

S-85514
 NESIKA BEACH-OPHIR WATER DISTRICTS
 32892 NESIKA RD Po Box 39
 GOLD BEACH OR 97444
 OPHIR, OR 97464

Application No. 85514
 Permit No. S-53985
 Certificate No. _____

Stream Index, Page No. _____

FEES PAID		
Date	Amount	Receipt No.
3/25/03	\$400.00	58951
9/30/03	175.00	63346
10/8/03	35.00 100.00	63569 63570
2/27/15	575.00	115058
	Cert. Fee	

FEES REFUNDED		
Date	Amount	Check No.

Date filed _____
 Priority _____
 Action suspended until COB
 Return to applicant _____
 Date of approval _____

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

CONSTRUCTION

Date for beginning _____
 Date for completion _____
 Extended to _____
 Date for application of water 10-1-08
 Extended to _____

REMARKS
SEE FILE G-15960

PROSECUTION OF WORK

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

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date Certificate issued _____

Allen Wagner

541-247-2614

Contact :-

Nesika Beach - Ophir Water District



PO Box 39
Ophir, OR 97464



(541) 247 - 2614 FAX (541) 247 - 9684

Dwight French
Water Rights Services Division Administrator
Oregon Water Resources Department
Water Rights Service Division
725 Summer St NE, Ste. A
Salem, OR 97301

1-22-15

Dear Mr. French,

I am writing in regards to Application S-85514, Permit S-53985.

The Board of the Nesika Beach Water District met recently and discussed our future plans for this permit. We have decided that it is in our best interests to apply for an extension of time so that we may continue to develop the source. I plan to submit the application to Ann Reece as soon as I have it completed. Ann has been most helpful with past extension applications, and I anticipate that we can complete the application process soon.

Thanks for working with us in getting the water right extension completed!

Respectfully,

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

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: S-85514

SOURCE OF WATER: GREGGS CREEK, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE/VOLUME: 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

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

POINT OF DIVERSION 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	NW ¼ NW ¼
SW ¼ NE ¼	SW ¼ NW ¼
SE ¼ NE ¼	NW ¼ SW ¼
NE ¼ SW ¼	SW ¼ SW ¼
SE ¼ SW ¼	SECTION 20
NW ¼ SE ¼	NE ¼ NE ¼
SW ¼ SE ¼	NW ¼ NE ¼
SECTION 8	SW ¼ NE ¼
NW ¼ SW ¼	SE ¼ NW ¼
SW ¼ SW ¼	NE ¼ SW ¼
SECTION 17	SE ¼ SW ¼
NE ¼ NE ¼	NW ¼ SE ¼
SE ¼ NE ¼	SW ¼ SE ¼
NE ¼ SE ¼	SECTION 30
SW ¼ SE ¼	SW ¼ NE ¼
SE ¼ SE ¼	NE ¼ NW ¼
SECTION 19	NW ¼ NW ¼

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

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.

This use of water shall be limited when it reduces the flow of water in Greggs Creek.

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.

STANDARD CONDITIONS

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

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

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

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

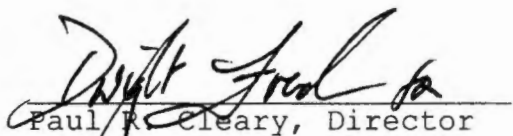
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 December 16, 2003


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.

Application # ~~8814~~^S 85514 Permit # ^S 53985

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: 3/2/15 # 115058
- ◆ 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 3/10/15
 - 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 Machelle

NESIKA BEACH -

OPHIR WATER DISTRICT

1501

Water Resources Department

Date	Type	Reference	Original Amt.	Balance Due	2/25/2015 Discount	Payment
2/19/2015	Bill		575.00	575.00		575.00
					Check Amount	575.00

1121-Checking

575.00

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____
If the permit has been cancelled, the Extension Application cannot be accepted.
3. Is the extension applicant's name and mailing address supplied? _____
If yes, is the extension applicant a permit holder of record (*i.e., permit either issued to them or assigned to them*)? _____

If the extension applicant is **NOT** a permit holder of record, a "Request for Assignment" must be processed before the Extension Application can be accepted.

If an Assignment has **not** yet occurred, or if a concurrent "Request for Assignment" was **not** submitted along with the Extension Application, the Extension Application cannot be accepted.

***NOTE:** The applicant can submit both the assignment and extension of time requests at the same time, if they present a complete application for assignment, with proof of ownership if the previous owner was not available to sign the form, and the statutory fee of \$85 for the assignment, and the necessary items for the application for Extension of Time.

4. Is the appropriate Extension of Time Application used? _____
If the wrong application form is used, the Extension Application cannot be accepted.
- If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."

5. Are the requested date(s) for extension identified (*Page 1*)? _____
- Check the permit to see if it includes a "B-Date" and/or a "C-Date."
"B-Date" = date by which construction of the water delivery system for the permit is to be completed.
"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

NOTE: For permits with both a "B-Date and a "C-Date," the applicant will likely request an extension of both dates (*i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use*). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" (*i.e., to apply water to full beneficial use*).

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____
(If signed by agent, documentation from the permit holder(s) granting authorization to agent to sign on their behalf must be provided or already in the permit file.)

If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.

NOTE: If the permit covers land that has been subdivided and assigned to different, individual parties... we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

The tables below are informational only. No need to check off.

■ **For NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:**

▪ Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
▪ Ques. #2 - Information provided on compliance with permit conditions.	▪ Ques. #6 - Information provided on number of acres irrigated, if applicable.
▪ Ques. #3 - Description provided of progress made in developing the permit.	▪ Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
▪ Ques. #4 - Monetary investment made in the project to date provided.	▪ Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
▪ Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #5-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #10 - Justification provided of why the requested time is necessary to complete project.

■ **For Municipal/Quasi-Municipal Permit Extension Applications:**

▪ Ques. #2 - For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #8 - Estimate provided of current peak water demand of the population served <u>and</u> the methodology used to make the estimate.
▪ Ques. #3 - For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.	▪ Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.
▪ Ques. #5-A & #5-B - Information provided on compliance (<i>or non-compliance</i>) with permit conditions.	▪ Ques. #10-B - For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
▪ Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #11 - Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
▪ Ques. #6-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
▪ Ques. #6-C - Well location information provided <u>and</u> whether a permit amendment is necessary.	▪ Ques. #14 - A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining <i>the persistence of fish</i> , if applicable.
▪ Ques. #7 - Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.	▪ Attachment A - A tabular inventory of the water supplier's water rights and any other water use authorizations.

8. Has the \$575 fee been paid? Receipt 115058
 (As of July 1, 2013, the Extension of Time fee is \$575.)

If the fee has **NOT** been paid, the application cannot be accepted.

NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within a certain timeframe, hold the Extension Application. If the fee does not arrive within that timeframe, return the Extension Application to the applicant.

9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Michele McAleer**. She will either: **1)** accept the application; **2)** return the application; or **3)** prepare a deficiency letter.

Reviewed by: JEFFREY Date: 27-FEB-15

Choose a water right:

	<u>Contacts</u>	<u>Application</u>	<u>Permit</u>	<u>Certificate</u>	<u>Claim</u>	<u>Decree</u>	<u>Transfers</u>	<u>Status</u>
Select	OWNER: ▸ NESIKA BEACH OPHIR WATER DISTRICT PO BOX 39 OPHIR, OR 97464	G14016	G13613					NC
Select	OWNER: ▸ NESIKA BEACH OPHIR WATER DISTRICT PO BOX 39 OPHIR, OR 97464	S85514	S53985					NC
Select	OWNER: ▸ NESIKA BEACH OPHIR WATER DISTRICT PO BOX 39 OPHIR, OR 97464 OWNER: ▸ NESIKA BEACH OPHIR WATER DISTRICT PO BOX 39 OPHIR, OR 97464	G15960	G15728					NC

[Return to WRIS Query](#)

WATER RESOURCES DEPARTMENT

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

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

RECEIPT #

115058

INVOICE #

RECEIVED FROM:

Nesika Beach - Ophir
Water District

APPLICATION

85519

BY:

PERMIT

TRANSFER

CASH:

CHECK:#

OTHER: (IDENTIFY)

 7507

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

\$

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

\$

0203 GROUND WATER

\$

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:

115058

DATED:

2/27/15

BY:

Mani...



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

March 3, 2015

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 #: S-85514 (Permit S-53985)**. 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.

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 Machel Bamberger at (503) 986-0802. 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.

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: S- 85514 Permit: S- 53985 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

Phone Number: 541-247-2614

POD Location: Township Range Section 1/4

Drainage Basin: 19 County: CURRY Watermaster District: 19 Watermaster: VACANT

Date Permit was issued: 12/18/2003

Priority Date: 3/25/2003

Date of PN: 3-10-15

Source: GREGGS CREEK, A TRIBUTARY OF PACIFIC OCEAN

Use: Municipal Quasi Municipal

"Q": 1.0 CFS; BEING 1.0 CFS FROM Novemeber 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 31st

Orig "A" Date:

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2008

Extension request rec'd: 3/2/2015

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

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

Proposed C Date: 10/1/2033

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	totalizing flow meter at each point of diversion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	fish screening approved by ODFW
<input type="checkbox"/>	<input checked="" type="checkbox"/>	fishway approved by ODFW
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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 1.0 cfs gpm af

- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$0 Estimated Remaining Cost: \$207,300

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 1.67 % Population 2975 by (Year) 2033 Calculated? Yes

As of Projected

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

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.aml"
- 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: _____

Reviewer's Name: _____ 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 application form for water rights extension for our water district.
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

RECEIVED BY OWRD

FEB 27 2015

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

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the permit holder of:

Application Number **S-85514**

Permit Number **S-53985**

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

FEB 27 2015

do hereby request that the time in which to:

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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

2/12/15

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.

*Action taken to date has been to purchase property and make property payments. Construction will commence once property has been paid off.

Begin Date of Purchase Payments: 6/29/2006. **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.***

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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
N/A	None	0
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).	None
10/1/	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	None
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. 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
	None	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST <i>List work/actions done after the last authorized date for complete application of water has passed.</i>	COST
Total Cost to Date		\$77,670

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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.

