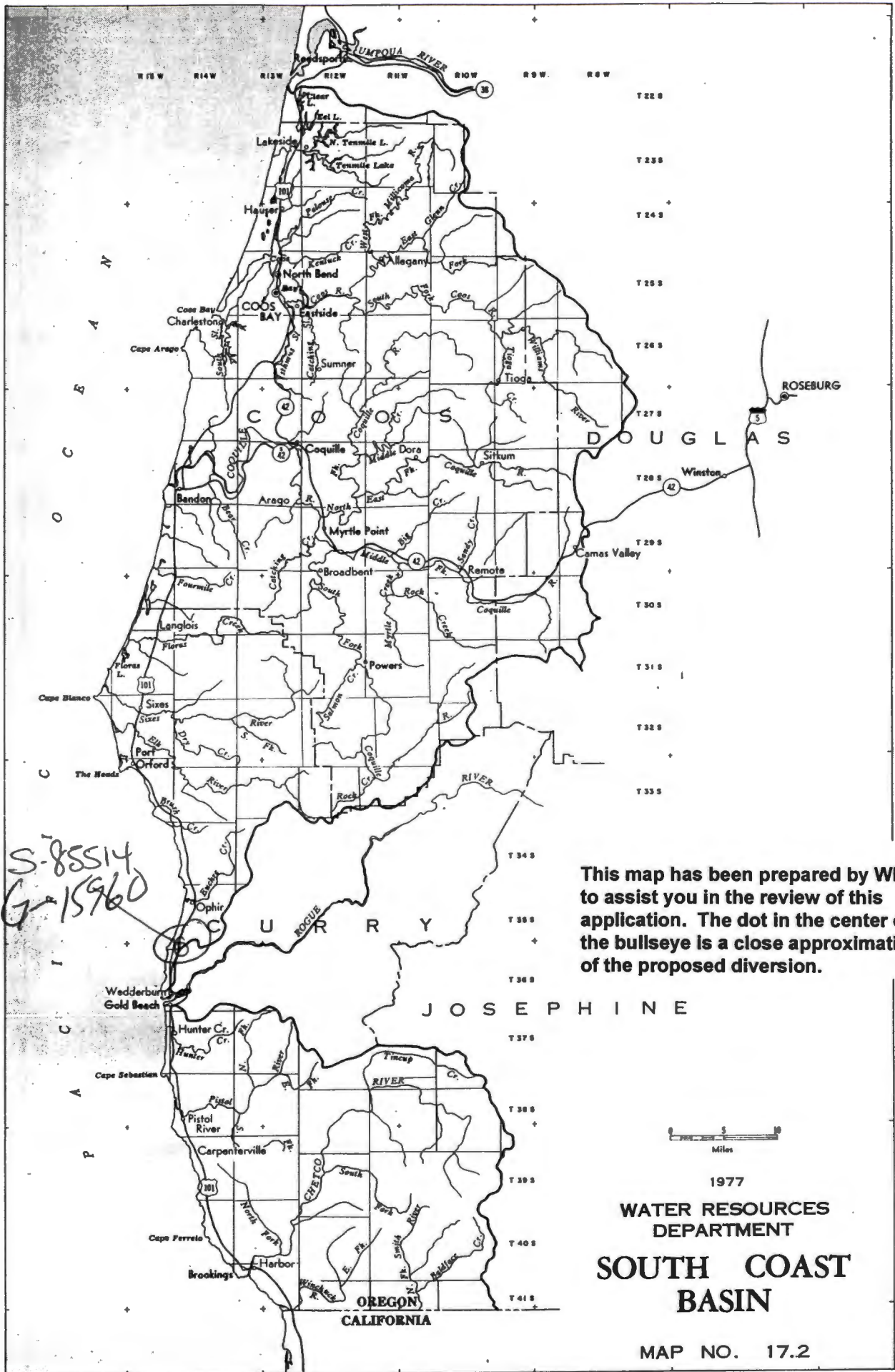
BRYAN FLAVIN LAND SURVEYING
 BRYAN M. FLAVIN
 REGISTERED LAND SURVEYOR
 CERTIFIED WATER RIGHTS EXAMINER
 32053 SQUAW VALLEY ROAD
 GOLD BEACH, OREGON 97444
 541-247-6485
 CWRE #366

EXPIRES 12/31/03

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S-85514
G-15960

This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.



1977
 WATER RESOURCES
 DEPARTMENT
**SOUTH COAST
 BASIN**

MAP NO. 17.2

WATER USES, PROJECTED NEEDS

1. POPULATION AND GROWTH:

	Current (year: 2002)	2020	2030	2040	2050	2060	2070
Population:	1440	2588	2859	3158	3488	3853	4256
Growth rate:		3%	1%	1%	1%	1%	1%

2. EXISTING WATER RIGHTS AND PERMITS:

Groundwater:

Permit/Application number	Description	Amount	Priority Date
37549	Rogue River Well	0.2 cfs	4/18/67
G13613	Rogue River Well	0.5 cfs	3/99

Surface Water:

Permit/Application number	Description	Amount	Priority Date
---------------------------	-------------	--------	---------------

Pending permits:

Permit/Application number	Description	Amount	Priority Date
---------------------------	-------------	--------	---------------

3. EXISTING AND FUTURE WATER USE:

Current peak demand:	Current (year: 2002)	
peak hourly	370 gpm, 0.53 MGD	0.82 cfs.
peak day	0.6 cfs	peak daily withdrawal
Current water use:	56,940,000 gal/yr	
	Current (year: 2002)	2020
Peak day demand (gallons/capita/day):	271	271
Peak daily demand (MGD):	0.39	0.70
Average daily demand (gallons/capita/day):	109	109
Average summer demand (gallons/capita/day):	167	167

4. EXPLANATION FOR PROJECTED GROWTH RATE:

From 1980 to 2000 the district growth rate ranged from 2.60% to 3.75%. The District Board adopted a 3% growth rate for planning 20 year supplies & related infrastructure. Long term growth was expected at 1% per year after the 1st 20 year period.

5. EXPLANATION FOR EXTENSION TIME PERIOD:

N/A.

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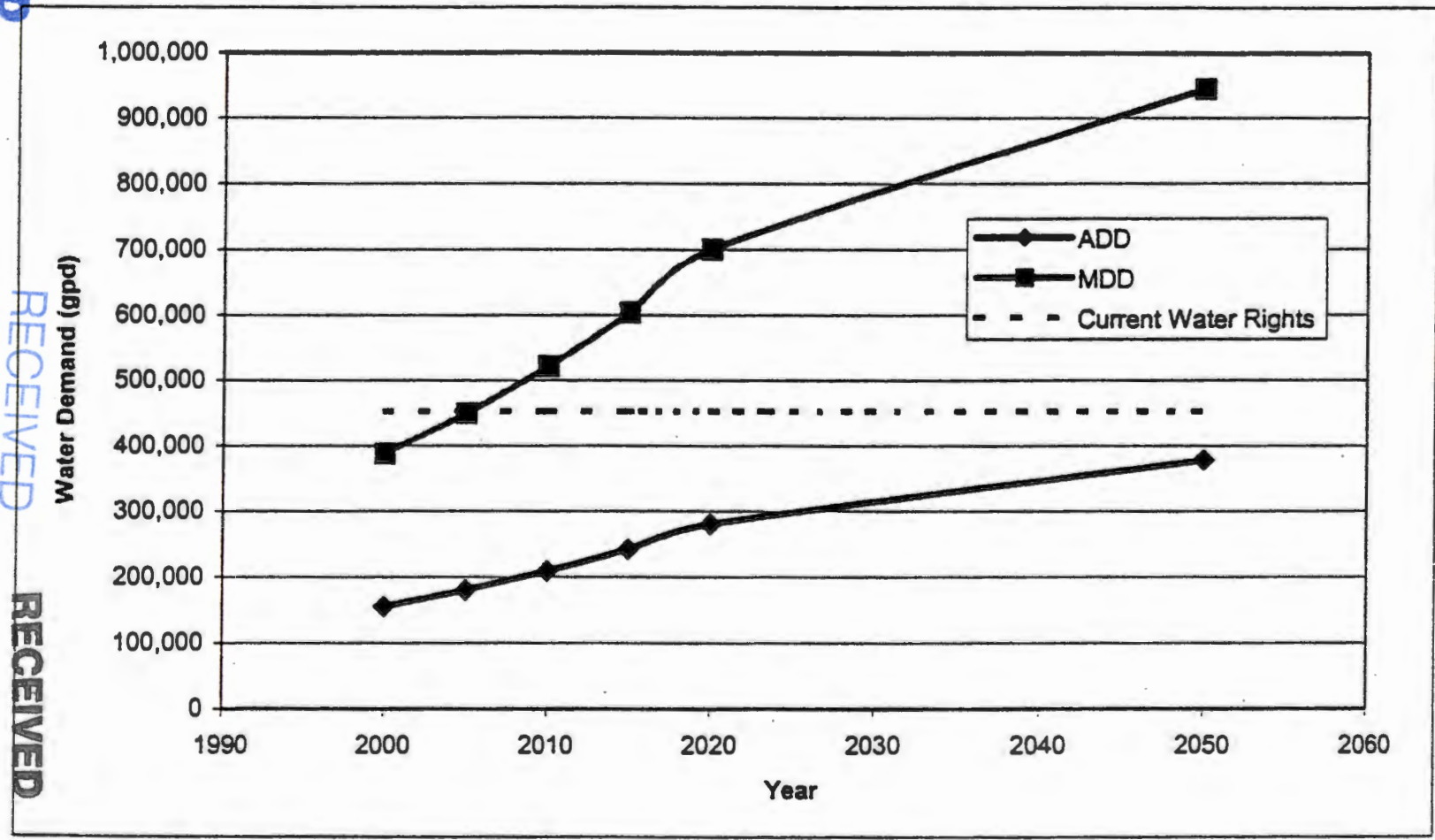


Figure 5.3.1 - Projected Water Demands

app # 6.15960

PROPERTY ADDRESS	MAP NUMBER	ACCOUNT	R12047
FIRING VIRGINIA FT AI	3514-20C-00500-00	X Number	
DENNIS MACFY FTAI		CROSS REF ACCOUNTS	
	ZONING	ASSESSED VALUE	7 420
549 SOUTHGATE ROAD	RCR10	TAXES	71 72
	TAX CODE AREA		
SACRAMENTO CA 95815	12-1	Taxes Owing	

Property is Specially Assessed Potential Additional Tax Liability

LAND	ACRES	4 81	CLASS	R41	TEN MARKET VALUE	55 970
IMPROVEMENTS	SQUARE FEET		CLASS		TEN MARKET VALUE	
DAMAGE	YEAR BUILT	0	ADDITIONAL RESOURCES			

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OWNER NAME AND ADDRESS	MAP NUMBER	ACCOUNT	R12047
FIRING VIRGINIA FT AI	3514-20C-00500-00	7 NUMBER	
DENNIS MACFY FTAI		CROSS REF ACCOUNTS	
		ASSessed VALUE	7420
549 SOUTHWATE ROAD	RCP10	TAXES	7172
		Taxes Owing	
SACRAMENTO CA 95815	12-1		

Property is Specially Assessed Potential Additional Tax Liability

LAND	ACRES	4.81	CLASS	R41	REAL MARKET VALUE	55,970
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
GARAGE	YEAR BUILT	0	ADDITIONAL RESIDENCES			

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OWNER NAME JOHN & MARGA R	MAP NUMBER 3514-200-00400-00	ACCOUNT R11981
3755 OLD MILITARY ROAD	ZONING RCR2.5	CROSS REF ACCOUNTS
CENTRAL POINT OR 97502	TAX CODE AREA 12-1	ASSESSED VALUE 36 880
STREET ADDRESS		TAXES 331 74
		Taxes Owning

LAND	ACRES 1.6	CLASS 13	REAL MARKET VALUE 44 640
IMPROVEMENT	SQUARE FEET	CLASS	REAL MARKET VALUE
YEAR BUILT			
ADDITIONAL RESIDENCES			

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OWNER NAME AND ADDRESS	MAP NUMBER	ACCOUNT	R1191R
FIRING VIRGINIA FT AI	3514-20C-00300-00	X Number	
DENNIS MACFY ETAL			
549 SOUTHGATE ROAD	RCR10	ADDED VALUE	19 730
SACRAMENTO CA 95815			
STATUS ADDRESS	TAX CODE AREA	TAXES	100 41
	12-1		

Taxes Owing

Property is Specially Assessed Potential Additional Tax Liability

LAND	NOTES	617	CLASS	R41	REAL MARKET VALUE	165 700
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
LAND	YEAR BUILT	0				
			ADDITIONAL RESIDENCES			

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OWNER'S FULL NAME AND ADDRESS	MAP NUMBER	ACCOUNT	IR11676
IMFRFDITH FARI & MONA	3514-200-00205-00	X Number	
IP O BOX 396	IRCR10	ADDED VALUE	67 110
IGNO D BEACH OR 97444	TAX CODE AREA	TAXES	669.90
	124		
STATUS ADDRESS			
195181 GREGGS CREEK RD			Taxes Owing
IGNO D BEACH OR 97444			

LAND	ACRES	1.28	CLASS	131	REAL MARKET VALUE	46 750
IMPROVEMENT	SQUARE FEET	384	CLASS	111	REAL MARKET VALUE	24 680
DAMAGE	YEAR BUILT	1995	ADDITIONAL RESIDENCES			

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ROBERTS RUSSELL J ET AL
 WASHINGTON KARMIN JAYE FTAL
 PO BOX 1494
 GND BRACH OR 97444
 95191 GREGGS CREEK RD
 GND BRACH OR 97444

3514-200-00206-00
 RCR10
 124

ACCOUNT R11736
 X Number
 ORDER BY ACCOUNTS
 ASSESSED VALUE 51 100
 TAXES 523 4F
 Taxes Owning

LAND	ACRES	1.26	CLASS	131	NET MARKET VALUE	46 750
IMPROVEMENTS	SQUARE FEET	924	CLASS	FS4	NET MARKET VALUE	17 640
GARAGE	YEAR BUILT	1978	ADDITIONAL RESOURCES			

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DEFENNIS MACFY	3514-20C-00204-00	ACCOUNT	R18623
		A NUMBER	
		CROSS REF ACCOUNT	
549 SOUTHGATE ROAD	RCR10	ACQUIRED VALUE	200 240
		TAXES	1 887 88
SACRAMENTO CA 95818	124		
95175 GREGGS CREEK RD			Taxes Owning
GONDREACH OR 97444			

Property is Specially Assessed Potential Additional Tax Liability

LAND	ACRES	2.58	CLASS	1641	REAL MARKET VALUE	151 250
IMPROVEMENTS	SQUARE FEET	3 720	CLASS	1141	REAL MARKET VALUE	192 970
GARAGE	YEARS BUILT	1994				
			ADDITIONAL RESIDENCES			

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OWNER NAME AND ADDRESS	MAP NUMBER	ACCOUNT	R11604
KI'FINSCHMIT JOE D TRUSTEE	3514-200-00203-00	X Number	
195169 GREGGS CREEK ROAD	RCR10	ASSOCIATED VALUE	39 550
IGNO D BEACH OR 97444	TAX CODE AREA	TAXES	417 80
	124		
195169 GREGGS CREEK RD		Taxes Owning	
IGNO D BEACH OR 97444			