CHART-II

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		<i>No water use has begun, so consequently the requirements for totalizing flow meter installation and fish screen / fish passageway have not been fulfilled. They will be addressed during construction</i>
Not Req'd	11/15/2008	Staff gauge was installed on Greggs Creek at Ophir Rd Bridge
		Measurements were submitted to WRD

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** 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
	UNK	Requirement – Totalizing flow meter not installed
		Requirement is un-fulfilled due to no water being used to date
		Requirement – Fish screen / fish passage
		Requirement is un-fulfilled due to no water being used to date

[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: *Water use has not commenced. All available funds are currently being used to purchase property. Once property is purchased, a point of diversion will be engineered and approved. After construction rate of use will be established.*

6-B) For Ground Water Permit Extensions: N/A

CHART-IV

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					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.)	
			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?		Permit, Certificate, or Transfer No.
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"/>	-	
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: _____

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[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)]

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.***

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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.

- 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

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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

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)(I)]

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.

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N/A

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[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.

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CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
1/1/2018	Final payment Greggs Creek property	13,300
	Future developments	
7/1/2018	-Begin construction of Infiltration Gallery	100,000
7/1/2020	-Construct pumphouse and install pump and controls	40,000
7/1/2020	-Install .5 miles 6" transmission line	50,000
7/1/2021	OHA regulatory compliance	4,000
Year: 2033	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	\$
Estimated Total Cost to Complete Development		\$207,300.00

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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 we have been unable to dedicate time and finances to complete the Gregg's Creek Water Supply 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 intake structure, 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 for 30 years starting in 2011 until paid in full.*

[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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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		10-01-2033	

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 of 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.

**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 S-53985, Water Right Application S-85514,) PROPOSED FINAL ORDER
in the name of the Nesika Beach Ophir Water District)

Permit Information

Application File S-85514/ Permit S-53985

Basin 17 – South Coast Basin / Watermaster District 19

Date of Priority: March 25, 2003

Authorized Use of Water

Source of Water: Greggs Creek, a Tributary of the Pacific Ocean
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 1
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 S-53985, water right Application S-85514.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to complete construction 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

AUTHORITY

Generally, see **ORS 537.230** and **OAR Chapter 690 Division 315**.

ORS 537.230(3) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order and allow an extension to complete construction or perfect a water right. 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 municipal and/or 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) authorizes the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a WMCP Plan under **OAR Chapter 690, Division 86**.

FINDINGS OF FACT

Background

1. Permit S-53985 was granted by the Department on December 18, 2003. 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 Greggs Creek, a tributary to the Pacific Ocean 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 2, 2015, requesting both the time to complete construction and the time to apply water to full beneficial use under the terms and conditions of Permit S-53985 be extended from October 1, 2008 to October 1, 2033. However, since the permit does not contain a specific deadline for completing construction, the Department needs to only consider an extension of the time to apply water to full beneficial use. This is the first extension of time request for Permit S-53985.
3. Notification of the Application for Extension of Time for Permit S-53985 was published in the Department's Public Notice dated March 10, 2015. No public comments were received regarding the extension application.

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(1). 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)]

4. On March 2, 2015, the Department received a completed 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)]

5. 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.

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.

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

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

6. The remaining work to be accomplished under Permit S-53985 consists of completing construction of the infiltration gallery and pump house; installing pump, controls, and 0.5 miles of transmission line; meeting all permit conditions; and applying water to full beneficial use.
7. As of October 1, 2008, the permit holder has not diverted any water of the 1.0 cfs of water authorized under Permit S-53985 for quasi-municipal purposes.
8. In addition to the 1.0 cfs of water authorized under Permit S-53985 from Greggs Creek, 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; and
 - Permit G-15728 for up to 1.0 cfs of water from one well for quasi-municipal use;

Nesika Beach Ophir Water District's permits 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.
9. The District's peak water demand within its service area boundaries was 1.24 cfs in 2014.
10. According to the District, in 2014, the population within the service boundary of Nesika Beach Ophir Water District was 2,167. The District estimates the population will increase at an average growth rate of 1.6 percent per year, reaching an estimated population of 2,975 by the year 2033. According to the District they recently annexed 33.22 acres of industrial zoned property into their service area.
11. According to the District, their peak demand is projected to be approximately 1.7 cfs of water by the year 2033. The newly annexed industrial zoned property owner projects water use of up to 10,000 gallons per day for a wood pyrolyzation facility. This is not reflected in the projected demand of 1.7 cfs
12. Full development of Permit S-53985 is needed to meet the present and future water demands of Nesika Beach Ophir Water District, including system redundancy and emergency use.
13. 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 S-53985 is both reasonable and

necessary.

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

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) and (1)(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 municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

14. During the original development time frame under Permit S-53985 no work was accomplished.
15. As of March 2, 2015, the permit holder has invested no money for development of this project. The permit holder estimates an additional \$190,000 investment is needed for the completion of this project.
16. As of October 1, 2008, no water has been diverted.
17. The Department has considered 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)]

18. As of March 2, 2015, the permit holder has invested no money for development of this project. The permit holder estimates an additional \$190,000 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)].

19. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53985; 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 diversion for Permit S-53985, located on the Greggs Creek, is not located within a Withdrawn Area. The Greggs Creek is not located within or above any state or federal scenic waterway, however it is located within an area ranked moderate for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is 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 Greggs Creek is not 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)].

20. As of March 2, 2015, the permit holder has invested \$1,000, which is 1 percent of the total projected cost for complete development of this project. The permit holder estimates an additional \$190,000 investment is needed for the completion of this project.

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

21. 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)].

22. As described in Findings 6 through 12 Nesika Beach Ophir Water District has indicated, and the Department finds that Nesika Beach Ophir Water District must rely on full development of Permit S- 53985 to meet its present and future water demands.
23. Nesika Beach Ophir Water District projects a population increase that averages 1.6 percent per year over a 19 year period, being the years 2014 to 2033 and also expects commercial and industrial growth.
24. Given the current water supply situation of Nesika Beach Ophir Water District, as well as current and expected demands including system redundancy and emergency use, there is a market and present demand for the water to be supplied under Permit S-53985.
25. 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 S-53985 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) 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 "Condition" section of this PFO to meet this requirement.

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

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

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

27. 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)]

28. According to Nesika Beach Ophir Water District, delay of development under Permit S-53985 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 complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
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 537.230 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, as required by 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

⁴ 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 Department, for issuance of a water right certificate; or (2) continue to appropriate water under the water right permit until the Department conducts a survey and issues a water right certificate under ORS 537.625.

690-315-0080(1)(e).

7. As required by OAR 690-315-0090(3) and as described in Finding 25, above, and specified under Item 1 of the "Conditions" section of this PFO, the diversion of any water up to 1.00 cfs under Permit S-53985 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) under OAR Chapter 690, Division 86 that grants access to a greater rate of diversion under the permit consistent with OAR 690-086-0130(7).

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 S-53985 from October 1, 2008 to October 1, 2033.

Subject to the following conditions:

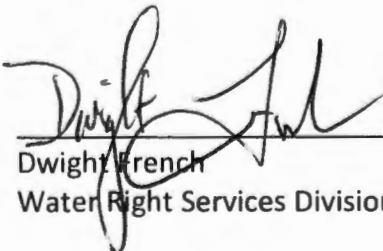
CONDITIONS

1. **Development Limitations**

Diversion of any water up to 1.00 cfs under Permit S-53985 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 which grants access to a greater rate of diversion 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 S-53985 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: April 14, 2015


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 **May 29, 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.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active Duty service members have a right to stay these proceedings under federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.of.mil>

-
- If you have any questions about statements contained in this document, please contact Machel 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
 - Fax: 503-986-0901 Salem, OR 97301-1266
-

Mailing List for Extension PFO Copies

April 14, 2015

Copies Mailed

**Application S-85514
Permit S-53985**

By: 4/14/15 JS
On: KF

Original mailed to:

Nesika Beach Ophir Water District
Michael Meszaro
PO Box 39
OPHIE, OR 97464

Copies sent to:

1. WRD - App. File S- 85514/ Permit S-53985

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 – Vacant
4. WRD – Lisa Jaramillo – Notify of WMCP needed
Done by CC Date 4/13/15

CASEWORKER: MAB

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

Water Rights Application
Number S-85514

**Final Order
Extension of Time for Permit Number S-53985
Permit Holder: Nesika Beach Ophir Water District**

Permit Information

Application File S-85514/ Permit S-53985

Basin 17 – South Coast Basin / Watermaster District 19

Date of Priority: March 25, 2003

Authorized Use of Water

Source of Water: Greggs Creek, a Tributary of the Pacific Ocean
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 1 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 537.230 and 539.010(5), and
Oregon Administrative Rule Chapter 690, Division 315**

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

The Department issued Permit S-53985 on December 18, 2003. The permit called for complete application of water to beneficial use by October 1, 2008. On March 2, 2015, Nesika Beach Ophir Water District submitted an application to the Department for an extension of time for Permit S-53985. In accordance with OAR 690-315-0050(2), on April 14, 2015, the Department issued a Proposed Final Order proposing to the time to fully apply water to beneficial use to October 1, 2033. The protest period closed May 29, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the Proposed Final Order dated April 14, 2015.

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

Diversion of any water up to 1.0 cfs under Permit S-53985 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 which grants access to a greater rate of diversion 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 S53985 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

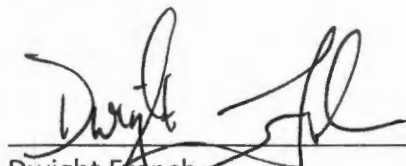
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

ORDER

The extension of time for Application S-85514, Permit S-53985, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 2008 to October 1, 2033.

DATED: June 5, 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: June, 2015

Copies Mailed

Application S-85514
Permit S-53985

By: KF
On: 6/9/15

Original mailed to permit holder:

Nesika Beach Ophir Water District
Michael Meszaro
PO Box 39
OPHIE, OR 97464

Copies sent to:

1. WRD - App. File S85514/ Permit S53985
2. WRD - Watermaster District 19, Vacant

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

(DONE BY EXTENSION SPECIALIST)

5. WRD – Lisa Jaramillo, (*Division 86 plan*)

CASEWORKER: MAB



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

October 13, 2014

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

Reference: Application S-85514, Permit S-53985

Dear Permit Holder:

This letter is in regard to your water use permit referenced above. The Department would like to help you succeed in completing the development of your water use permit. Your permit required you to complete the development of your water use by 10/1/2008.

If you have not yet finished the development of your water use permit (water system construction and beneficial water use) you need to file an application for an extension of time. The Department's approval of an extension of time request provides more time to complete permit development. The current fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

If you have completed development of the water use permit, *within the development timelines in the permit or previous extension of time*, you may be ready to seek a water right certificate. A certificate is the final stage in the water right development process and provides the highest level of certainty and protection for your water rights. To obtain a water right certificate you are required to hire a certified water rights examiner (CWRE) to prepare and submit a claim of beneficial use that includes a final proof survey map of the water right development. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you no longer want the water use permit you may voluntarily cancel it, which will help the Department maintain accurate records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

I encourage you to either: (1) file for an extension of time; (2) work with a CWRE to develop and submit a claim of beneficial use; (3) voluntarily cancel the permit; or (4) contact our office in the next 90 days to discuss your plans and a schedule for progress. If you decide to take none of these four actions within 90 days of this letter, the Department may begin the process of cancelling the permit for you in accordance with the provisions of ORS 537.260 and ORS 174.160.

I have included contact information for my staff on the back of this letter so we may assist you efficiently. Should you have any questions, you may contact me directly at the address above or by telephone at 503-986-0819.

Sincerely,

Dwight French
Water Right Services Division Administrator
Oregon Water Resources Department

Enclosures (1)

cc: File S-85514
OWRD Watermaster 19



Contact information for WRD staff

Claims of Beneficial Use

Gerry Clark: 503-986-0811

Permit Extensions

Municipal: Ann Reece 503-986-0834

Quasi-Municipal: Steven Parrett 503-986-0825

Permit Cancellations

Jerry Sauter: 503-986-0817

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85514

Final Order

Application History

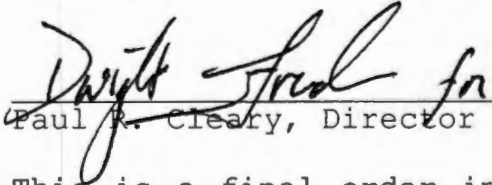
On March 25, 2003, Nesika Beach-Ophir Water District submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 26, 2003. The protest period closed October 10, 2003, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly identify the area of use.

Order

Application S-85514 therefore is approved with the above modifications to the Proposed Final Order, and Permit 53985 is issued as limited by the conditions set forth therein.

DATED December 18, 2003


Paul J. Cleary, Director

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: S-85514

SOURCE OF WATER: GREGGS CREEK, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE/VOLUME: 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

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

POINT OF DIVERSION 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
 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
 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 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4

SECTION 31

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 36

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

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 36

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

NE 1/4 SW 1/4
SW 1/4 SW 1/4
NW 1/4 SE 1/4

SECTION 5

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SE 1/4

SECTION 6

NW 1/4 NW 1/4

SECTION 7

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SE 1/4 NW 1/4

NE 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4

SE 1/4 SE 1/4

SECTION 8

SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4

NW 1/4 SW 1/4

SW 1/4 SW 1/4

SE 1/4 SW 1/4

NE 1/4 SE 1/4

NW 1/4 SE 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

SECTION 9

NE 1/4 NW 1/4

SECTION 16

NW 1/4 NE 1/4

SW 1/4 NE 1/4

NW 1/4 SE 1/4

SECTION 17

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

NE 1/4 NE 1/4

NW 1/4 NE 1/4

SW 1/4 NE 1/4

SE 1/4 NE 1/4

NE 1/4 SE 1/4

NW 1/4 SE 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

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.

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.

This use of water shall be limited when it reduces the flow of water in Greggs Creek.

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.

STANDARD CONDITIONS

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

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

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

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

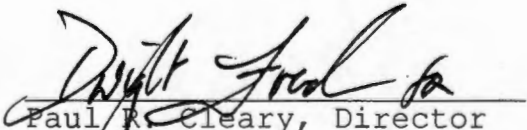
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 December 16, 2003


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.



Mailing List for FO Copies

Application # S-85514

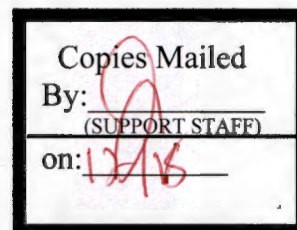
Mailing List Print Date: December 1, 2003

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 FO w/Permit - Copies sent to:

1. WRD - File # S-85514
2. WRD - Ken Stahr



For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

3. WRD - Data Center
4. WRD - Watermaster District #: 19
5. WRD - Regional Manager: SWR
6. ODFW District Biologist: Todd Confer

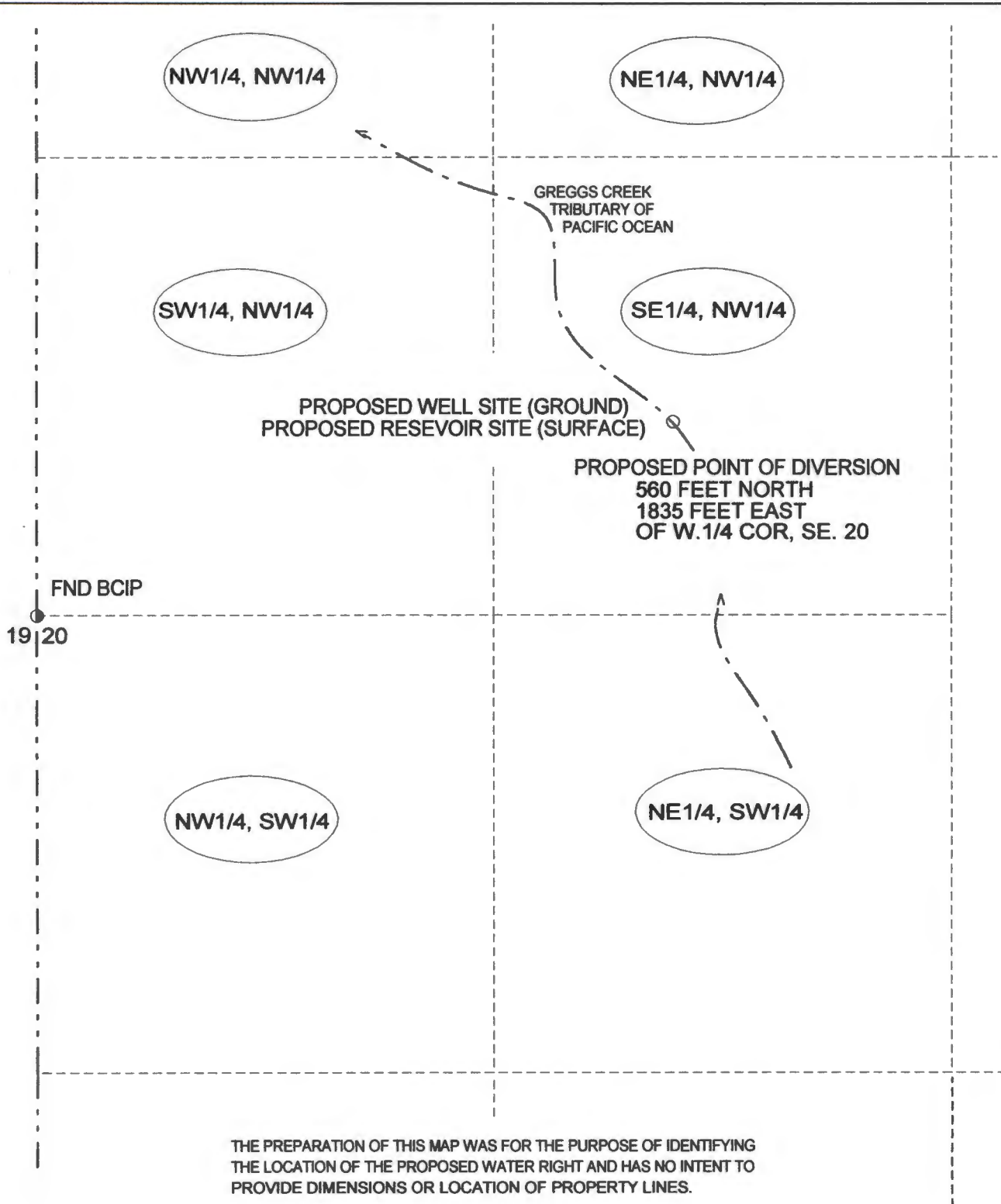
For FO w/PERMIT, w/Permit, or for Denial - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. Bryan M. Flavin, CWRE #366
2. Larry Kammer, 95307 Greggs Creek Rd, Gold Beach OR 97444
3. S. Paul Smith, PO Box 1242, Gold Beach OR 97444

For FO w/PERMIT or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

CASEWORKER: Gaineyjw



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

FND BCIP
 1920

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

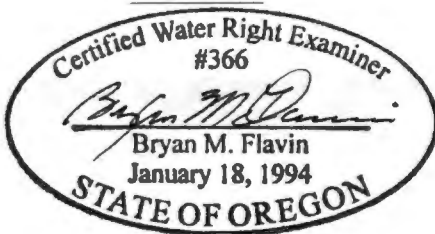
IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

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

JULY 2002



1" = 400'



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

RECEIVED

FFR 04 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

app # 3-85514
 Permit # 3-83985

FO CHECKLIST

FILE # S-85514
PFO WEEK # 422
FO WEEK # 395

PFO TO FO CONVERSION

REVIEW DATE: 12/01/03
INITIALS: JWG
WM District 14
Region Mgr SWR
ODFW Bio _____

Y/N Has applicant name and address changed, or has the file been reassigned?

If new: _____

In preparing to create the FO, you should check the following:

1. Y/N Were comments received? If so, from whom and when? Todd Ginter - ODFW
Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
2. On the PFO CC list, verify names and mailing addresses of ALL commentors (regardless of comment date, affected landowners, and those who paid the \$10 fee.
3. Y/N/NA Have affected land owners been notified? If not, refer to #9.8
4. Y/N/NA Has ODFW asked for self certification of screening condition? If yes, include fish screening form
5. Correct PFO errors (such as POD or POU location (verify from map.))
6. Include or exclude permit conditions
7. Verify Payment of recording fees (circle the appropriate option)

(1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO.