LAND	ACRES	1 8	CLASS	191	TOTAL MARKET VALUE	48 590
------	-------	-----	-------	-----	--------------------	--------

IMPROVEMENTS	SQUARE FEET		CLASS	200	REAL MARKET VALUE	15 360
GARAGE	YEAR BUILT	0				
			ADDITIONAL RESIDENCES			

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OWNER NAME AND ADDRESS	MAP NUMBER	ACCOUNT
WILLSON DAN O & DOROTHY J	3514-20C-00202-05	1M30914
		TX Number
		TX00162964
195171 GREGGS CREEK ROAD		
		ADDED VALUE
		32 590
IGNID BEACH OR 97444		
	TAX CODE AREA	
	124	TAXES
		302 14
STATUS ADDRESS		Taxes Owning
195171 GREGGS CREEK RD		
IGNID BEACH OR 97444		

LAND	ACRES	CLASS	REAL MARKET VALUE
	0r	1m5	
IMPROVEMENTS	SQUARE FEET	CLASS	REAL MARKET VALUE
	11 782	1MD6	45 340
DAMAGE	YEAR BUILT	ADDITIONAL REMEDIES	
	1980		

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ROSS GERALD R & SUE C. CO-TRSTF	3514-200-00001-00	ACCOUNT NUMBER	R11062
		TRACT NUMBER	
		DEVELOPER ACCOUNT	
PO BOX 5510	ROR10	ASSESSED VALUE	1610
		TAX CODE AREA	
BRONKINGS OR 97415	12-1	TAXES	231F
STREET ADDRESS			

Taxes Owning

Property is Specially Assessed Potential Additional Tax Liability

LAND	ACRES	9.36	CLASS	164f	REAL MARKET VALUE	156,000
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
GARAGE	YEAR BUILT	0				
			ADDITIONAL RESIDENCE			

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OWNER NAME AND ADDRESS	MAP NUMBER	ACCOUNT
MIRI RN BRIAN A	3514-200-00201-00	R11535
		X Number
1810 SW 26TH AVENUE #6	RCR10	
		ASSESSED VALUE
		31 470
PORTLAND OR 97219	TAX CODE AREA	
	12-1	TAXES
		285 71
		Taxes Owning

LAND	ACRES	4.96	CLASS	43	REAL MARKET VALUE	36 520
IMPROVEMENT	SQUARE FEET		CLASS		REAL MARKET VALUE	
SMALL	YEAR BUILT	0				
			ADDITIONAL RESIDENCE			

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OWNER: JEFFERY DEAN & ROBYLY	MAP NUMBER: 3514-20C-00200-00	ACCOUNT: R11477
P.O. BOX 75	ZONING: RCR10	
PHIR OR 97464	TAX CODE AREA: 124	ADDED VALUE: R3760
SITE ADDRESS:		TAXES: R222F
95215 GREGGS CREEK RD		Taxes Owning
GOLD BEACH OR 97444		

LAND	ACRES: 1.81	CLASS: 131	REAL MARKET VALUE: 148,600
IMPROVEMENTS	SQUARE FEET: 1,560	CLASS: FD4	REAL MARKET VALUE: 149,390
BARGE	YEAR BUILT: 1990		
		ADDITIONAL RESOURCES	

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MILNER GEORGE F & KARIN F	3514-00 -02800-00	ACCOUNT	R18276
HAWKINS TIMOTHY MICHAEL CP		7 NUMBER	
		CROSS REF ACCOUNTS	
HAWKINS TIMOTHY MICHAEL	ROR2.5	ADDED VALUE	37.920
95061 GREGGS CREEK ROAD		TAXES	340.00
IGNID REACH OR 97444	12-1		
SITUS ADDRESS			Taxes Owning

LAND	ACRES	2.00	CLASS	13	REAL MARKET VALUE	45.810
IMPROVEMENTS	SQUARE FOOT		CLASS		REAL MARKET VALUE	
GARAGE	CAR BUILT	0				
			ADDITIONAL RESIDENCES			

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OWNER'S NAME AND ADDRESS	MAP NUMBER	ACCOUNT	R18405
CONNOR, JOHN I & MARCIA R	3514-00 -02803-00	X Number	
3755 OLD MILITARY ROAD	IFG	GROSS BLY ADJUSTS	
		ASSESSED VALUE	74 810
CENTRAL POINT OR 97502		TAX CODE AREA	
STATUS ADDRESS	12-1	TAXES	670 RF
			Taxes Owing

LAND	ACRES	44.9F	CLASS	43F	REAL MARKET VALUE	112 470
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
BASES	YEAR BUILT	0				
			ADDITIONAL RESIDENCES			

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6-159600

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HAWKINS TIMOTHY M & SALLY ANN	3514-00 -02802-00	ACCOUNT	R1R336
		X Number	
195061 GREGGS CREEK ROAD	RGR25	ASSESSOR VALUE	185 040
IGNI D BEACH OR 97444	12-4	TAXES	1 748 77
STATUS ADDRESS			
195061 GREGGS CREEK RD			Taxes Owing
IGNI D BEACH OR 97444			

LAND	ACRES	1.91	CLASS	131	REAL MARKET VALUE	159 100
IMPROVEMENTS	SQUARE FEET	1 772	CLASS	142	REAL MARKET VALUE	153 890
GARAGE	YEAR BUILT	1998				
			ADDITIONAL RESIDENCES			

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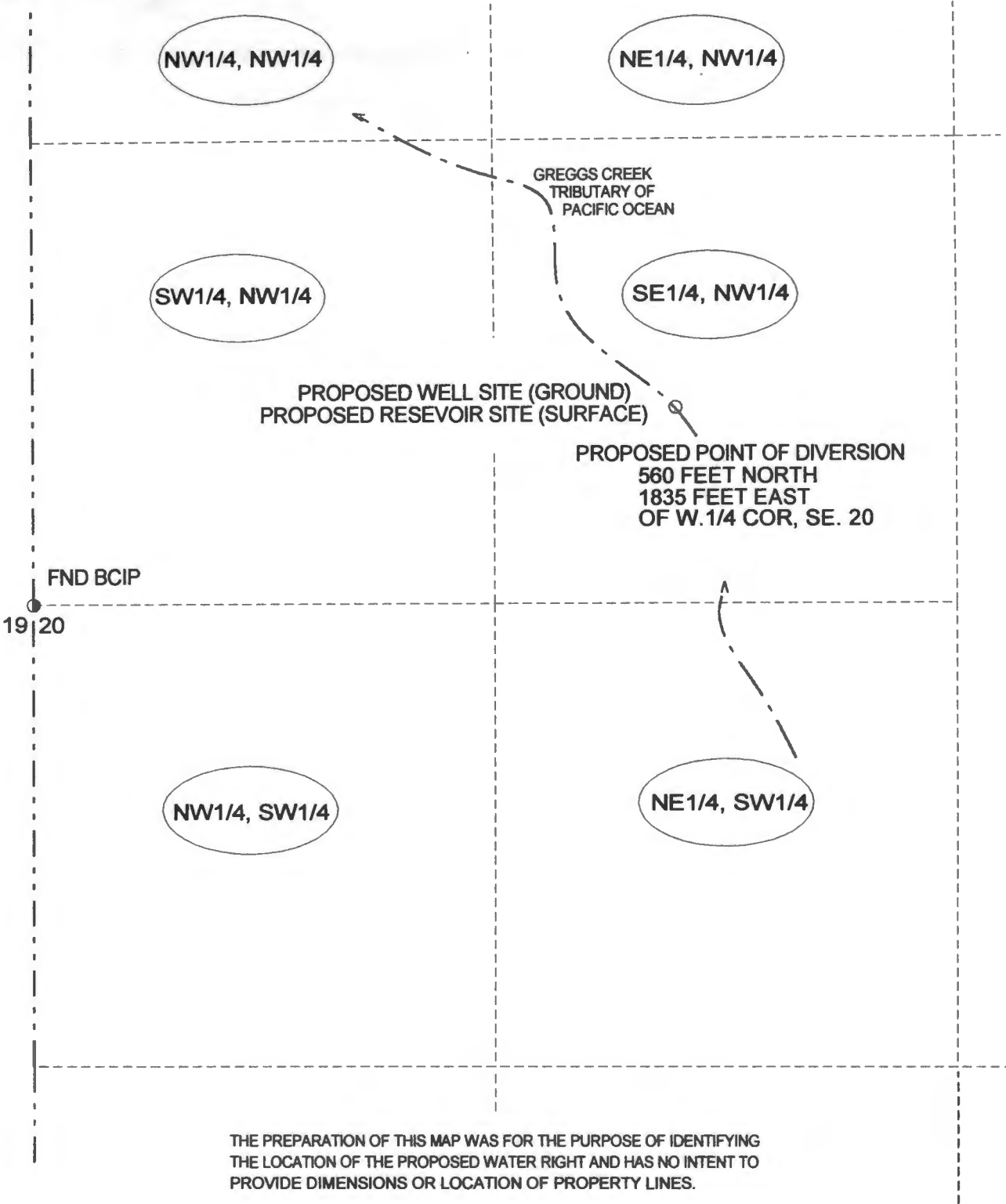
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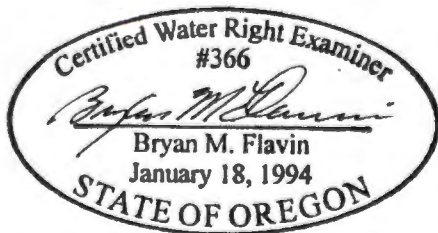
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
T. 35 S., R. 14 W., W. M.
JULY 2002

App # 6.15960
Permit #



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APPLICANT

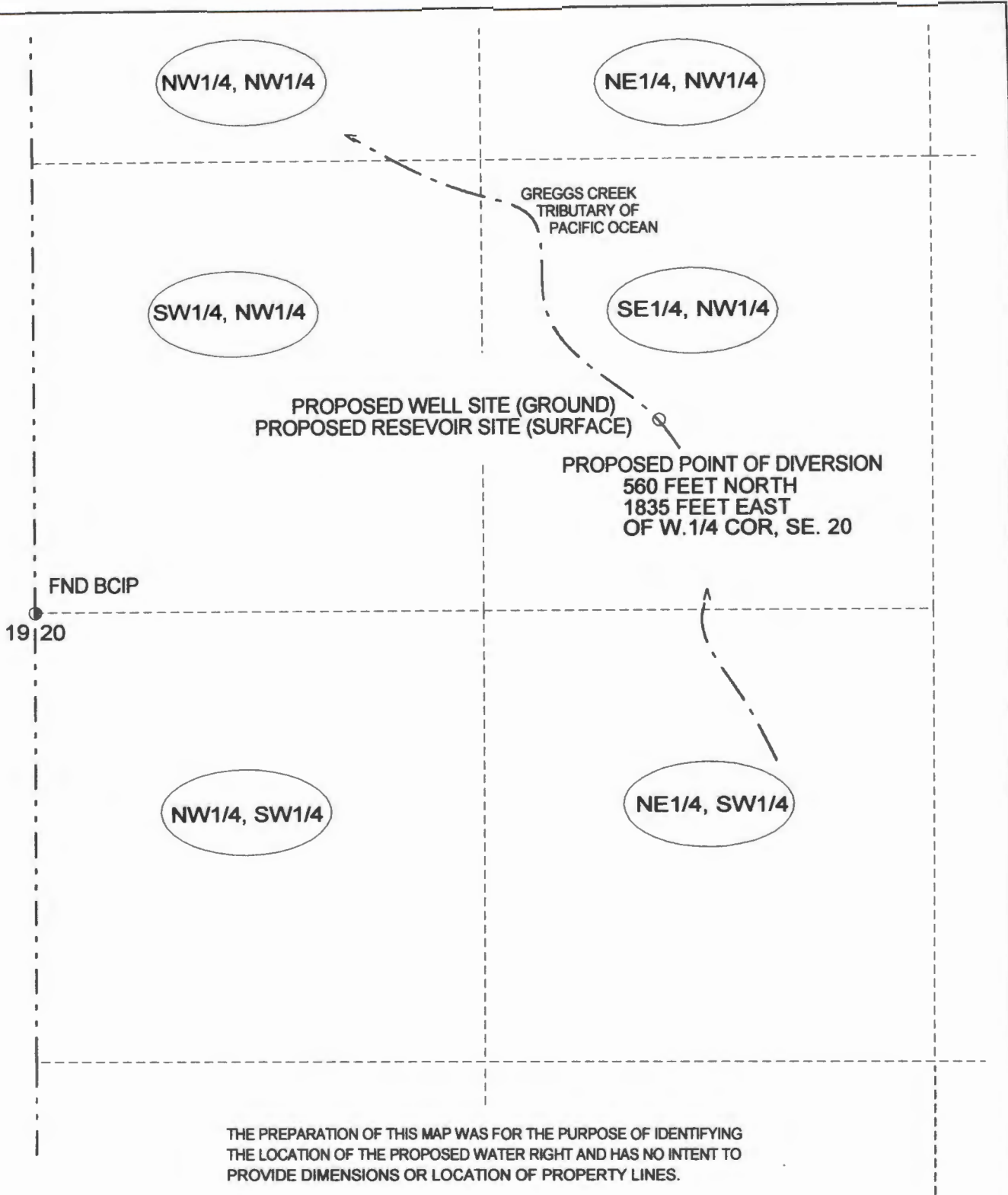
NESIKA BEACH/OPHIR WATER DISTRICTS
32892 NESIKA ROAD
GOLD BEACH, OREGON 97444

BRYAN FLAVIN LAND SURVEYING
BRYAN M. FLAVIN
REGISTERED LAND SURVEYOR
CERTIFIED WATER RIGHTS EXAMINER
32053 SQUAW VALLEY ROAD
GOLD BEACH, OREGON 97444
541-247-6485
CWRE #366

EXPIRES 12/31/03

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WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

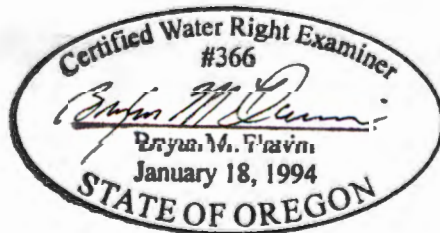
SE 1/4, NW 1/4, SECTION 20
 T. 35 S., R. 14 W., W. M.