(2) Issue FO w/o permit if fees are lacking.	Exam Fee Paid	<u>250</u>
	Q fee	<u>150</u>
	Subtotal	<u>400</u>
1 st CFS/AF <u>150</u>	Recording Fee	<u>175.00 or 250.00</u>
Addnl. _____	Total	<u>575</u>
TOTAL Q <u>150</u>	Amount Paid	<u>575</u>
	Amount due/refund	<u>0</u>

8. Y/N Is further processing possible? If not state reason: _____

FO Type: (circle types) DENIAL FO w/o PERMIT (REASON: Lacks Fees Lacks Easement
Lacks Approved Dam Plans and Specifications)

FO & PERMIT (Permit # 53985)

Once FO document is completed:

9. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 395.

10. _____ Print final draft of document and submit for peer review

11. Complete routing list

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

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



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 CL HATCHERY - REP.

Kalmiopi's Audubon Society
P.O. Box 1265
Port Orford, OR 97465.
Ann Vileisis, Ann Vileisis
Conservation Director

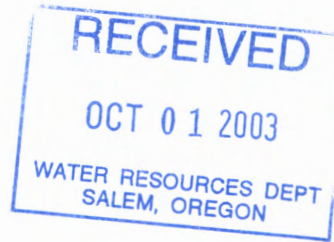


Oregon

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.

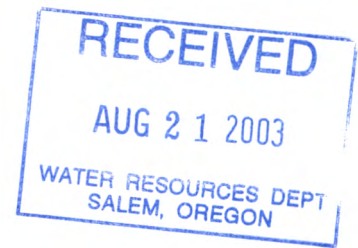
In the longer-term the Water District should be considering purchasing additional water from the Army Corps of Engineers (Lost Creek Dam) and/or connecting to the City of Gold Beach water system. These options may not currently be feasible. However, in the future such options will likely become more 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



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 appears to read "Larry Kammer".

Larry Kammer
95307 Greggs Creek Road
Gold Beach, Oregon 97444
541-247-6612

PFO mailed 8/29/03
-JCB

WATER RESOURCES DEPARTMENT

RECEIPT # **62250**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Larry W. Kammer
BY: _____

APPLICATION	S-85514
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	\$ _____	\$ _____
0205	TRANSFER	\$ _____	\$ _____
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$ _____	\$ _____
_____	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: **62250**

DATED: 08/21/03 BY: Paul Taylor



Agate Realty

29642 Ellensburg Ave. (Hwy 101)

P.O. Box 127

Gold Beach, Oregon 97444



Larry Kammer

Oregon Water Resources Department

158 12th Street N.E.

Salem, Oregon 97301-4172

Attention: Jerry Gainey
Water Rights case Worker

97301+4172



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **62250**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # 6-15960

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	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		\$

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

Mailing List for PFO Copies

Application #S-85514

PFO Date August 26, 2003

Original mailed to:

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

Copies sent to:

- 1. WRD - File # S-85514
- 2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

- 3. WRD - Watermaster # 19
- 4. Regional Manager: SWR
- 5. ODFW District Biologist: Todd Confer

Copies Mailed
By: <u>708</u> (SUPPORT STAFF)
on: <u>8/26/03</u> (DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. Bryan M. Flavin, CWRE #366

~~7. Howard Newhouse, CWRE #095~~ *not in practice anymore*

~~8. Paul Smith, PO 1242, Gold Beach OR 97444~~

~~9. LARRY KAMMER, 95307 GREGGS CREEK ROAD, GOLD BEACH, OR 97444~~

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER : Gaineyjw WEEK 422

**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.

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

included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

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.

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.

This use of water shall be limited when it reduces the flow of water in Greggs Creek.

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.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest 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.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) 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 will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally 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 will impair or be detrimental to the public interest.

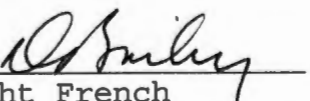
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. 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 537.153(5), 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: S-85514

SOURCE OF WATER: GREGGS CREEK, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE/VOLUME: 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

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 25, 2003

POINT OF DIVERSION 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	NW ¼ SW ¼
SW ¼ NE ¼	SW ¼ SW ¼
SE ¼ NE ¼	SECTION 17
SW ¼ NW ¼	NE ¼ NE ¼
SE ¼ NW ¼	SE ¼ NE ¼
NE ¼ SW ¼	NE ¼ SE ¼
NW ¼ SW ¼	SW ¼ SE ¼
SE ¼ SW ¼	SE ¼ SE ¼
NW ¼ SE ¼	SECTION 19
SW ¼ SE ¼	
SECTION 8	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
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.

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.

This use of water shall be limited when it reduces the flow of water in Greggs Creek.

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.

STANDARD CONDITIONS

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

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

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

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

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

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).

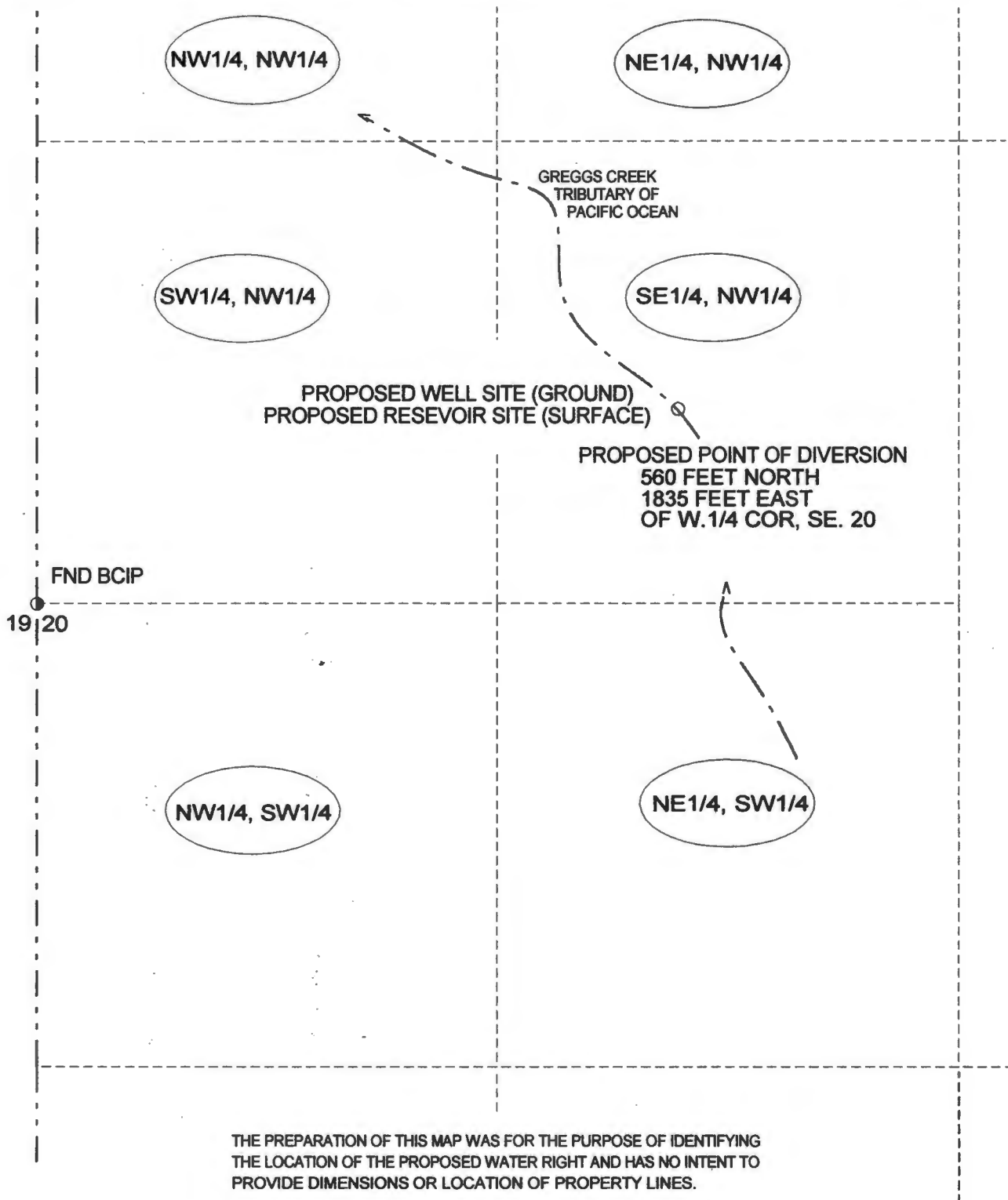
Issued _____, 2003

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.



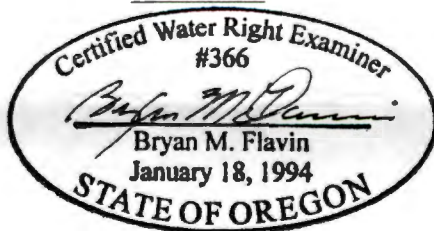
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

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

RECEIVED

FFR 04 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

app # 3-85514
 Permit #

8-14-03

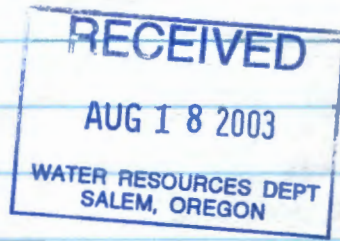
Jerry Mainey -

ENCLOSED IS CHECK FOR \$20⁰⁰ PLEASE SEND ME COPY'S OF PROPOSED FINAL ORDER OF APPLICATIONS

S-85514

AND

G-15960



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 I.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 BEACH
 1242
 P.O.
 OR.
 97444
 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 GAINEV

97301-4172
97301/4172

**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
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 1603 OTHER: (IDENTIFY)

TOTAL REC'D \$ 20.00

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>	\$ <u>20.00</u>
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
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 (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **62172** DATED 08/18/03 BY: Paul Taylor

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, submitted at the plan should be concurrent with the date for updating the existing plan (Feb. 28, 2008)

Doug Parrow

PFO CHECKLIST

10. IR Date 5/9/03 Public Notice Date 5/13/03 Comment Rec'd no

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

Changes from IR determinations: _____

354b - screen/fishway
 357 - totalizing flow meter } ODFW
 4a
 PISPC } DEQ

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: jsj Date: 8/15/03

Revised 3/7/02

FEES:	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>

Application S-85514
 PFO WEEK 422

Peer Review =
 Kerry L.