JULY 2002

App # G. 15960
 Permit #



1" = 400'



EXPIRES 12/31/03

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APPLICANT

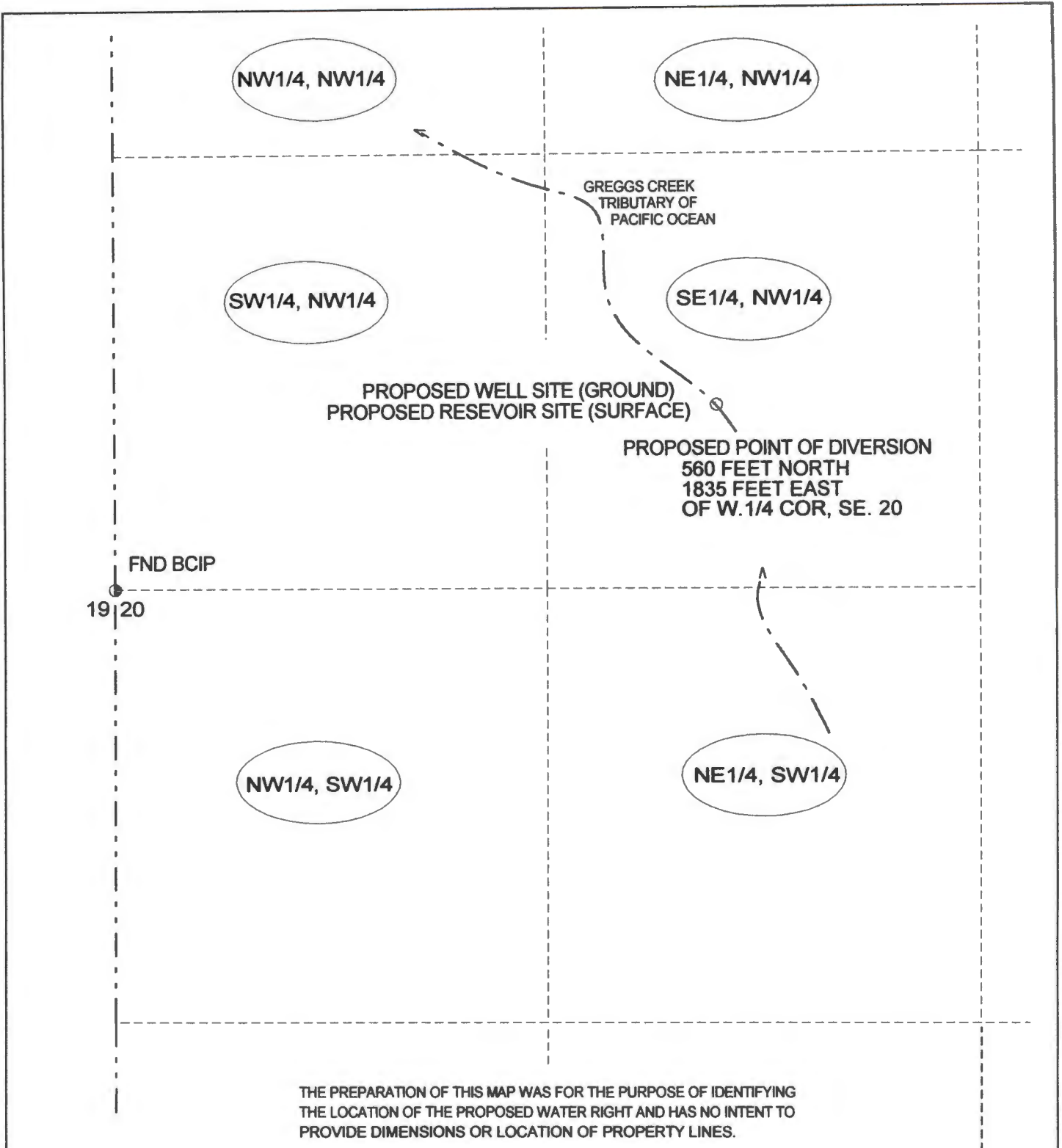
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 32892 NESIKA ROAD
 GOLD BEACH, OREGON 97444

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 CERTIFIED WATER RIGHTS EXAMINER
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19 20

PROPOSED WELL SITE (GROUND)
PROPOSED RESEVOIR SITE (SURFACE)

PROPOSED POINT OF DIVERSION
560 FEET NORTH
1835 FEET EAST
OF W. 1/4 COR., SE. 20

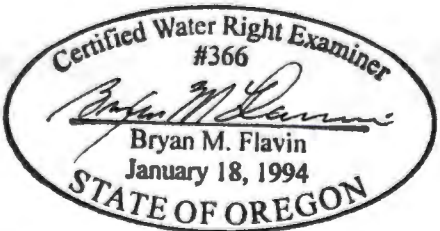
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WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
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Permit #



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APPLICANT

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BRYAN M. FLAVIN
REGISTERED LAND SURVEYOR
CERTIFIED WATER RIGHTS EXAMINER
32053 SQUAW VALLEY ROAD
GOLD BEACH, OREGON 97444
541-247-6485
CWRE #366

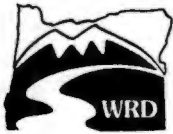
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NESIKA BEACH/OPHIR WATER DISTRICTS
32892 NESIKA ROAD
GOLD BEACH, OREGON 97444

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State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97301-4172
(503)378-8455 • (503)378-3739
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

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1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____

_____ City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: NESIKA BEACH - OPHIR WATER DISTRICTS

Name and title of person applying: BOARD OF DIRECTORS

Mailing address of organization: 32892 NESIKA ROAD

GOLD BEACH OREGON 97444
City State Zip

Phone: 541 247 2614
Day Evening

*Fax: 541 247 9684 *E-Mail address: nbwd@harhorside.com

*Optional information

For Department Use		
App. No. <u>G-159600</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Ground water Development.")
- No Please check the appropriate box below.
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

SEE ACCOMPANYING COUNTY TAX ROLL SHEETS AND COUNTY TAX MAPS

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 1 B. Name of nearest surface water body: GREGGS CREEK

C. Distance from well(s) to nearest stream or lake: 1) 1000 FEET

2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 10 FEET ±

2) _____ 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: DESIGNED BY OREGON REGISTERED PROFESSIONAL ENGINEER

Address: SHI CONSULTING ENGINEERS & GEOLOGISTS, INC.
598 ANDERSON AVENUE, COOS BAY, OR 97420

Completion date: MAY 31, 2004

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2. Please provide a description of your well development. (Attach additional sheets if needed.)

SEE ATTACHED SHEETS

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N/A

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 600
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

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B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	GREGGS CREEK	DOMESTIC	448.48 1111 GPM	138 MILLION	448.48 1111 GPM

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 448.48
~~1111~~ GPM
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: JAN 1 THROUGH DEC 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: N/A
(This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) 35 HP VERTICAL TURBINE
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
Diameter 12" Length 1 MILE
- Other (describe) _____

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C. Application/Distribution Method

What equipment will you use to apply water to your place of use? DOMESTIC WATER
METERS

Irrigation or land application method (check all that apply):

- Flood
- Drip
- Hand lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____
- High-pressure sprinkler
- Water cannons
- Wheel lines
- Low pressure sprinkler
- Center pivot system

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

SEE NESIKA BEACH - OPHIR WATER MANAGEMENT PLAN

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin JUNE 1, 2003

Proposed date construction will be completed MAY 31, 2004

Proposed date beneficial water use will begin JUNE 1, 2004

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

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8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Andy Colby
Signature of Applicant

3-21-03
Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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Oregon Water Resources Department Land Use Information Form

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This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: NESIKA BEACH - OPHIR WATER DISTRICTS

Address: 32892 NESIKA ROAD

City: GOLD BEACH State: OR Zip: 97444 Day Phone: 541-247-2614

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

ALL PROPERTIES LAWFULLY WITHIN NESIKA BEACH/OPHIR WATER DIST.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>354-20</u>	<u>RURAL COMMUNITY RESIDENTIAL (RCR)</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
	<u>RURAL COMMERCIAL (RC)</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. CURRY - WITHIN DIST. BOUNDARIES

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): QUASIMUNICIPAL

Briefly describe: ADDITIONAL WATER SOURCE FOR DISTRICTS. DISTRICT IS A PUBLIC WATER SYSTEM OPERATED AS A SPECIAL DISTRICT IN OREGON, CURRENTLY SERVING 600 EQUIVALENT USERS

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1.0 CFS GPM Acre-Feet APP# G-159600

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 3.091 / 3.131. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies:	
		Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: DIANNE L. SNOW Date: 02/27/03
 Title: SENIOR PLANNER Phone: (541) 247-3304
 Signature: Dianne L. Snow

C. Additional Comments

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

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Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)



Oregon Water Resources Department

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FORM M

FOR MUNICIPAL AND QUASI-MUNICIPAL WATER SUPPLIES **RECEIVED**

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

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SALEM, OREGON

Background Information

Name of water supplier: Nesika Beach Ophir Water District

Name and size of area to be served: 5.1 square miles
(in square miles)

Present population of service area: 1440
(Contact county planning staff, if needed.)

Projected population in 20 years: 2588 Based upon District water system master plan.
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

Date of Issuance:	Natural Source of Water:	Amount Permitted:	Utilization:
<u>4/18/67</u>	<u>Rogue River Well</u>	<u>0.2 cfs</u>	<u>0.2 cfs</u>
<u>3/99</u>	<u>Rogue River Well</u>	<u>0.5 cfs</u>	<u>0.4 cfs</u>

Water Use

Average yearly demand: 174.75 AFY Year: 2002

Per-capita daily consumption (in gallons): 109
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 7/1 to 10/31 Total peak season demand: 903 Acre-feet

Peak season per-capita daily consumption: 167
(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:
produced: 174.75 AFY
(diverted or pumped)

delivered: 139.8 AFY

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Is your system fully metered? Yes No

Describe your rate structure: base rate w/ escalating tier for increased usage
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

app #
6-15960

Request for Water

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other): existing source is inadequate

for demands after year 2006. New source proposed is
located in center of District close to greatest demand. New
source provides redundancy in supply.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) 2050

C. Briefly discuss operation of water system and the most constraining component of the system:

Existing source is on North Bank of Rogue River approximately
10 miles from end of system. This location requires high pump
pressures which increase losses. High iron content requires excessive
flushing. Existing source is a junior water right and inadequate for

D. Percentage of water use by type: 20 year growth.

Residential: 69%

Commercial: 10%

Public Authority: 1%

Agricultural: _____

Unaccounted for use: 20% Ave.

Industrial: _____

Other (specify use): _____

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

Purchase water from Gold Beach \$710,000 construction +
\$78,000/year whole sale purchase. New source with surface
water treatment system is \$950,000 and \$55,000/year
operating costs. Surface water source has a present worth value of \$40,000
savings.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

Leak detection has reduced water loss from 30% to 10% in the
last year, however, more line failures have increased losses in recent
months. If losses can be maintained at 10% per capita usage
will drop to 89% of current usage. See Water Management Plan on file
at Water Resources Department in Salem, OR, for conservation measures
implemented by District.

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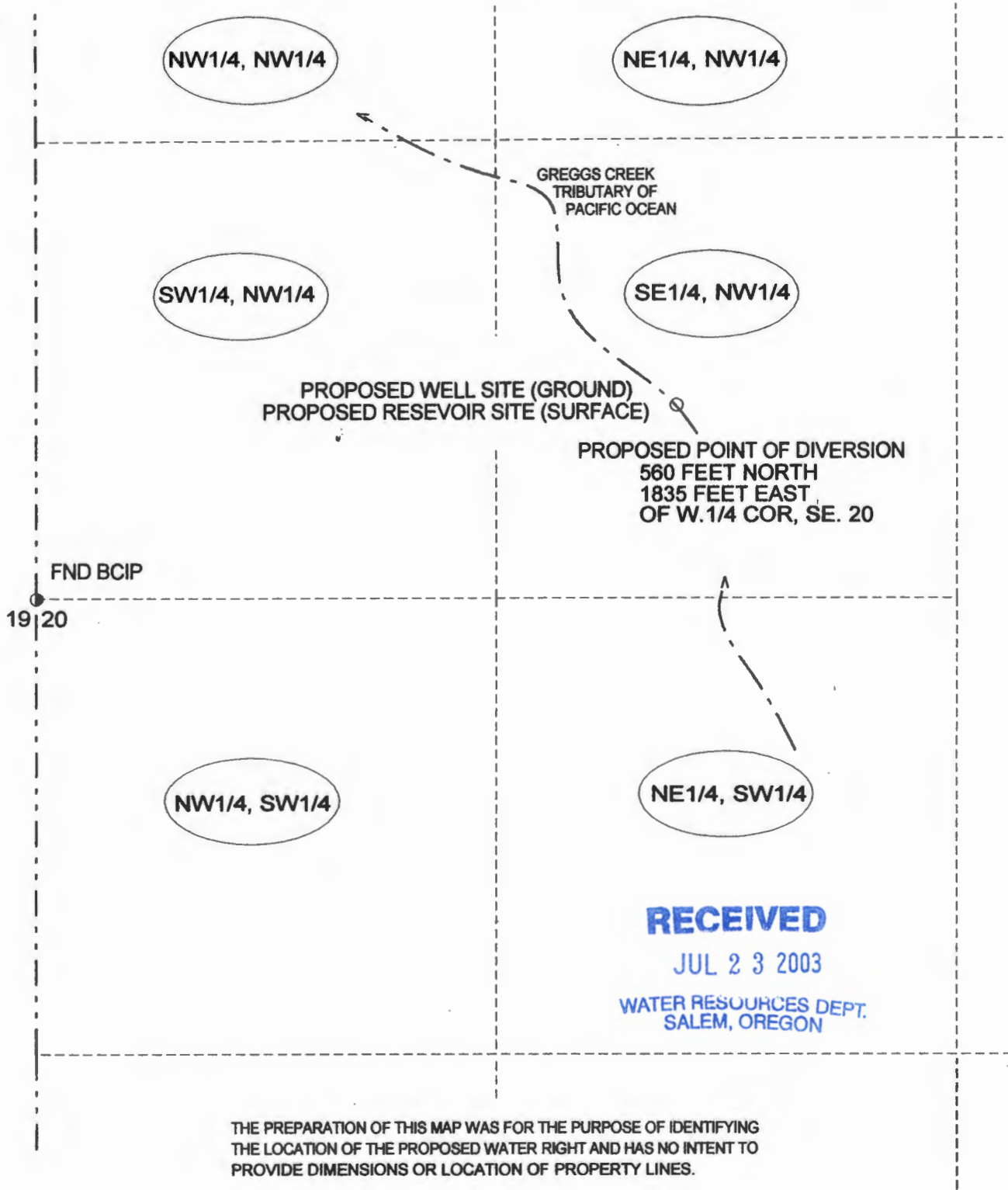
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Last revision: April 9, 1996

APP#
6-15960



PROPOSED WELL SITE (GROUND)
 PROPOSED RESEVOIR SITE (SURFACE)

GREGGS CREEK
 TRIBUTARY OF
 PACIFIC OCEAN

PROPOSED POINT OF DIVERSION
 560 FEET NORTH
 1835 FEET EAST
 OF W. 1/4 COR, SE. 20

FND BCIP

19 20

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WATER RESOURCES DEPT.
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THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING
 THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO
 PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

IN THE NAME OF

NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
 T. 35 S., R. 14 W., W. M.

JULY 2002

App # G-15960
 Permit #



Certified Water Right Examiner
 #366
[Signature]

WELL DESIGN SPECIFICATIONS

WELL WILL BE CONSTRUCTED IN ACCORDANCE WITH OAR 690-200 THROUGH 220 AND OAR 333-61-50 (2).

WELL DESIGNS WILL BE REVIEWED BY OREGON HEALTH DIVISION DRINKING WATER SECTION.

DESIGNS, SPECIFICATIONS AND PLANS WILL BE PREPARED BY AN OREGON REGISTERED CIVIL ENGINEER AND/OR ENGINEERING GEOLOGIST.

app# 6-15960

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Oregon

March 7, 2003
Governor R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

APP #
G. 15960

NESIKA BEACH – OPHIR WATER DISTRICT
BOARD OF DIRECTORS FOR DISTRICTS
32892 NESIKA ROAD
GOLD BEACH OR 97444

Dear Applicant:

The Water Resources Department has received your applications to use or store water. At this time, however, we are unable to accept your applications because they do not meet minimum filing requirements.

Please provide the following information with regard to your Surface and Ground Water Applications:

Please submit an additional \$75.00 with your \$800.00 returned check, to complete the total examination fees cost.

- Your "Application for a Permit to Use **Surface Water**" examination fee is \$400.00.
- Your "Application for a Permit to Use **Ground Water**" examination fee is \$475.00.
(Note: You are asking for 500 G.P.M from your well, which is 1.11 C.F.S.)
- **Please complete page three, item 2.** Well development, of your "Application for a Permit to Use Ground Water." You wrote: "See Attached Sheets." Nothing pertaining to the well development was attached.
- Please complete page six, of both your **Ground Water and Surface Water applications.** Both applications **have to be signed before the Department can accept them.**

Please provide the following information with regard to your application map:

Security enhanced document. See back for details.

NESIKA BEACH
OPHIR WATER DISTRICT
32892 NESIKA RD.
GOLD BEACH, OR 97444

1444
96-7030/3232
22

DATE Jan 24, 2003

PAY TO THE ORDER OF O.W.R.D. \$ 800.00

Exactly eight hundred DOLLARS

D. I. Soussa
Alan Weaver

P.O. Box 458
Gold Beach, OR 97444
1-800-486-9440

FOR

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant

Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED

FFR 04 2003

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

FEB 04 2003

WATER RESOURCES DEPT.
SALEM, OREGON

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant

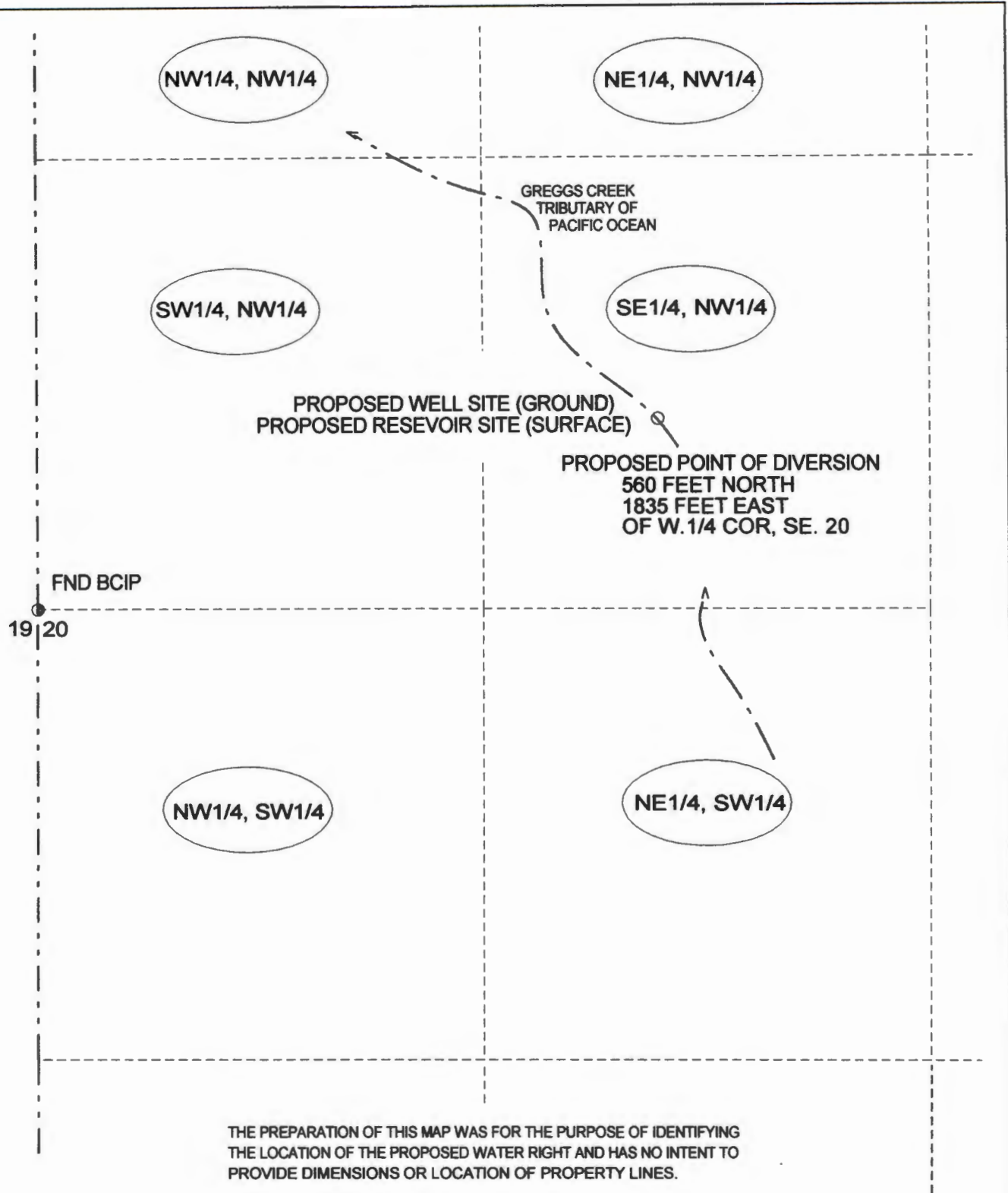
Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

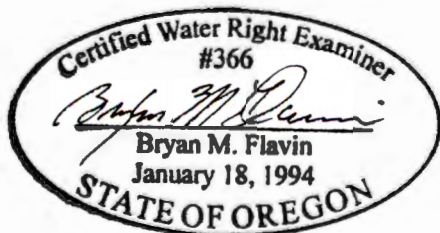
IN THE NAME OF

NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
T. 35 S., R. 14 W., W. M.

JULY 2002

1" = 400'



EXPIRES 12/31/03

BRYAN FLAVIN LAND SURVEYING
BRYAN M. FLAVIN
REGISTERED LAND SURVEYOR
CERTIFIED WATER RIGHTS EXAMINER
32053 SQUAW VALLEY ROAD
GOLD BEACH, OREGON 97444
541-247-6485
CWRE #366

APPLICANT

RECEIVED

NESIKA BEACH/OPHIR WATER DISTRICTS
32892 NESIKA ROAD
GOLD BEACH, OREGON 97444

FFR 0 4 2003

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

November 7, 2002

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

NESIKA BEACH - OPHIR WATER DISTRICTS
ATT GUY COLBY
32892 NESIKA ROAD
GOLD BEACH OR 97444

Dear Applicant:

The Water Resources Department has received your application to use or store water. At this time, however, we are unable to accept your application's because they do not meet minimum filing requirements.

In order to complete your "Applications for a Permit to Use Surface Water & Ground Water," please provide the following information:

- Please complete page 2, item **"Property Ownership"** in your **"Application for a Permit to Use Surface Water & Ground Water."** You are required to list each mailing address and name of all affected land owners with regard to your delivery system. **Note: *This does not mean that you have to list all 600 service connections; only those that requires easement to the mainline.***
- Please complete page 3, item two for your **well development information** or submit a well log for the well indicated on the application. You may wish to consult with your well constructor for assistance with completing this information if the well has not been constructed yet.
- Please indicate on **page 2 of your Surface Water Application AND page 3 of your Ground Water Application** item **Type(s) of Use(s)**, that your intended use is for **"Quasi-municipal."** Also, please complete the enclosed **supplemental form "M"** for quasi-municipal **for each application filing.**
- Please complete page 3, item **B. "USE"** in your **"Application for a Permit to Use Surface Water"** You put 1.0, but I believe that is for 1 CFS. You must indicate your intended use as **"Quasi-Municipal."**
- Please see page 4 item **B. "Source or Aquifer"** in your **"Application for a Permit to Use Ground Water."** **Greggs Creek would not be an aquifer and leads us to believe that you are applying for a surface water right instead of a ground water right. Please clarify. Are you talking about a sump? Well? Etc...**



- Please complete page 5, item C. **Application/Distribution Method** in your "Application for a Permit to Use Ground Water." You must indicate under the **Distribution System** how you intend to **distribute your water**.
- Total examination fees in the amount of \$ 875.00. Please refer to the fee worksheet enclosed. Examination fees are calculated as follows: Base fee of \$250; **plus** \$150 for the first cubic foot per second (CFS) of water or a fraction thereof; **plus** \$75 for each additional CFS, or fraction thereof.

Please provide the following information with regard to your application map for your "Ground Water Filing":


Security enhanced document. See back for details.

**NESIKA BEACH
OPHIR WATER DISTRICT**
32892 NESIKA RD.
GOLD BEACH, OR 97444

1340
96-7030/3232
22

DATE 10-30-02

PAY TO THE ORDER OF Water Resources Department \$ 200⁰⁰
Two Hundred and 10/100 DOLLARS

 **Klamath First**
P.O. Box 458
Gold Beach, OR 97444
1-800-486-9440

FOR Ground water permit

D. I. Swanson
Allen Wagner MP

©2004 American BA
GUARDIAN & SAFETY
Security features are included. Details on back.


Security enhanced document. See back for details.

**NESIKA BEACH
OPHIR WATER DISTRICT**
32892 NESIKA RD.
GOLD BEACH, OR 97444

1339
96-7030/3232
22

DATE 10-30-02

PAY TO THE ORDER OF Water Resources Department \$ 200⁰⁰
Two Hundred and 10/100 DOLLARS

 **Klamath First**
P.O. Box 458
Gold Beach, OR 97444
1-800-486-9440

FOR Surface water permit

Guy Colby
Allen Wagner MP

©2004 American BA
GUARDIAN & SAFETY
Security features are included. Details on back.



Oregon

January 31, 2003
Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

NESIKA BEACH – OPHIR WATER DISTRICT
BOARD OF DIRECTORS FOR DISTRICTS
32892 NESIKA ROAD
GOLD BEACH OR 97444

Dear Applicant:

The Water Resources Department has received your application to use or store water. At this time, however, we are unable to accept your application because it does not meet minimum filing requirements.

During the processing of our applications, it is necessary that we make many copies. It is therefore in the best interest of our process that the Department begin with as clean a copy as possible. I am sure that you can appreciate our need for clarity. It is in that respect that I am enclosing clean forms for you to work with.

In order to complete your “Application for a Permit to Use Ground Water and Surface Water, please provide the following information:

GROUND WATER APPLICATION:

- Please pay the examination fee, of \$475.00. Base fee is \$250.00; Plus \$150.00 for the first Cubic Foot Per Second (C.F.S.) or fraction thereof; and \$75.00 for each addition C.F.S. or fraction thereof.
- Please complete the enclosed, “Land Use Information Form” and have it signed by your local county planning department official. The other three land use forms were all marked for surface water only.

- NOTE: If any of your water system is located within the City of Gold Beach urban growth boundary then you will also need land use approval from the City of Gold Beach.

*2-11-03
per phone
conversation all is located out of urban growth boundaries.*

For your Surface water and Ground Water filing, please Clarify.

- Noted in your supporting paper work, (yellow graphic squares), there were mailing addresses and names of individual tax assessment records. I was not sure if this was intended to be used for the name, and mailing addresses of owners for any lands that are not owned by the applicant and that is crossed by any proposed ditch, canal or other works of the applicant. Note: The above should also include public roads and rights-of-way. Please note, for the above, on page two, of your application, item **2. Property Ownership**, if this is your intention.



Please provide the following information with regard to your application map:

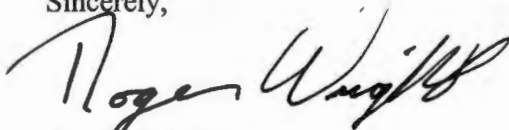
- If any of your maps are larger than 11X17, then four copies must be submitted.
- Please identify the location of your well. The well must be referenced to a recognized public land survey corner; do not measure from property lines unless they are part of the public land survey lines. The locations may be shown by distance and bearing. (EX: "400 feet South and 350 feet West of the Northeast corner of section 27").

Note: Please return any correspondence received from us so that we may accelerate the processing of your application.

The Department is returning your application, supporting data and your check for \$800.00. We can begin processing your application(s) when the information noted above is received.

If there are any questions concerning your application, you may call (503) 378-8455, extension 273.

Sincerely,



Roger Wright
Public Service Rep.
Water Rights Section

ENC(s)

cc: WM DIST "19"
GEN CORR
FISCAL

Security enhanced document. See back for details.

**NESIKA BEACH
OPHIR WATER DISTRICT**

32892 NESIKA RD.
GOLD BEACH, OR 97444

1444

DATE Jan 24, 2003

96-7030/3232
22

PAY
TO THE
ORDER OF

O.W.R.D.

\$ 800.00

Exactly eight hundred

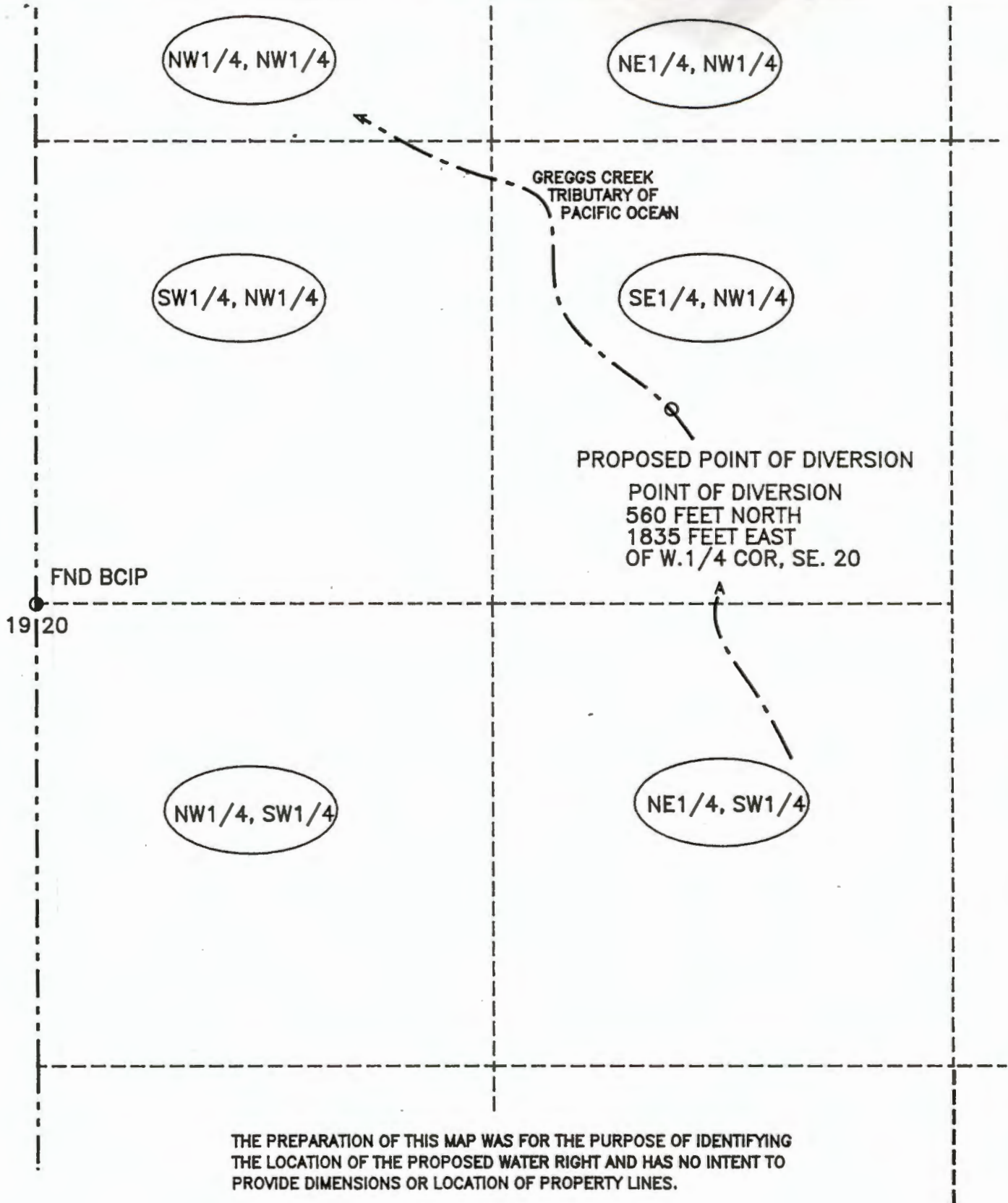
DOLLARS



P.O. Box 458
Gold Beach, OR 97444
1-800-486-9440

D. I. Sourse
Alan Wagner

FOR _____



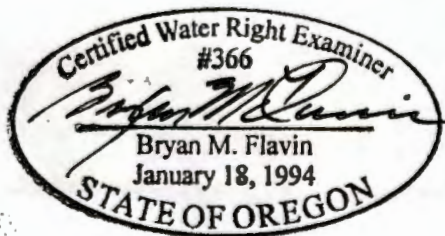
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

WATER FILING APPLICATION

IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

SE 1/4, NW 1/4, SECTION 20
 T. 35 S., R. 14 W., W. M.