IR CHECKLIST

Application #: S 85514

County CURRY

Basin: 17- South Coast

WAB: ~~70992~~ 31730614

Township 255

Range 14W

Section 20

1/4 1/4 NWNE

- 10. Groundwater Review A B C D River/Stream Name _____
 ___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
- 25. Use QUAS - MUNICIPAL - 600 H/H Priority Date(s) 3/25/03
- 30. Allowed under Basin Program / N Limitations? Y / OR 690-517
- 40. Withdrawn? Y / season allowed _____
- 45. Basin Maps have been checked. Y / River Mile _____
- 50. SWW Y / (if Y notify state parks)
- 55. Surface water Availability (80% live flow / 50% storage) NA INCORRECT W/D insystem & need of basin/W/D map reflects
~~NO 4/1 H/30 each year OK-yr~~
- 60. Divis 33: / N / NA Above Bonn Y / N Not allowed April 15 - September 30 Y / N
 Below Bonn Y / N If Y add PISPC
 Statewide / N
- 70. Rate _____
 Duty _____ Rate: Max _____ Req 1.0 CFS
- 80. Season: Normal YR Req YR
- 90. B.O.R. or Doug Co. project Y / 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 _____
- 110. Land use approval 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 / (NO COPY TO PAUL MEASLES) 303D Y / NA CTUIR Y /
- 140. within Oregon Streamflow Restoration Area? / 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? N Bryan M. Flavin, CWRE # 366

OTHER: will need newspaper notification -

Name: J Gaimy Date: 4/10/03

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.

Analysis for Application: S85514

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

31730614

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

Records Found: 1

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

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

(1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:

(a) Bradley Lake;

(b) Eel Lake;

(c) Garrison Lake.

(3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.

(4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife:

(a) Glenn Creek (tributary to the East Fork Millicoma River);

(b) Brush Creek.

(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns

and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purpose specified in section (8) of this rule.

(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife.

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek -- Geiger Creek confluence are classified for municipal use.

(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

Platcard Report

Township 35.0S Range 14.0W Section 8

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	G14016 01/05/1996	G13613 -				QM	QM	QM					QM			QM		QM	QM			
i	G15960 03/25/2003	- -				QM																
i	P74091 05/24/1994	- -																				
i	P82989 01/02/1997	- -															LV					
i	S29259 06/15/1954	S23078 26462		lot: 4											0.2 IR	0.3 IR						
i	S39691 04/02/1964	S29482 36855					4.0 IR	2.2 IR									14.0 IR	17.4 IR				
	04/02/1964			lot: 3									3.0 IR									
i	S39765 04/21/1964	S29636 36630						19.7 IR														
i	S58336 02/16/1979	S43951 61478			DO																	
i	S85514 03/25/2003	- -				QM																

Page:1

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 5 seconds

OAR 690-300-0010(40) "Quasi-Municipal Water Use" means the delivery and use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system, for those uses usual and ordinary to municipal water use, or a federally recognized Indian tribe that operates a water supply system for uses usual and ordinary to a municipal water use. A quasi-municipal water right shall not be granted the statutory municipal preferences given to a municipality under ORS 537.190(2), 537.230(1), 537.352, 537.410(2), 540.510(3), 540.610(2), (3), or those preferences over minimum streamflows designated in a basin program.

537.190 Terms and conditions of approval; municipal water supplies; release of stored water. (1) The Water Resources Department may approve an application for less water than applied for, or upon terms, limitations and conditions necessary for the protection of the public interest, including terms, limitations and conditions relating to the release of water from an impoundment or diversion structure necessary to prevent rapid fluctuation in the stream level below the structure which may create a hazard to life or property, if there exists substantial reason therefor. In any event the department shall not approve an application for more water than can be applied to a beneficial use.

(2) The department may approve an application for a municipal water supply to the exclusion of all subsequent appropriations, if the exigencies of the case demand.

(3) When conditions beyond the control of the owner or operator of an impoundment or diversion structure, to which terms, limitations and conditions made as provided in subsection (1) of this section relate, threaten the safety of the structure and the release of water from the structure contrary to such terms, limitations and conditions is or may be necessary to remove the threat:

(a) The terms, limitations and conditions shall not apply to such release of water.

(b) The owner, operator or person in immediate charge of the structure shall immediately notify the department by telegraph or telephone of the situation.

(c) The owner, operator or person in immediate charge of the structure shall immediately notify, to the best of the person's ability, those persons whose life or property may be threatened by the release of water. [Amended by 1959 c.624 §3; subsection (3) enacted as 1959 c.624 §5; 1985 c.673 §32; 1995 c.416 §15]

537.230 Reasonable diligence required in construction of irrigation or other work; extension; survey; map; requirements for supplemental water right. (1) The construction of any proposed irrigation or other work shall be prosecuted with reasonable diligence and be completed within a reasonable time, as fixed in the permit by the Water Resources Department, not to exceed five years from the date of approval.

537.352 Precedence of uses. Notwithstanding any provision of ORS 537.332 to 537.343 and 537.350, the right to the use of the waters of this state for a project for multipurpose storage or municipal uses or by a municipal applicant, as defined in ORS 537.282, for a hydroelectric project, shall take precedence over an in-stream water right when the Water Resources Department conducts a review of the proposed project in accordance with ORS 537.170. The precedence given under this section shall not apply if the in-stream water right was established pursuant to ORS 537.346 or 537.348. [1987 c.859 §11; 1995 c.416 §42]

WATER AVAILABILITY TABLE

Water Availability as of 4/10/2003 for
GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614 Basin: SOUTH COAST Exceedance Level: 80
Time: 17:10 Date: 04/10/2003

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	31730614	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Water Availability as of 4/10/2003 for
GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614 Basin: SOUTH COAST Exceedance Level: 80

Item	Watershed ID	Stream Name
1	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 4/10/2003 for
GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614 Basin: SOUTH COAST Exceedance Level: 80
Time: 17:10 Date: 04/10/2003

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	8.0
2	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	10.1
3	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	9.1
4	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	5.1
5	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	2.4
6	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	1.5
7	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	1.0
8	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	0.8
9	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	0.7
10	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	0.7
11	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	2.4
12	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	6.7
Stor	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	6480.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 4/10/2003 for

GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614

Basin: SOUTH COAST

Exceedance Level: 80

Time: 17:10

Date: 04/10/2003

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 4/10/2003 for

GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614

Basin: SOUTH COAST

Exceedance Level: 80

Time: 17:10

Date: 04/10/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
2	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
3	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
4	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
5	0.00	0.01	0.00	0.00	0.00	0.01	0.00	0.00	0.03
6	0.00	0.04	0.00	0.00	0.00	0.01	0.00	0.00	0.05
7	0.00	0.06	0.00	0.00	0.00	0.01	0.00	0.00	0.08
8	0.00	0.05	0.00	0.00	0.00	0.01	0.00	0.00	0.06
9	0.00	0.02	0.00	0.00	0.00	0.01	0.00	0.00	0.04
10	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
11	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
12	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02

WATER AVAILABILITY TABLE

Water Availability as of 4/10/2003 for
GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614 Basin: SOUTH COAST Exceedance Level: 80
Time: 17:10 Date: 04/10/2003

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	31730614	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Water Availability as of 4/10/2003 for
GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614 Basin: SOUTH COAST Exceedance Level: 80

Item	Watershed ID	Stream Name
1	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 4/10/2003 for
GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614 Basin: SOUTH COAST Exceedance Level: 80
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5	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	2.4
6	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	1.5
7	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	1.0
8	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	0.8
9	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	0.7
10	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	0.7
11	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	2.4
12	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	6.7
Stor	31730614	GREGGS CR > PACIFIC OCEAN - AT MOUTH	YES	6480.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 4/10/2003 for

GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614

Basin: SOUTH COAST

Exceedance Level: 80

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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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 4/10/2003 for

GREGGS CR > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 31730614

Basin: SOUTH COAST

Exceedance Level: 80

Time: 17:10

Date: 04/10/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
2	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
3	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
4	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
5	0.00	0.01	0.00	0.00	0.00	0.01	0.00	0.00	0.03
6	0.00	0.04	0.00	0.00	0.00	0.01	0.00	0.00	0.05
7	0.00	0.06	0.00	0.00	0.00	0.01	0.00	0.00	0.08
8	0.00	0.05	0.00	0.00	0.00	0.01	0.00	0.00	0.06
9	0.00	0.02	0.00	0.00	0.00	0.01	0.00	0.00	0.04
10	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
11	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
12	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02

Platcard Report

Township 35S Range 14W Section 20

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
❶	G14016 01/05/1996	G13613 -								QM	QM				QM	QM						
❶	P82693 01/15/1997	- -															AS					
	01/15/1997																RC					
	01/15/1997																WI					
❶	S48065 03/23/1971	S36056 42387		lot: 5							DI											
	03/23/1971			lot: 4						DO												
❶	S57714 07/28/1978	S43556 -											4.0 I*									
❶	S58290 01/30/1979	S43904 54472		lot: 14													DI					
❶	S59812 -	S44934 60634															1.0 ID					
❶	S60313 07/03/1980	S45170 65505											DN									

Page:1 [2](#) [Next](#) [Last](#)

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 3 seconds

Platcard Report

Township 35S Range 14W Section 20

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	S80734 12/18/1995	S53305 -		CN												DN CN						
i	S80734 12/18/1995	S53363 -														DN						

Page: [First](#) [Previous](#) [1](#) [2](#)

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 1 seconds

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NESIKA BEACH WATER DISTRICT AND OPHIR WATER DISTRICT
32892 NESIKA ROAD
GOLD BEACH, OREGON 97444

(503)247-2614

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

APPLICATION FILE NUMBER: G-14016

SOURCE OF WATER: A WELL IN ROGUE RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.5 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1996

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 9, T36S, R14W, W.M.;
512 FEET NORTH & 2538 FEET EAST FROM S1/4 CORNER, SECTION 9

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SW 1/4
SE 1/4 SW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SECTION 8

NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SECTION 17

NE 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SE 1/4

SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 19

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SECTION 20

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
SE 1/4 SW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SECTION 30

SW 1/4 NE 1/4
NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 31

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

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 36

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

NE 1/4 SW 1/4
SW 1/4 SW 1/4
NW 1/4 SE 1/4
SECTION 5

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SE 1/4
SECTION 6

NW 1/4 NW 1/4
SECTION 7

NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 8

SW 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
SE 1/4
SECTION 9

NE 1/4 NW 1/4
SECTION 16

NW 1/4 NE 1/4
SW 1/4 NE 1/4
NW 1/4 SE 1/4
SECTION 17

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

NE 1/4
SE 1/4
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. 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.