JULY 2002



RECEIVED

NOV 06 2002

WATER RESOURCES DEPT.
 SALEM, OREGON

BRYAN FLAVIN LAND SURVEYING
 BRYAN M. FLAVIN
 REGISTERED LAND SURVEYOR
 CERTIFIED WATER RIGHTS EXAMINER
 32053 SQUAW VALLEY ROAD
 GOLD BEACH, OREGON 97444
 541-247-6485
 CWRE #366

EXPIRES 12/31/03

APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICTS
 32892 NESIKA ROAD
 GOLD BEACH, OREGON 97444

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63568**

INVOICE # _____

RECEIVED FROM: S. Paul Smith

APPLICATION see below

BY: _____
142844478

PERMIT _____
TRANSFER _____

CASH: CHECK: # OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
____ OTHER: (IDENTIFY) \$
____ OTHER: (IDENTIFY) \$

4270 WRD OPERATING ACCT

MISCELLANEOUS

85514
G 15960

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) Protest Fee \$ 125.00
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

EXAM FEE

0201 SURFACE WATER \$ 0202
0203 GROUND WATER \$ 0204
0205 TRANSFER \$

RECORD FEE
\$
\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR \$ 0219
LANDOWNER'S PERMIT \$ 0220
____ OTHER (IDENTIFY) _____

LICENSE FEE
\$
\$

0536 TREA

0211 WELL # _____
0210 MONI # _____
____ OTHER _____

0607 TRES

0233 POWER \$
0231 HYDRO \$
____ HYDRO \$

TRES

FUND _____
OBJ. CODE _____
DESCRIPTION _____

*Steve Donovan
SH Engineering
for
Nesika Beach*

RECEIPT: **63568**

Doyle

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63568**

INVOICE # _____

RECEIVED FROM: S. Paul Smith
BY: _____
CASH: CHECK:# 14284478 OTHER: (IDENTIFY)

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	
TOTAL REC'D	\$ <u>125.00</u>

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
	OTHER: (IDENTIFY)		\$

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	<u>85514</u>	\$
0410	RESEARCH FEES	<u>G 15960</u>	\$
0408	MISC REVENUE: (IDENTIFY)	<u>Protest Fee</u>	\$ <u>125.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
	OTHER (IDENTIFY)		0220 \$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **63568**

DATED: 10/8/03 BY: Linda Dreyler

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63568**

INVOICE # _____

RECEIVED FROM: S. Paul Smith

APPLICATION see below

BY: _____

PERMIT _____

CASH: _____ CHECK:# _____ OTHER: (IDENTIFY) _____

TRANSFER _____

CASH CHECK OTHER

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	<u>85514</u>	\$
0410	RESEARCH FEES	<u>G 15960</u>	\$
0408	MISC REVENUE: (IDENTIFY)	<u>Protest Fee</u>	\$ <u>125.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME	_____	\$

WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
_____	OTHER (IDENTIFY)	_____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **63568**

DATED: 10/8/03 BY: Leah Doefler

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63569**

INVOICE # _____

RECEIVED FROM: Kalmiopsis Audubon Soc

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 983 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 25.00

1083 TREASURY		4170 WRD MISC CASH ACCT	
0407	COPIES		\$
	OTHER: (IDENTIFY)	_____	\$
	OTHER: (IDENTIFY)	_____	\$

4270 WRD OPERATING ACCT		
MISCELLANEOUS		
0407	COPY & TAPE FEES <u>85514</u>	\$
0410	RESEARCH FEES <u>G 15960</u>	\$
0408	MISC REVENUE: (IDENTIFY) <u>Protest Fee</u>	\$ <u>25.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$
WATER RIGHTS:		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
	OTHER (IDENTIFY)	\$

EXAM FEE
\$
\$
\$
EXAM FEE
\$

RECORD FEE
\$
\$

LICENSE FEE
\$
\$

0536 TREASURY		0437 WELL CONST. START FEE	
0211	WELL CONST START FEE	\$	CARD # _____
0210	MONITORING WELLS	\$	CARD # _____
	OTHER (IDENTIFY)		

0607 TREASURY		0467 HYDRO ACTIVITY		LIC NUMBER
0233	POWER LICENSE FEE (FW/WRD)			\$
0231	HYDRO LICENSE FEE (FW/WRD)			\$
	HYDRO APPLICATION			\$

TREASURY	OTHER / RDX
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **63569**

DATED: 10/8/03 BY: Linda Doeffer

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63569**

INVOICE # _____

RECEIVED FROM: Kalmiopsis Audubon Soc
BY: _____

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 983 OTHER: (IDENTIFY)

TOTAL REC'D \$ 25.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
	OTHER: (IDENTIFY)		\$

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	<u>85514</u>	\$
0410	RESEARCH FEES	<u>915960</u>	\$
0408	MISC REVENUE: (IDENTIFY)	<u>Protest Fee</u>	\$ <u>25.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **63569**

DATED: 10/8/03 BY: Linda Doeffer

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63570**

INVOICE # _____

RECEIVED FROM: Curry Sportfishing Assoc
BY: _____

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 1198 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	<u>85514</u> <u>G15960</u> <u>Protest Fee</u>	\$ <u>100.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
_____	OTHER (IDENTIFY)	_____	

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **63570**

DATED: 10/8/03 BY: Linda Doyler

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **63570**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Curry Sportfishing Assoc
BY: _____

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 1198 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	<u>85514</u> <u>615960</u> <u>Protest Fee</u>	\$ <u>100.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME	_____	\$

WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
_____	OTHER (IDENTIFY)	_____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **63570**

DATED: 10/8/03 BY: Leola Dwyer

Nesika-Ophir Water District
32892 Nesika Rd. Gold Beach
OR 97444



STATEMENT

©1997 REDIFORM® 8K882

TO: W.R.D.	DATE:
ADDRESS:	
CITY, STATE, ZIP	

1	Received copy of				
2	letter dated Sept. 30 th				
3	from Paul Smith				
4	10-7-03				
5	Alan Wegner				
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					

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OCT 08 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Nesika Beach-Ophir
Water District
32892 Nesika Road
Gold Beach Oregon 97444

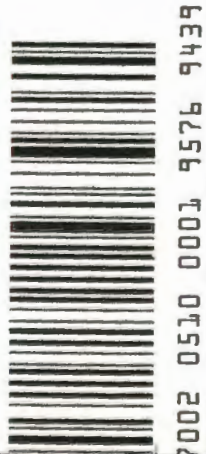


ATT Jerry Gaine

Water Resources Department

725 Summer Street N.E.

Suite A, Salem, OR 97301



97301/1271



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **63347**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Nesika Beach - Ophir
BY: Water District

APPLICATION	<u>G15960</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 1743 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	\$
0203	GROUND WATER	\$	0204	\$ <u>175.00</u>
0205	TRANSFER	\$		

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **63347**

DATED: 9/30/03 BY: Connie Vance

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63347**

INVOICE # _____

RECEIVED FROM: Nesika Beach - Ophir
BY: Water District

APPLICATION	G15960
PERMIT	
TRANSFER	

CASH: CHECK:# 1743 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE	\$
0203	GROUND WATER	\$	0204		\$ <u>175.00</u>
0205	TRANSFER	\$			

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **63347**

DATED: 9/30/03 BY: Connie Vance

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **58951**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Nesika Beach - OPHIR
BY: Water Districts

APPLICATION	<u>below</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 1444 OTHER: (IDENTIFY)

TOTAL REC'D \$ 800.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
	OTHER: (IDENTIFY)		\$

0427 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$ <u>400.00</u>	0202 \$
0203	GROUND WATER	EXAM FEE \$ <u>400.00</u>	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **58951** DATED: 3/25/03 BY: Connie Vance

MAIL

UNITED STATES POSTAL SERVICE®



United States Postal Service
DELIVERY CONFIRMATION™

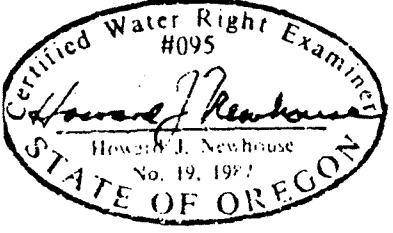
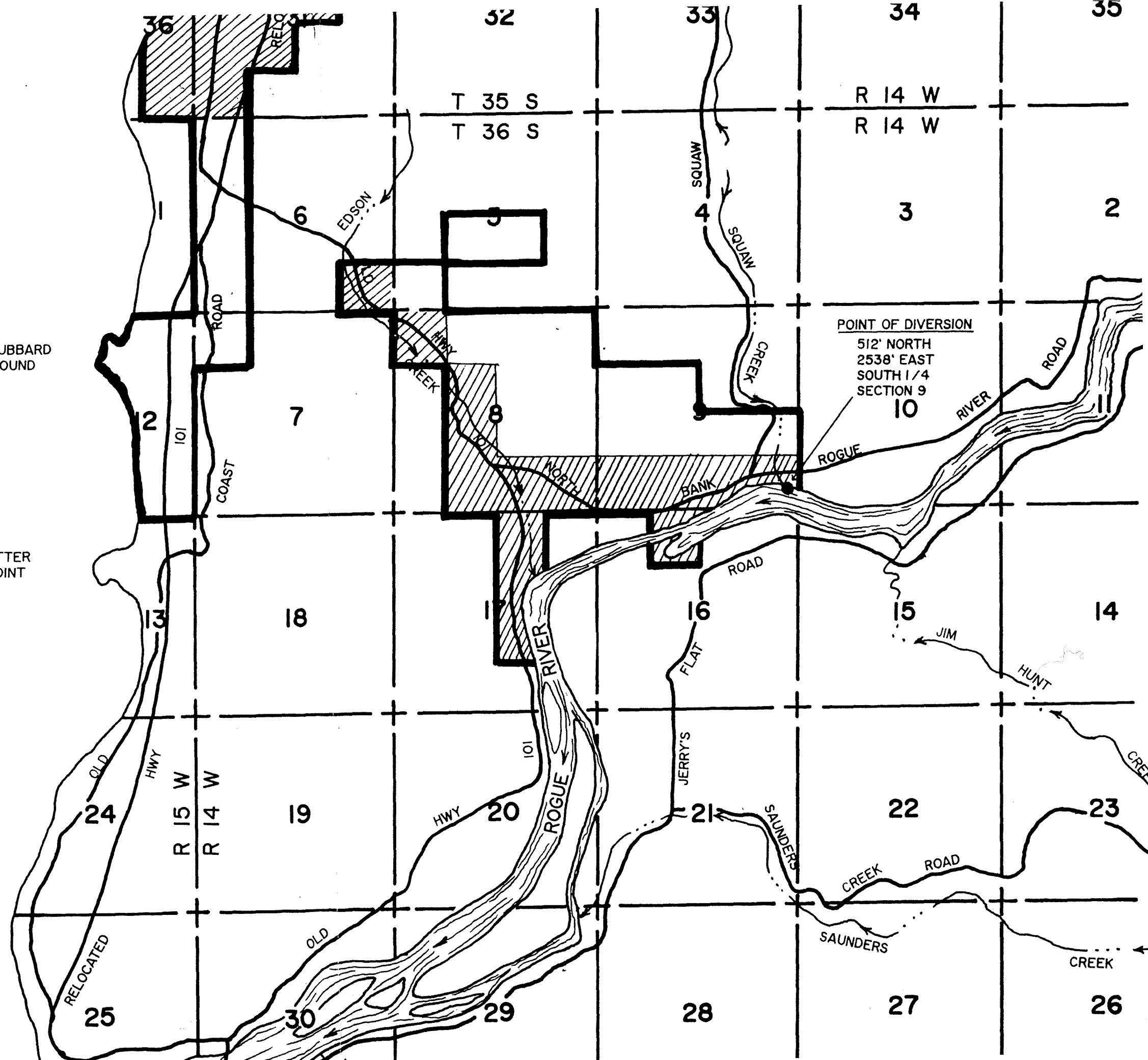
FROM: Nesika Beach - Oshir Water Dist.
32892 Nesika Rd.
Gold Beach OR 97444



UNITED STATES
POSTAL SERVICE
MAR 24 2003
AVSEC CLEARANCE STAMP
EUGENE OR P&DF 97401-0100

OREGON WATER RESOURCES DEPT.
158 12TH St. NE
Salem OR 97301-4172

P
A
C



NEWHOUSE - LAND SURVEYING
BOX 360
DERBURN, OREGON 97491
5) 247-6923

"EXHIBIT A"

WATER FILING APPLICATION for NESIKA BEACH WATER DISTRICT & OPHIR WATER DISTRICT

LOCATED in T 35 S, R 14 W and T 36 S, R 14 W, W.M.
CURRY COUNTY, OREGON

SCALE: 2" = 1 MILE FEBRUARY 1995

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MAR 25 2003

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WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING
THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO
PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.