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 Department has determined a Water Management and Conservation Plan may be required for this application under OAR 690 Division 86.

STANDARD CONDITIONS

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.

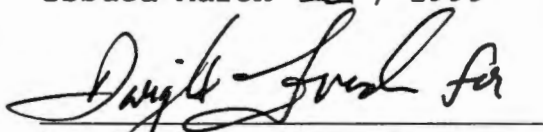
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction of the well shall begin by June 8, 1999. Complete application of water to the use shall be made on or before October 1, 2002. 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 March 22, 1999



Martha O. Pagel, Director
Water Resources Department

STATE OF OREGON
COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That NESIKA BEACH WATER DISTRICT

of Route 1, Box 114 A, Gold Beach, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Rogue River for the purpose of Group domestic use of 112 families

under Permit No. G-3571 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 18, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.20 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T. 36 S., R. 14 W., W. M. Well located: 512 feet North and 2538 feet East from SW $\frac{1}{4}$ Corner, Section 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to-----of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30

SW $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$
N $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 31
T. 35 S., R. 14 W., W. M.

SE $\frac{1}{4}$ NE $\frac{1}{4}$
E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 36
T. 35 S., R. 15 W., W. M.

SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 6

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 8
T. 36 S., R. 14 W., W. M.

S $\frac{1}{2}$ SW $\frac{1}{4}$
S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 9

NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 16

W $\frac{1}{2}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17
T. 36 S., R. 14 W., W. M.

This right shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

WITNESS the signature of the State Engineer, affixed

this 14 day of June , 19 71

CHRIS L. WHALLER

State Engineer

MEMO

TO: ANITA HUFFMAN
CORY ENGEL
RUSS KLASSEN
KERRY LEFEVER

SUBJECT: IR REVIEW
PFO REVIEW
FO REVIEW
ALT RESERVOIR

FROM: JERRY GAINEY

Date: 5/5/03

Please review the attached file(s), 5-85514, and return to me after your review. The file(s) is/are dated for signature on May 9, 2003. MISSOURI.

Thanks

See notes. Also, note ~~the~~ regarding your 4/11/03 memo to Parron that the purpose of his review is also to let us know if he thinks the rate requested is unreasonable. He knows this, so I don't think you need to do anything. However, in the future you might want to add that to your memo.

Additionally, Parron should have gotten a copy of this app when it was filed, but WREG may have

#19

WATERMASTER DIVISION 33 APPLICATION WORK 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: **MAY 9, 2003** 30 day Deadline Date: **JUNE 9, 2003** Application #S-85514

Applicant's Name: NESIKA BEACH-OPHIR WATER DISTRICTS
SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: GREGGS CREEK
(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 I don't know

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: Lloyd C. Van Gordon Date: 5-20-03 Title: Water master Dist. 19

WRD Contact: Caseworker: **JERRY GAINEY**, Water Rights Division, 503-378-8455 ext: 458
Fax: 503-378-6203 / e-mail: Jerry.W.Gainey@state.or.us

S:\groups\wr\ir\work\S85514.wpd

RECEIVED

MAY 21 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.

copy

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: **MAY 9, 2003** 30 day Deadline Date: **JUNE 9, 2003** Application #S-85514

Applicant's Name: NESIKA BEACH-OPHIR WATER DISTRICTS

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: GREGGS CREEK
(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?
B54b - Screening + fishway B57 - 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: 6-4-03

WRD Contact: Caseworker: **JERRY GAINEY**, Water Rights Division, 503-378-8455 ext: 458
Fax: 503-378-6203 / e-mail: Jerry.W.Gainey@state.or.us

J. Gainey

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

Date: **MAY 9, 2003** 30 day Deadline Date: **JUNE 9, 2003** Application #S-85514

Applicant's Name: NESIKA BEACH-OPHIR WATER DISTRICTS

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: GREGGS CREEK

(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) Is there a connection to a 303(d) listed water quality limited waterbody? **NO** YES

Explain: _____

2) What is the potential for this use to impact a water quality limited waterbody: HIGH MEDIUM **LOW**

Explain: _____

3) If the answer to question (2) is HIGH or MEDIUM, will the proposed use still result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species? NO / YES

If YES, how? _____

4) Can conditions be applied to mitigate the impact of the use? NO / **YES**

Which conditions are recommended from the Menu of Conditions?

4a, pispc, b57.

5) If conditions cannot be identified to offset impacts, would the proposed use affect the Habitat of Sensitive, Threatened, or Endangered Fish Species? **NO** / YES

If YES, please explain: _____

DEQ RECOMMENDATION:

Approval with conditions.

Approval without conditions.

Denial.

DEQ Representative: Name: Rachel Ann Sun Date: 6/30/03

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

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 Barnes and Caroline Barnes are moving away from Port Orford. These two events were celebrated with a large gathering which included Doug and Ruth Jarrett, Scott Mecum family, Valerie Moom, 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 Roeman, 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 Maury Cramer, Jesse and

and Lee Kirkland of Port Orford.

• Bob and Maureen 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 Lucille 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 of the delinquent 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 all 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 312.040 (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 Neshka 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

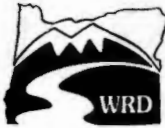
Public Notice

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 3315-0500-00301-00	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 1,698.08 1,781 1,847 1,038 1,473 6,740
RENNETT, 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 65.50 789.68 836 860 749 675 3,125
BODENSTAB, CURT F & MARI ANNE R14039 4013-34 -00103-00 17-3 ACRES 2.38	*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 11 26 27 29 89
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 44 32 42 31 1,64
MULLEN, DANIEL W R16771 4014-25CB-02700-00 17-7 SPLIT CODE W/17-3 143310, ACRES 5.00	*1999-00 58.77 2000-01 1,136.85 2001-02 1,411.81 2002-03 1,409.32 TOTALS 4,016.75	32.13 485.05 376.68 150.33 1,043.99 1 1.6 1.7 1.5 5.0
MULLEN, IOLA M R16835 4014-25CB-02800-00 17-7 SPLIT CODE W/17-3 R21273, ACRES 5.00	*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 1 1.2 1.4 1 4
SPARKS, SUSIE M29263 4014-12B -00304-00 27-6	*1999-00 56.61 2000-01 56.02 TOTALS 112.63	33.21 23.91 56.52 56.52 112.63



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 Surface 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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WATER RESOURCES DEPT.
SALEM, OREGON

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

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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@harborside.com

*Optional information

For Department Use		
App. No. <u>5-85514</u>	Permit No. _____	Date _____

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WATER RESOURCES DEPT.
SALEM, OREGON

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: GREGG'S CREEK Tributary to: PACIFIC OCEAN
 Source 2: _____ Tributary to: _____
 Source 3: _____ Tributary to: _____
 Source 4: _____ Tributary to: _____

B. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Water Use.")
 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 an easement permitting access.

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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. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of 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 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 amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	AMOUNT(AF, CFS, GPM)
GREGGS CREEK	QUASIMUNICIPAL	1.0 CFS

C. 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.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type) _____
- Head-gate (give dimensions) _____
- Other means (describe) SUBMERGED INTAKE SCREEN

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other (describe) _____

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S-85514

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C. 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

- Pipe (give diameter and total length)

Diameter 12" Length 1 MILE

- Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

DOMESTIC WATER MEANS

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank) or pond
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

SEE NESIKA BEACH OPHIR WATER MANAGEMENT PLAN

5. RESOURCE PROTECTION

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

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Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: DESIGN INTAKE & DIVERSION TO CURRENT
STANDARDS OF PRACTICE

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: CONFINE CONSTRUCTION ACTIVITIES TO

ONLY NECESSARY EQUIPMENT

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: CONSTRUCT DURING APPROPRIATE SEASON

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: CONSTRUCTION WILL BE MONITORED AND PERFORMED

IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND
FEDERAL STANDARDS

Other: _____

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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SALEM, OREGON

app# S-85514 Surface Water/ 5

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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

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WATER RESOURCES DEPT.
SALEM, OREGON

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:

Guy 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.
- 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.

app # S-85514



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

May 9, 2003

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

Reference: File S-85514

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.
2. This application falls within a high priority area for streamflow restoration under the Oregon Plan.
3. The use of water from Greggs Creek, a tributary of the Pacific Ocean for quasi-municipal use **is allowable** under OAR 690-517, the South Coast Basin Program.
4. Water in the amount of 1.0 cubic foot per second for quasi-municipal use **is available**.
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 from Greggs Creek, a tributary of the Pacific Ocean for quasi-municipal use is allowable year-round.

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.

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, May 23, 2003**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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, June 26, 2003.**

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. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
 3. The Department has determined a Water Management and Conservation Plan may be required for this application under OAR 690 Division 86.
 4. The priority date for this application is March 25, 2003.

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.

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

S-85514; wab 17-31730614; pou 17-70892 AND 31730614; gw

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: S-85514

Applicant: NESIKA BEACH WATER DISTRICT; OPHIR WATER DISTRICT

County: Curry

Watermaster: 19

Priority Date: March 25, 2003

Source: GREGGS CREEK, A TRIBUTARY OF PACIFIC OCEAN

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

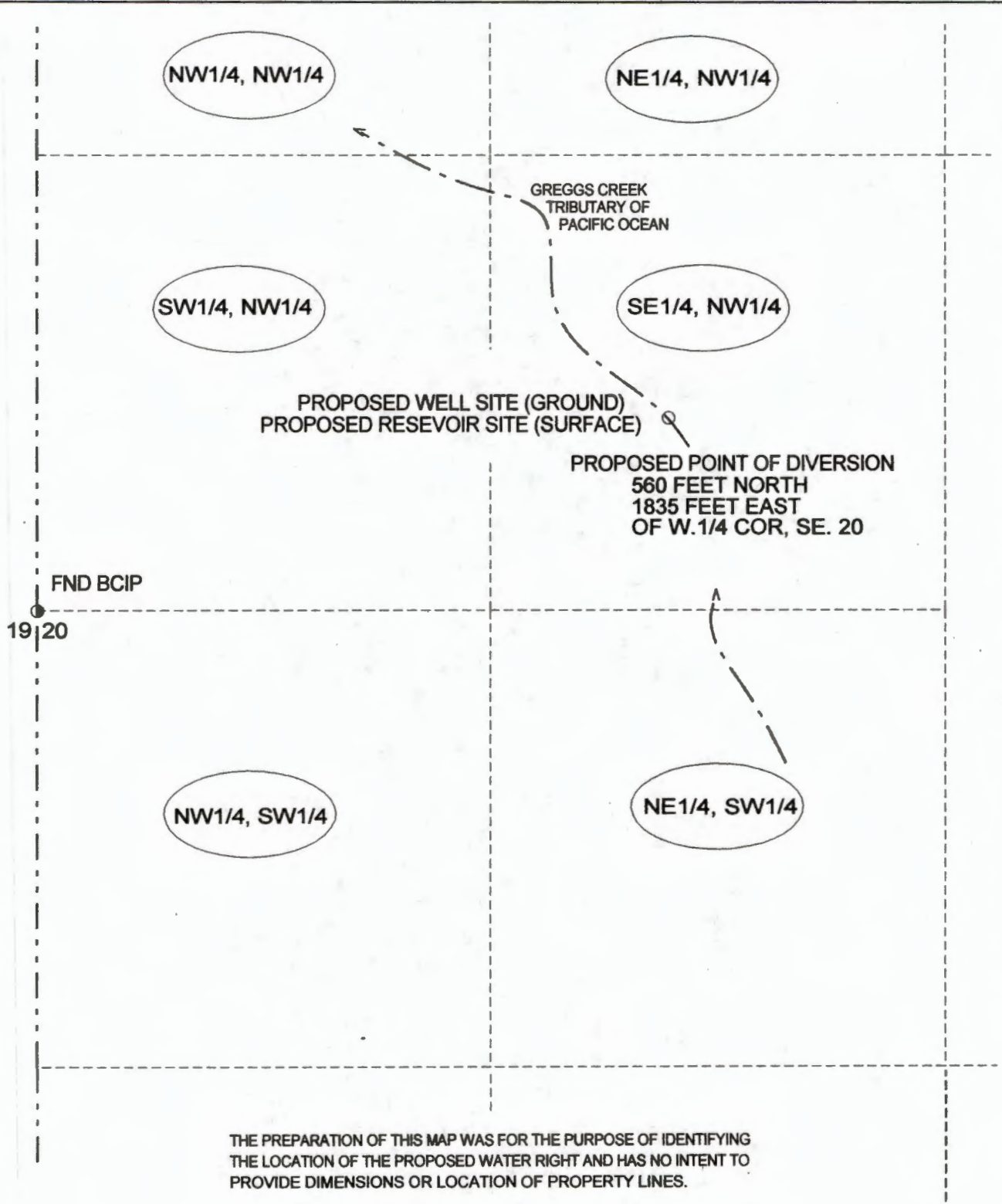
Point of Diversion Location: SENW SECTION 20, T35S, R14W, W.M.; 560 FEET NORTH &
1835 FEET EAST FROM W1/4 CORNER, SECTION 20

Place of Use: NWNE, SWNE, SENE, NE 1/4, SWNW, SENW, NESW, NWSW SESW,
NWSE, SWSE, SECTION 8; NWSW, SWSW, SECTION 17; NENE, SENE,
NESE, SWSE, SESE, SECTION 19; NWNW, SWNW, NWSW, SWSW,
SECTION 20; NENE, NWNE, SWNE, SENW, NESW, SESW, NWSE, SWSE,
SECTION 30; SWNE, NW 1/4, NESW, NWSW, SWSW, SESW, SECTION 31;
SENE, NESE, SESE, SECTION 36, TOWNSHIP 35 SOUTH, RANGE 14
WEST, W.M.; SENE, NESE, SESE, SECTION 36, TOWNSHIP 35 SOUTH,
RANGE 15 WEST, W.M.; NESW, SWSW, NWSE, SECTION 5; NWNW,
SWNW, NWSW, SWSW, SESE, SECTION G; NWNW, SECTION 7; NE 1/4,
NENW, NWNW, SENW, NESW, SESW, SE 1/4, SECTION 8; SWNW, SENW,
SW 1/4, SE 1/4, SECTION 9; NENW, SECTION 16; NWNE, SWNE, NWSE,
SECTION 17, TOWNSHIP 36 SOUTH, RANGE 14 WEST, W.M.; NE 1/4, SE
1/4, TOWNSHIP 36 SOUTH, RANGE 15 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 23, 2003

PUBLIC NOTICE DATE: Tuesday, May 13, 2003

30 DAY COMMENT DEADLINE DATE: Thursday, June 12, 2003



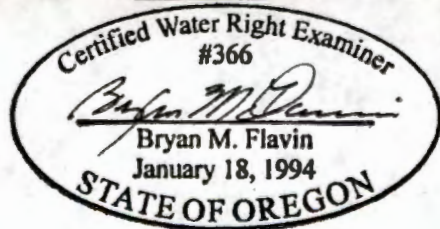
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES.

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.**

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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

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app # 3-85514
Permit #



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

June 3, 2003

Allan Wagner
Nesika Beach-Ophir Water District
32892 Nesika Rd
Gold Beach, Oregon 97444

RE: Application S-85514, Nesika Beach-Ophir Water District

Dear Mr. Wagner:

On May 30, 2003, the Department received your request for a 180 day administrative hold on processing of the above referenced until application G-15960 has received an initial review.

The Department will not take any action on this application until **December 1, 2003**. Please let us know if you are ready to proceed sooner.

If you have any questions, please give me a call. I can be reached at (503) 378-8455, extension 458.

Sincerely,

Jerry W. Gainey
Jerry W. Gainey
Senior Water Rights Technician

cc: Watermaster District 19



Nesika Beach-Ophir Water District

32892 Nesika Road
Gold Beach, Oregon 97444
Phone (541) 247-2614 Fax (541) 247-9684
E-mail nbwd@harborside.com

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To: Jerry Gainey / Water Resources Department

From: Allan Wagner Manager Nesika Beach-Ophir Water District

Date: 5-28-03

Subject: Temp. Hold app. S-85514

Dear Jerry,

As per our phone conversation please put our file application # S-85514 on hold until the issuance of proposed final order of Ground Water Application #G-15960. Thank you.

Best Regards


Allan Wagner N.B.O.W.D.

Mailing List for IR Copies

Application #S-85514

IR Date: May 9, 2003

Original mailed to:

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

Copies sent to:

1. WRD - File # S-85514
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager : SWR

Copies Mailed
By: <u>JSB</u> (SUPPORT STAFF)
on: <u>5/9/03</u> (DATE)

Note to Support: Complete top portion of Division 33 Review Forms -----
Date Sent, Due Date (28 days after date sent), application number and name ----
and staple form to front of copy packet for the following:

- 1) Watermaster 2) ODFW 3) DEQ (if indicated below)
-

Mail Copies of IR, Map, Water Availability, Fact Sheet, and Basin Map to the following:

4. WRD - Watermaster # 19 + **Watermaster Form**
5. ODFW District Biologist: Todd Conifer + **ODFW Form 2 (L. Col./Statewide)**
6. DEQ W Region - John Blanchard + **DEQ Form**
7. DOA (Salem): Jim Johnson

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

8. BRYAN M. FLAVIN, CWRE #366

ID# JWG

COPYSHIT:IR

NOTICE OF WATER USE REQUEST

Regarding: Application #S-85514

The Oregon Water Resources Department is evaluating the request by Nesika Beach-Ophir Water Districts 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, Range 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.



Oregon Water Resources Department

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FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: Nesike 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: 902 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)

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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 in 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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Last revision: April 9, 1996

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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
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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:	annual gal/yr.	56,940,000 gal/yr
Peak day demand (gallons/capita/day):	Current (year: 2002)	2020
Peak daily demand (MGD):	271	271
Average daily demand (gallons/capita/day):	0.39	0.70
Average summer demand (gallons/capita/day):	109	109
	167	167