INDICATES:

PERMIT # G3571
APPLICATION # G 3788
CERTIFICATE # 37549

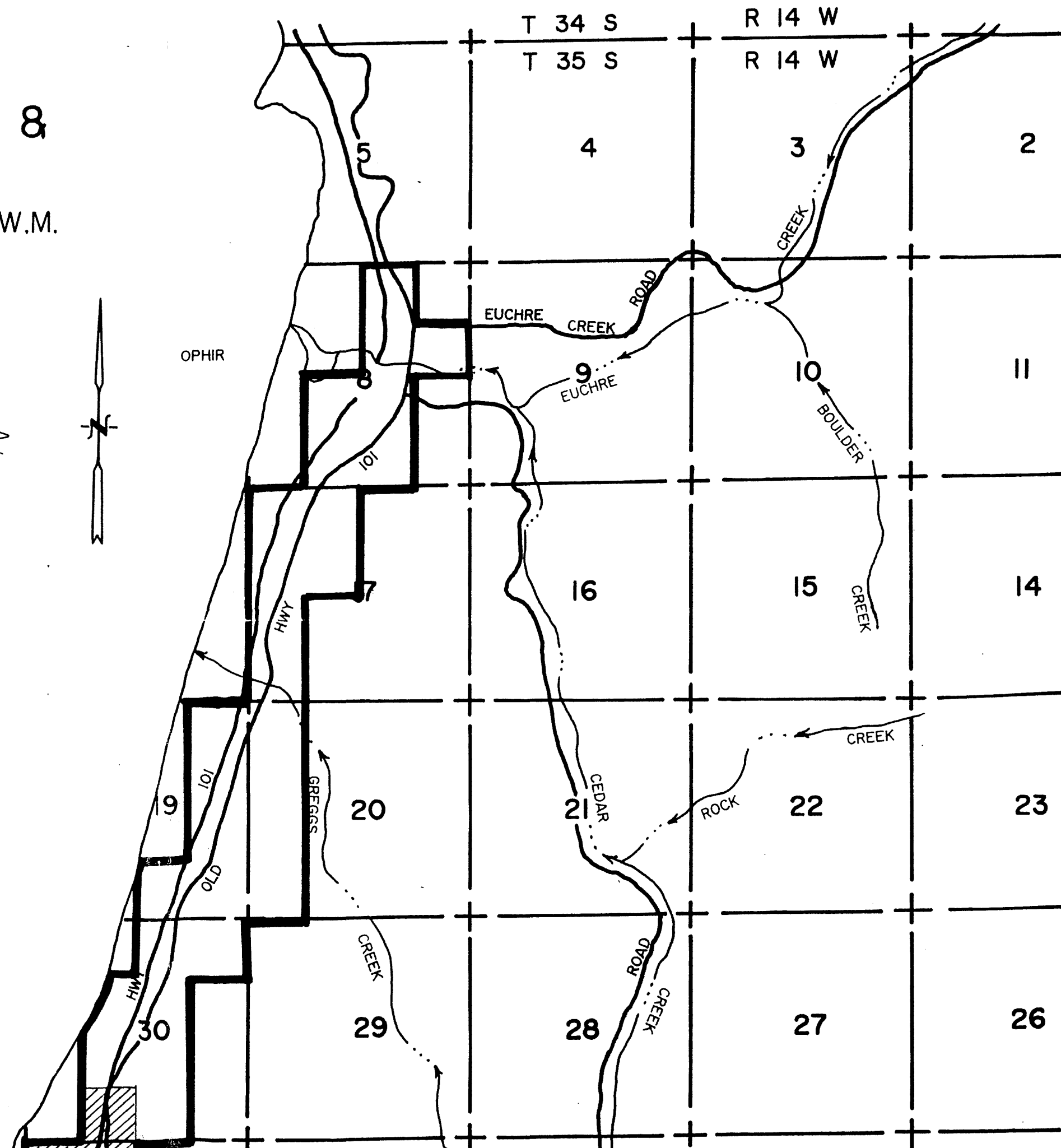


INDICATES:

BOUNDARIES OF
EXPANDED USES

app # G 15960
permit # G 15728

F I C
O C C E A N



WATER FILING APPLICATION for NESIKA BEACH WATER DISTRICT & OPHIR WATER DISTRICT

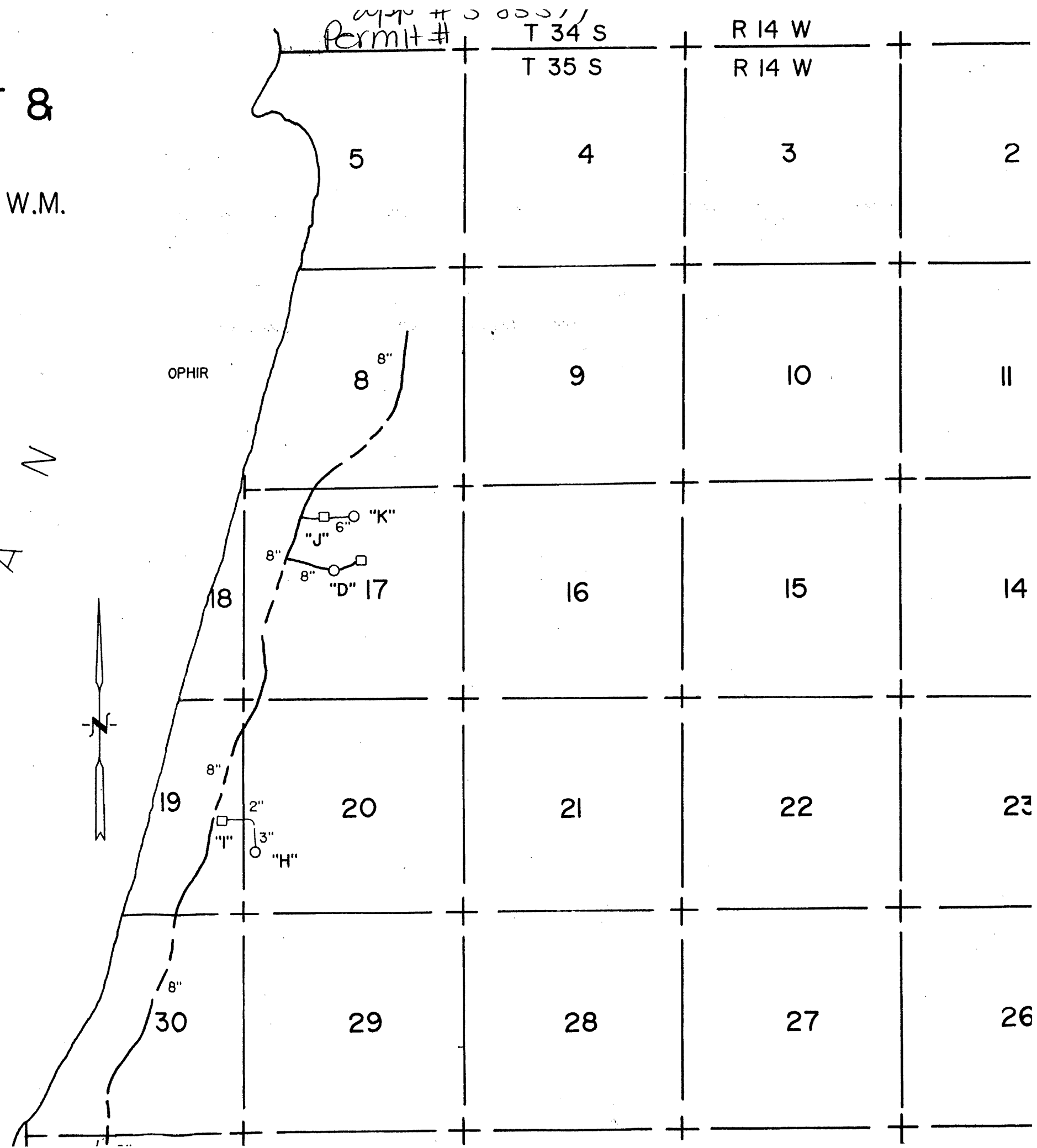
LOCATED in T 35 S, R 14 W and T 36 S, R 14 W, W.M.
CURRY COUNTY, OREGON

SCALE: 2" = 1 MILE FEBRUARY 1995

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING
THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO
PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

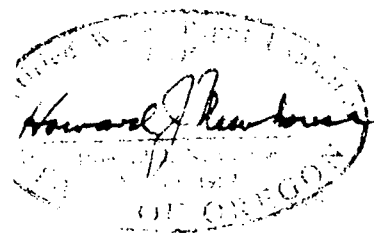
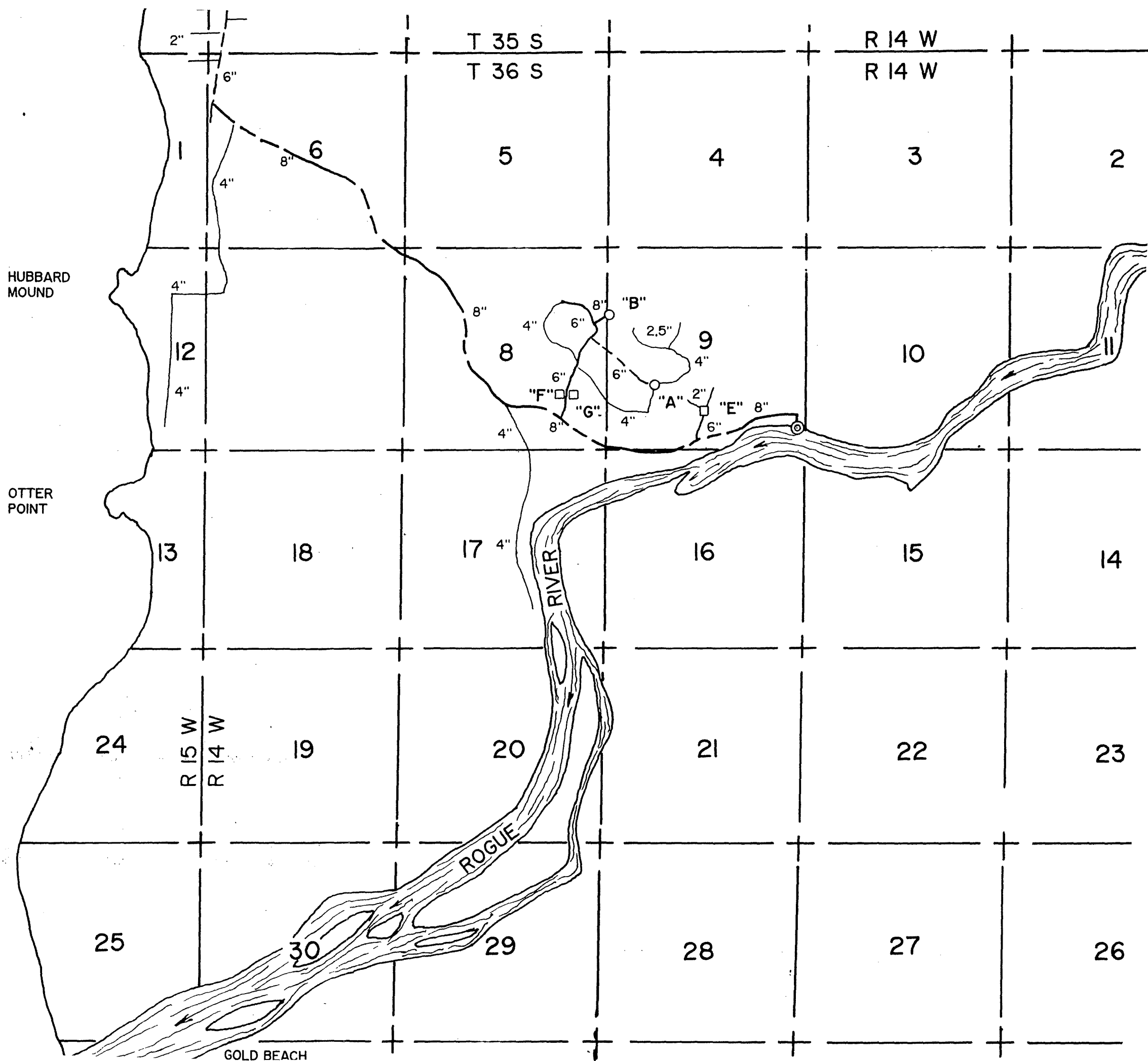
- "A" EXISTING 32,000 gal. STEEL TANK
- "B" PROPOSED 32,000 gal. STEEL TANK
- "C" EXISTING 200,000 gal. STEEL TANK
- "D" EXISTING 200,000 gal. STEEL TANK
- "E" EXISTING CONSTANT PRESSURE PUMP STATION
- "F" PROPOSED DUPLEX BOOSTER PUMP STATION
- "G" EXISTING BOOSTER PUMP STATION
- "H" EXISTING 1,500 gal. CONCRETE TANK
- "I" EXISTING BOOSTER PUMP STATION
- "J" EXISTING BOOSTER PUMP STATION
- "K" EXISTING 18,000 gal. STEEL TANK

O C E A N



P
A
C

NOTE:
ALL PIPELINES ARE LOCATED WITHIN ROAD WAYS,
EXCEPT THAT PORTION OF THE 4" LINE LOCATED IN
SECTION 12, T36S, R15W.



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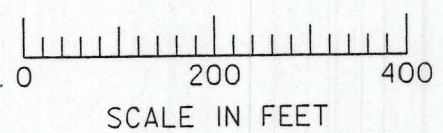
NEWHOUSE - LAND SURVEYING
BOX 360
DERBURN, OREGON 97491
P 247-6923
S. # 402
R.E. # 095

RECEIVED
FEB 04 2003
WATER RESOURCES DEPT.
SALEM, OREGON
WEDDERBURN

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SEC 20 T.35S. R.14W. W.M. CURRY COUNTY

35 14 200



1" = 200'

App # C-15960
Permit #

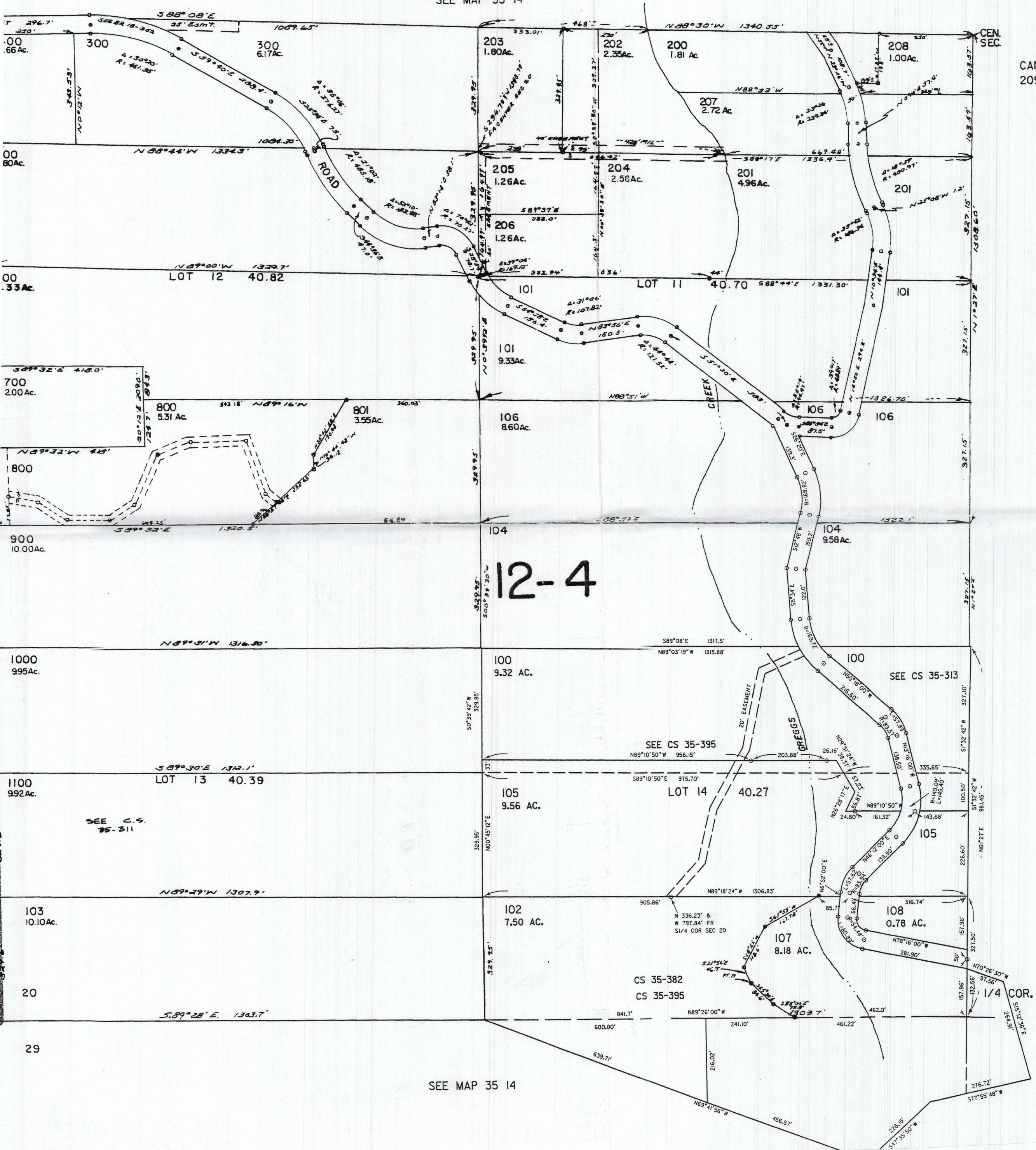
RECEIVED
JAN 27 2003
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
FEB 04 2003
WATER RESOURCES DEPT.
SALEM, OREGON

SEE MAP 35 14

CANCELLED NO.
209

RECEIVED
MAR 25 2003
WATER RESOURCES DEPT.
SALEM, OREGON



SEE MAP 35 14

SEE MAP 35 14

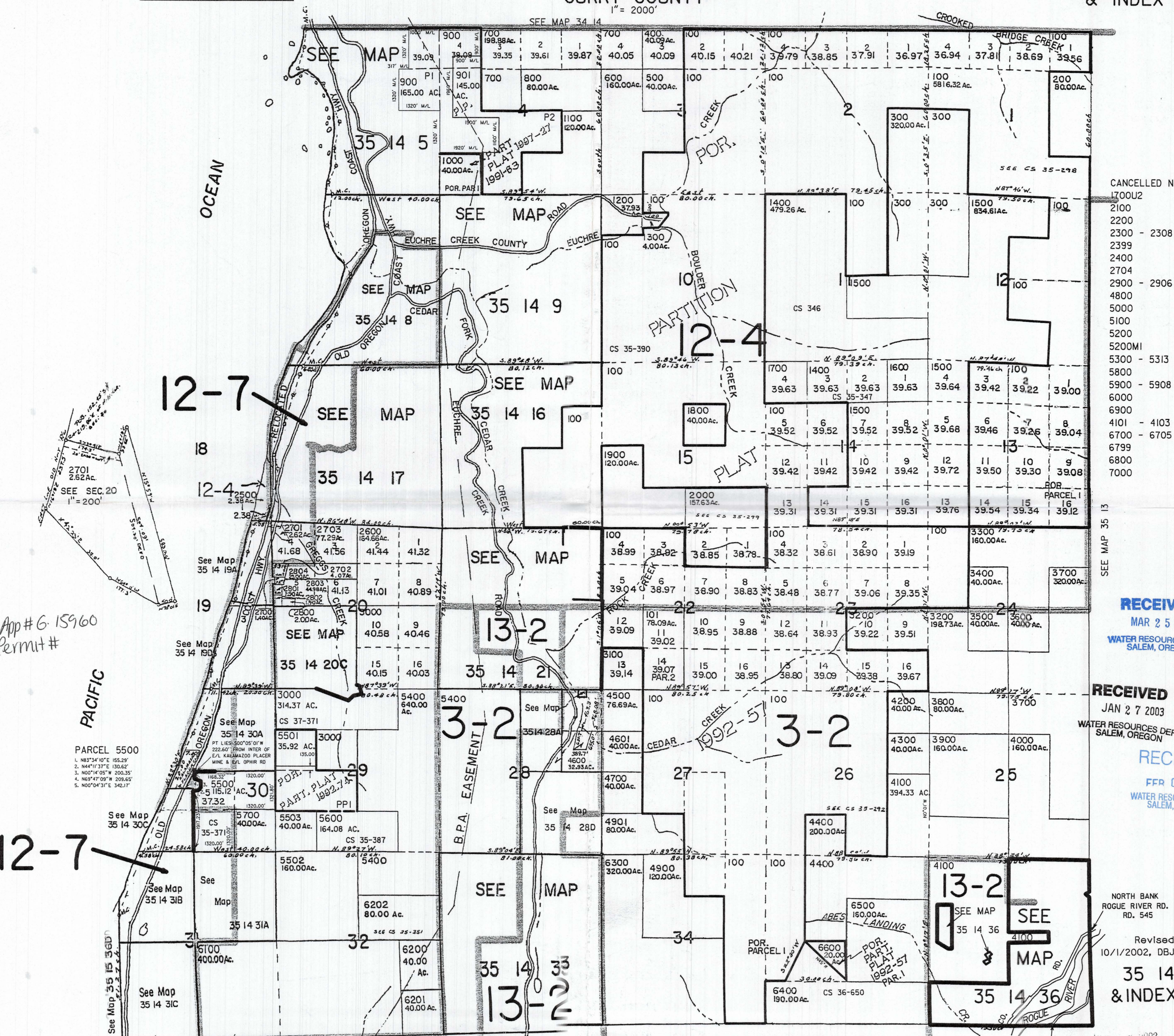
Revised
7/5/01, CS

35 14 200

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

1.35S. R.14W. W.M. CURRY COUNTY

1" = 2000'



- CANCELLED NO 1700U2
- 2100
- 2200
- 2300 - 2308
- 2399
- 2400
- 2704
- 2900 - 2906
- 4800
- 5000
- 5100
- 5200
- 5200MI
- 5300 - 5313
- 5800
- 5900 - 5908
- 6000
- 6900
- 4101 - 4103
- 6700 - 6705
- 6799
- 6800
- 7000

SEE MAP 35 13

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WATER RESOURCES DEPT.
SALEM, OREGON

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JAN 27 2003
WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

NORTH BANK
ROGUE RIVER RD.
RD. 545

Revised
10/1/2002, DBJ

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SEC 20 T.35S. R.14W. W.M. CURRY COUNTY

1" = 200'

35 14 20

RECEIVED

RECEIVED

JAN 27 2003

FFR 04 2003

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

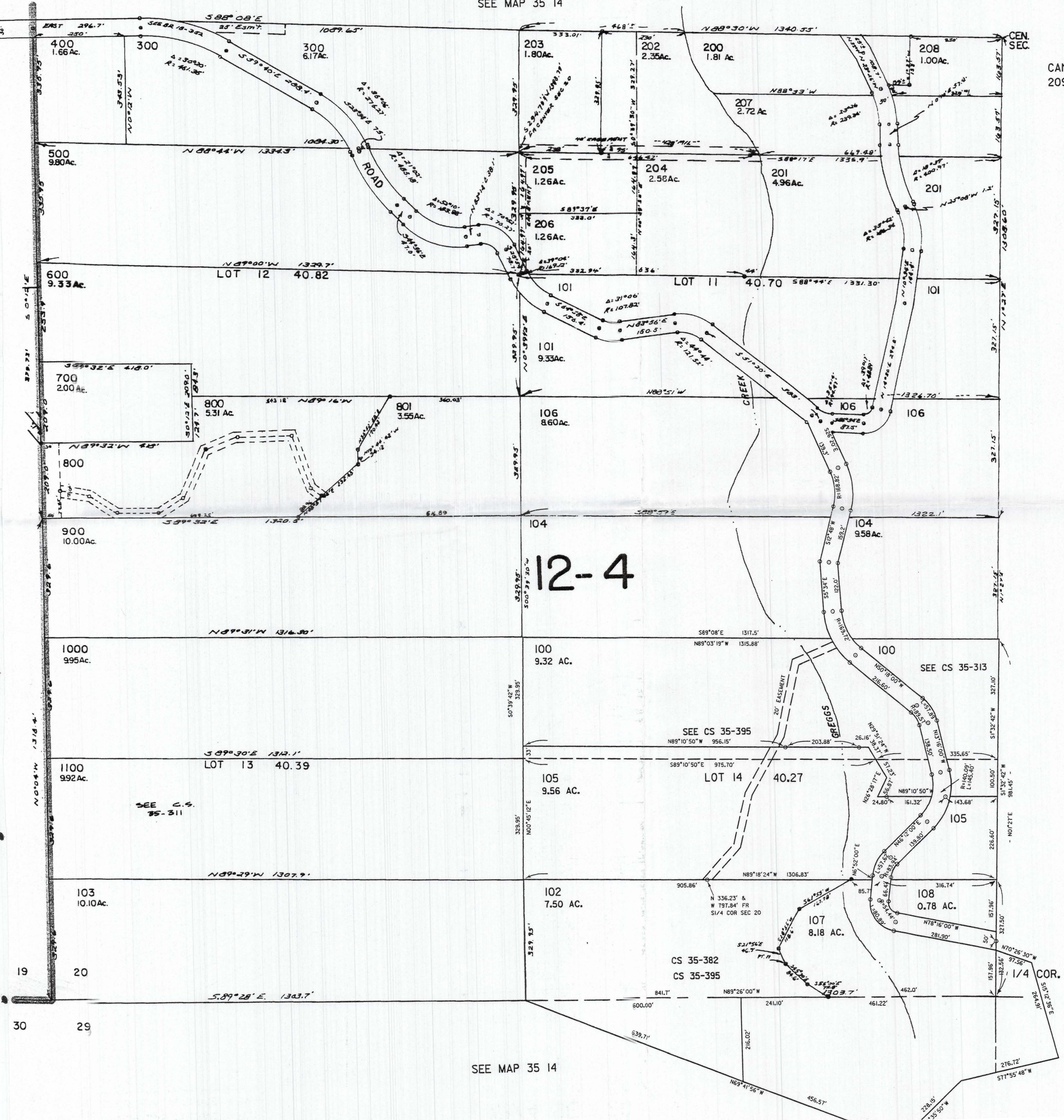


SEE MAP 35 14

App # G. 15960
Permit #

CANCELLED NO.
209

RECEIVED
MAR 25 2003
WATER RESOURCES DEPT.
SALEM, OREGON



SEE MAP 35 14

SEE MAP 35 14

Revis
7/5/01,

35 14 20

WATER FILING APPLICATION for NESIKA BEACH WATER DISTRICT & OPHIR WATER DISTRICT

LOCATED in T 35 S, R 14 W and T 36 S, R 14 W, W.M. CURRY COUNTY, OREGON

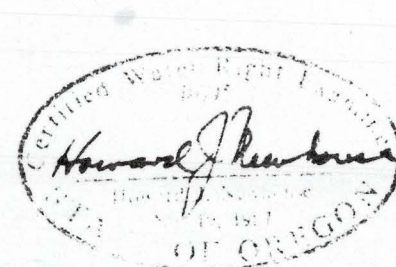
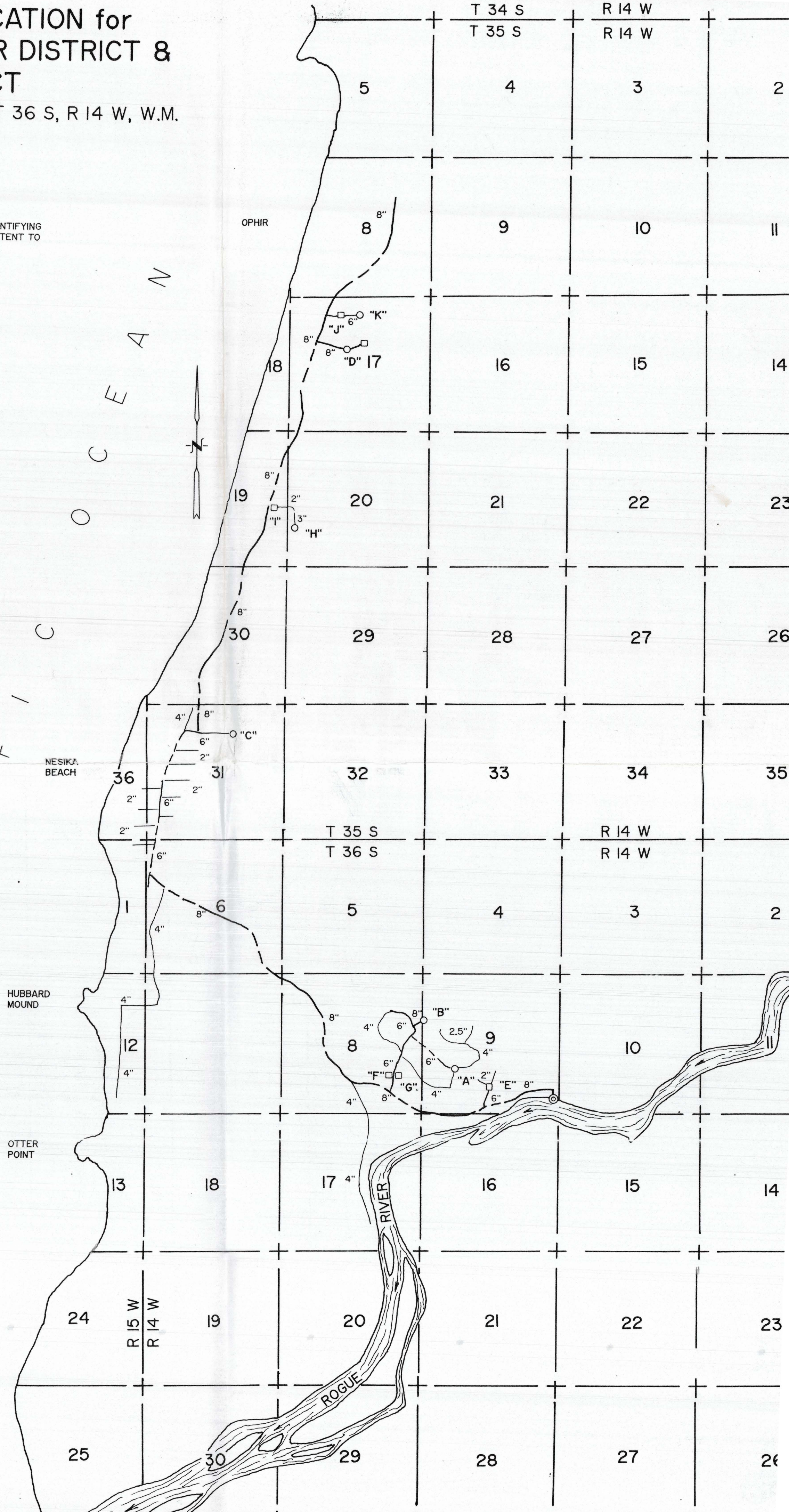
SCALE: 2" = 1 MILE FEBRUARY 1995

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

App # G-15960
Permit #

- "A" EXISTING 32,000 gal. STEEL TANK
- "B" PROPOSED 32,000 gal. STEEL TANK
- "C" EXISTING 200,000 gal. STEEL TANK
- "D" EXISTING 200,000 gal. STEEL TANK
- "E" EXISTING CONSTANT PRESSURE PUMP STATION
- "F" PROPOSED DUPLEX BOOSTER PUMP STATION
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- "H" EXISTING 1,500 gal. CONCRETE TANK
- "I" EXISTING BOOSTER PUMP STATION
- "J" EXISTING BOOSTER PUMP STATION
- "K" EXISTING 18,000 gal. STEEL TANK

NOTE:
ALL PIPELINES ARE LOCATED WITHIN ROAD WAYS, EXCEPT THAT PORTION OF THE 4" LINE LOCATED IN SECTION 12, T36S, R15W.



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MAR 25 2003
WATER RESOURCES DEPT.
SALEM, OREGON

H.J. NEWHOUSE - LAND SURVEYING
P.O. BOX 360
WEDDERBURN, OREGON 97491
(503) 247-6923
R.L.S. # 402
C.W.R.E. # 095

RECEIVED
FEB 04 2003
WATER RESOURCES DEPT.
SALEM, OREGON

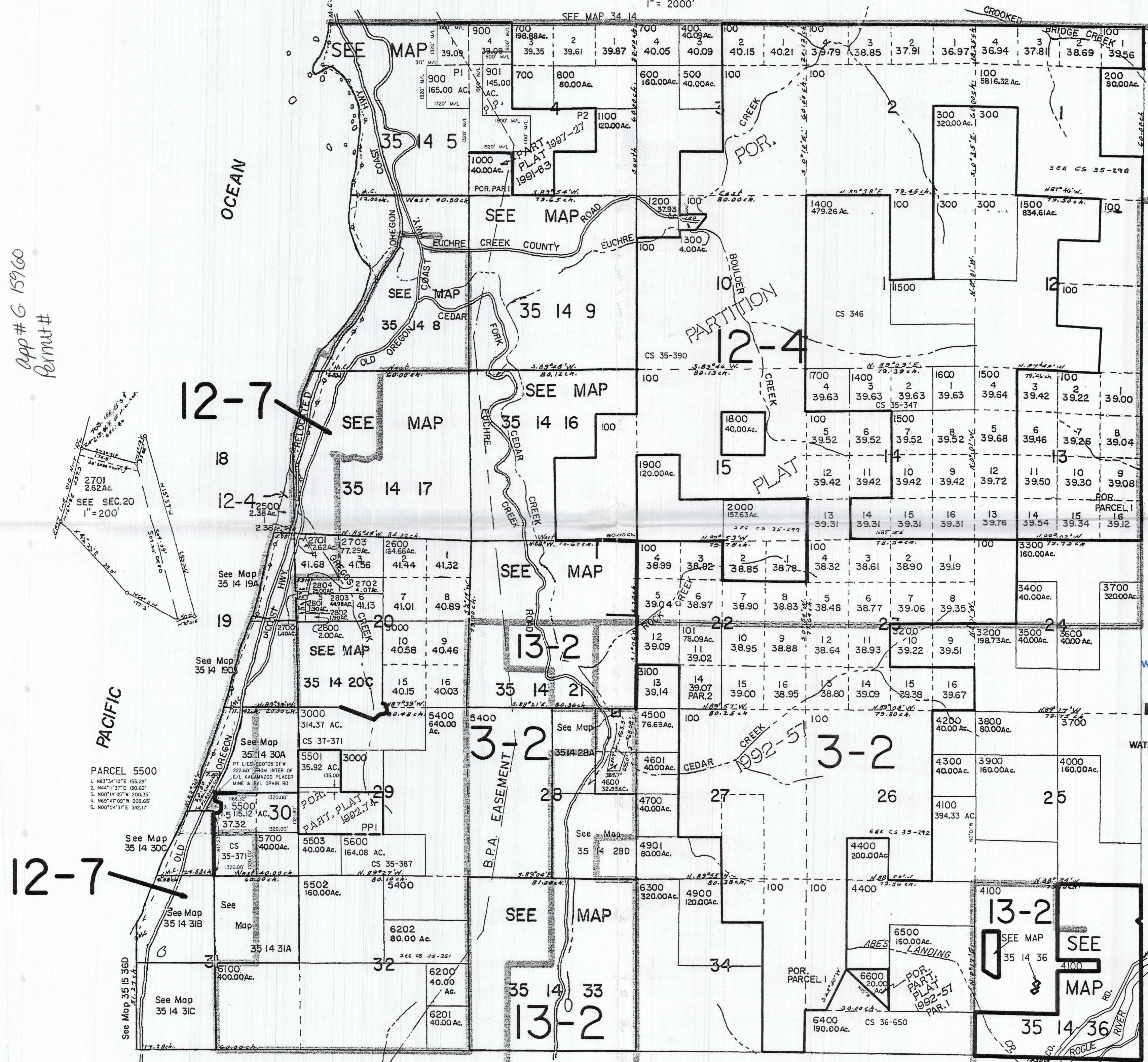
WEDDERBURN

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

1.35S. R.14W. W.M.
CURRY COUNTY
1" = 2000'

& INDEX

App # G 15960
Permit #



PARCEL 5500
1. N83°34'10"E 155.29'
2. N44°11'37"E 130.62'
3. N00°14'05"W 200.35'
4. N69°47'09"W 209.65'
5. N00°04'31"E 342.17'

CANCELLED
1700U2
2100
2200
2300 - 2
2399
2400
2704
2900 - 2
4800
5000
5100
5200
5200MI
5300 - 5
5800
5900 - 5
6000
6900
4101 - 4
6700 - 6
6799
6800
7000

RECEIVED
MAR 25
WATER RESOURCE
SALEM, OREGON

RECEIVED
JAN 27 21
WATER RESOURCE
SALEM, OREGON

REC
FFR
WATER RESOURCE
SALEM

NORTH BA
ROGUE RIVER
RD. 54
Re
10/1/2002
35
& INC

WATER FILING APPLICATION for NESIKA BEACH WATER DISTRICT & OPHIR WATER DISTRICT

LOCATED in T 35 S, R 14 W and T 36 S, R 14 W, W.M. CURRY COUNTY, OREGON

SCALE: 2" = 1 MILE FEBRUARY 1995



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WATER RESOURCES DEPT.
SALEM, OREGON

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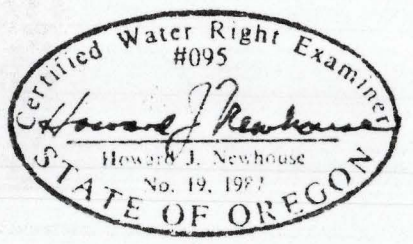
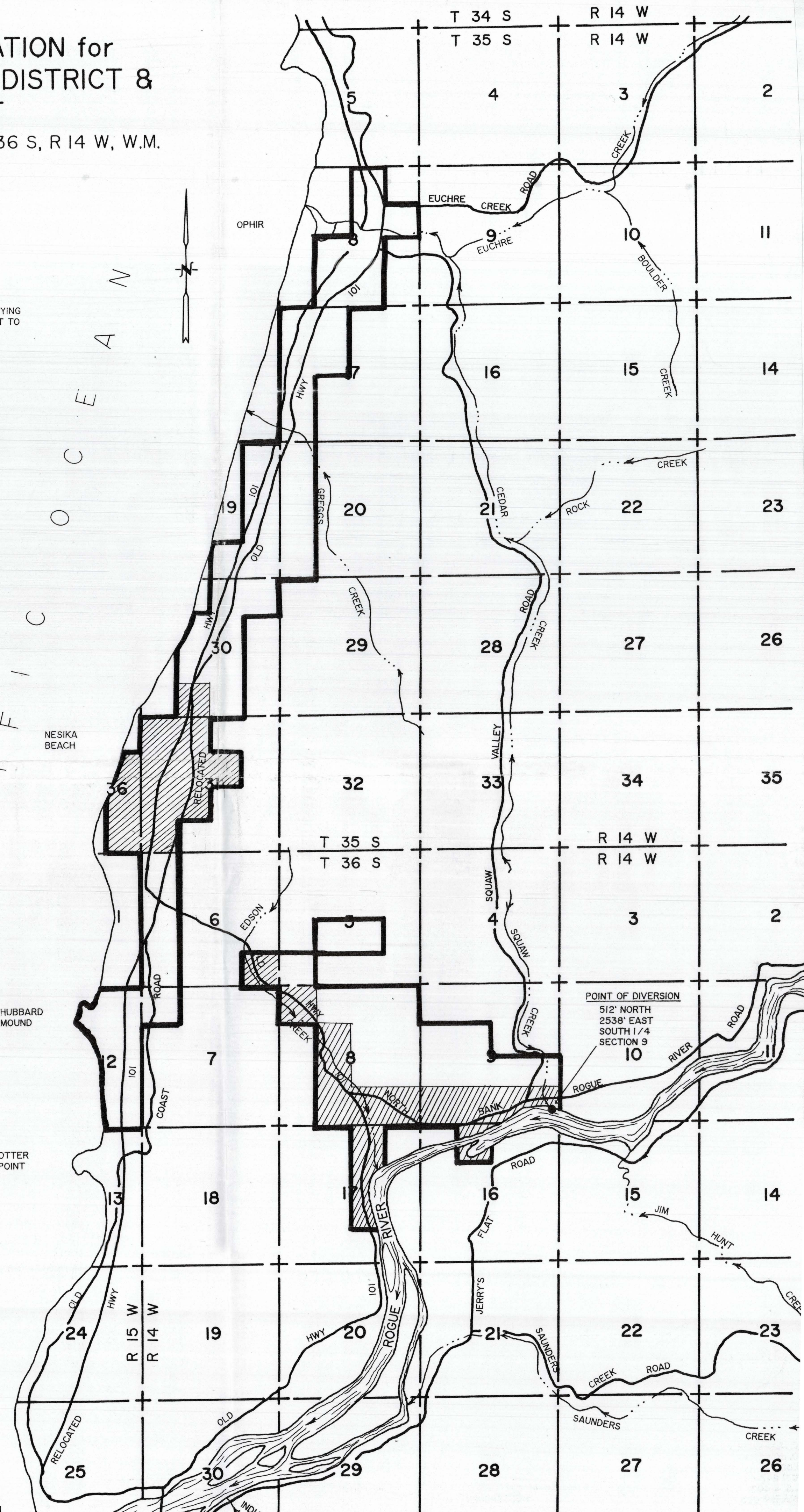
MAR 2 5 2003
WATER RESOURCES DEPT.
SALEM, OREGON

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

-  INDICATES: PERMIT # G3571
APPLICATION # G 3788
CERTIFICATE # 37549
-  INDICATES: BOUNDARIES OF EXPANDED USES

app # G-15960
Permit # G-15728

PACIFIC OCEAN



WATER FILING APPLICATION for NESIKA BEACH WATER DISTRICT & OPHIR WATER DISTRICT

LOCATED in T 35 S, R 14 W and T 36 S, R 14 W, W.M.
CURRY COUNTY, OREGON

SCALE: 2" = 1 MILE FEBRUARY 1995

RECEIVED

FFR 04 2003
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAR 25 2003
WATER RESOURCES DEPT.
SALEM, OREGON

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING
THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO
PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

app# 6. 15960
Permit #

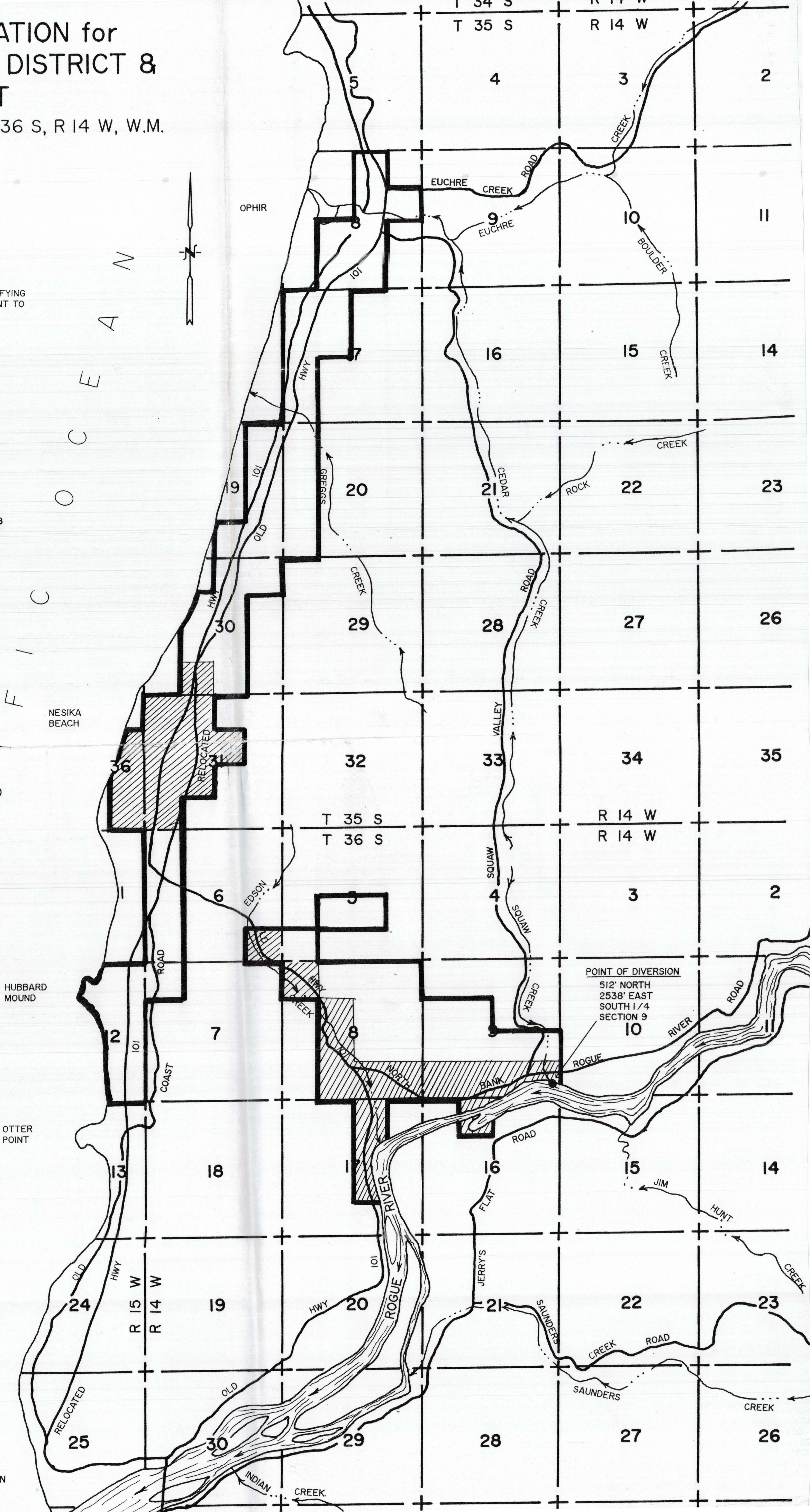
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PERMIT # G3571
APPLICATION # G 3788
CERTIFICATE # 37549

INDICATES:

BOUNDARIES OF
EXPANDED USES

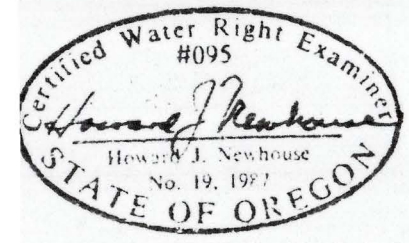
PACIFIC OCEAN



HUBBARD MOUND

OTTER POINT

WEDDERBURN



NEWHOUSE - LAND SURVEYING
BOX 360
DERBURN, OREGON 97491
3) 247-6923
S. # 402
R.E. # 095