4. EXPLANATION FOR PROJECTED GROWTH RATE:

From 1980 to 2000 the district growth rate ranged from 2.6% 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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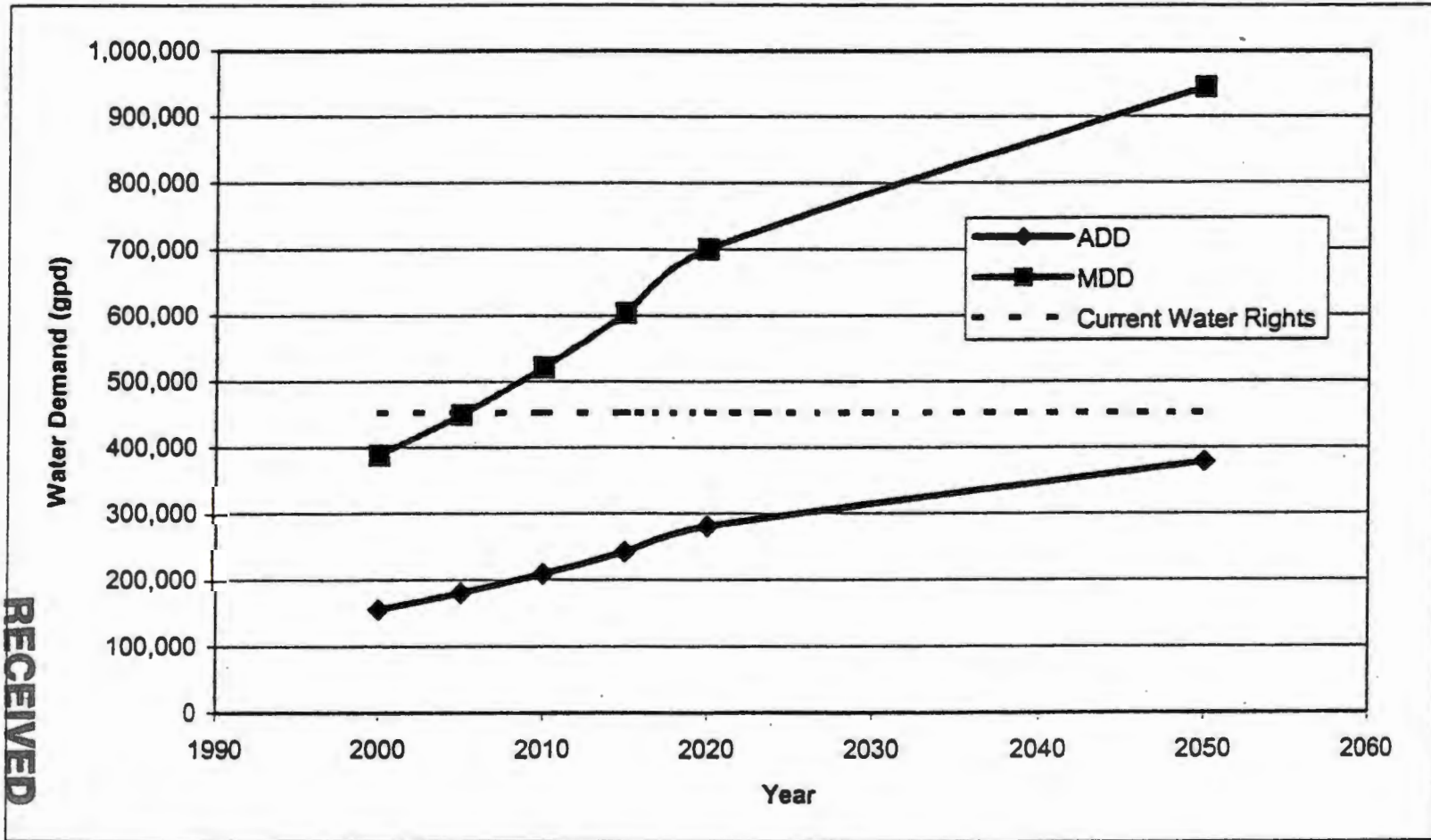
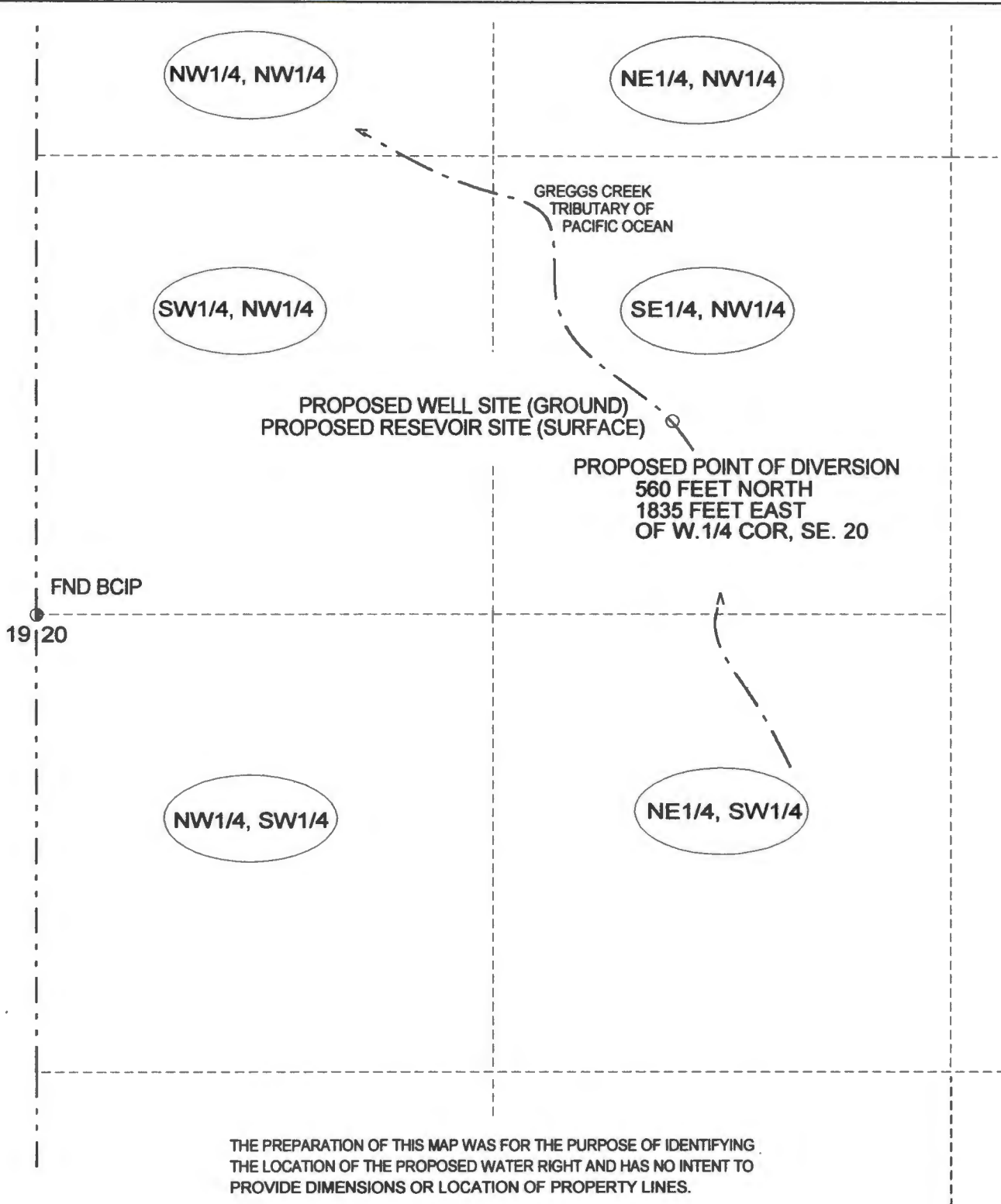


Figure 5.3.1 - Projected Water Demands

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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



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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

app # 5-85514
 Permit #



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Oregon Water Resources Department Land Use Information Form

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>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 GREGGS CREEK
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1.0 CFS GPM Acre-Feet APP# S-85514

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your 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
		<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: 02/26/03
 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.)

PROPERTY NAME AND ADDRESS		MAP NUMBER	ACCOUNT
FIRING VIRGINIA FT AJ		3514-20C-00500-00	R12047
DENNIS MACFY FT AJ			Z NUMBER
549 SOUTHGATE ROAD		ZONING	ORDNANCE ACCOUNTS
		RCR10	
			ADDRESS VALUE
SACRAMENTO CA 95815		TAX CODE AREA	7420
SITE ADDRESS		12-1	TAXES
			71.72
			Taxes Owning

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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	
DAMAGE	YEAR BUILT	0	ADDITIONAL RESIDENCES			

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PROPERTY ADDRESS	PARCEL NUMBER	ACCOUNT	R12047
FIRING VIRGINIA FT AJ	3514-200-00500-00	Account Number	
DENNIS MACFY FT AJ			
549 SOUTHWATE ROAD	RGR10	ADDITIONAL VALUE	17420
SACRAMENTO CA 95815	TAX CODE AREA	TAXES	71.72
	12-1		
STATUS ADDRESS			

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Property is Specially Assessed Potential Additional Tax Liability

LAND	ACRES	4.81	CLASS	R41	REAL MARKET VALUE	155,970
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
GARAGE	YEAR BUILT	00				
			ADDITIONAL RESIDENTS			

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APP # S-85514

OWNERS JOHN I & MARCIA R	ACCOUNT R11981
3514-2ND - 00400-00	X Number
	CROSS REF ACCOUNTS
3755 OLD MILITARY ROAD	ASSESSED VALUE 36 880
CENTRAL POINT OR 97502	TAXES 331 74
SITUS ADDRESS 12-1	Taxes Owning

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LAND	ACRES	1 68	CLASS	13	REAL MARKET VALUE	44 640
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
GARAGE	YEAR BUILT	0				
			ADDITIONAL RESIDENCES			

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OWNER	3514-200-00300-00	ACCOUNT	R1191A
ADDRESSEE		Number	
PROPERTY		CROSS-REF ACCOUNTS	
549 SOUTHWATE ROAD	R0R10	ASSessed VALUE	19 730
SACRAMENTO CA 95815	TAX CODE AREA	TAXES	100 41
STREET ADDRESS	12-1		Taxes Owning

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Property is Specially Assessed Potential Additional Tax Liability

LAND	ACRES	617	CLASS	1641	REAL MARKET VALUE	165 700
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
DAMAGE	YEAR BUILT	0				
			ADDITIONAL RESTRICTIONS			

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 WATER RESOURCES DEPT.
 SALEM, OREGON

app # S-85514

MEREDITH FARI & MONA	3514-200-00205-00	ACCOUNT	R11676
		X Number	
		CROSS REF ACCOUNTS	
PO BOX 396	ROR10	ASSESSOR VALUE	67110
		TAXES	669.90
IGNI D BEACH OR 97444	124	Taxes Owning	
195181 GREGGS CREEK RD			
IGNI D BEACH OR 97444			

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LAND	ACRES	1.28	CLASS	131	REAL MARKET VALUE	46750
IMPROVEMENTS	SQUARE FEET	384	CLASS	111	REAL MARKET VALUE	24680
GRADE	FEET	11	ADDITIONAL REMARKS			

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 WATER RESOURCES DEPT.
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RECEIVED
 JAN 2 7 2003
 WATER RESOURCES DEPT

app # 5-85514

PROPERTY OWNER	ACCOUNT	1R11736
ROBERTS RUSSELL J ET AL	3514-200-00206-00	X Number
WORTHINGTON KARMIN JAYE FTAL		
IP N BOX 1494	IRCR10	
IGNI D BEACH OR 97444		
STATUS ADDRESS	124	523.4F
195191 GREGGS CREEK RD		Taxes Owning
IGNI D BEACH OR 97444		

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 SALEM, OREGON

LAND	ACRES	1.24	CLASS	131	REAL MARKET VALUE	146,750
IMPROVEMENTS	SQUARE FEET	1924	CLASS	FS4	REAL MARKET VALUE	17,640
DAMAGE	YEAR BUILT	1978				
			ADDITIONAL RESOURCES			

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PROPERTY NAME AND ADDRESS	MAP NUMBER	ACCOUNT	R18623
DENNIS MACFY	3514-200-00204-00	3 Number	
549 SOUTHWATE ROAD	RGR10	CREDIT ACCOUNTS	
SACRAMENTO CA 95818		CONTRIBUTOR VALUE	200 240
	12-4	TAXES	1 887 85
195175 GREGGS CREEK RD		Taxes Owning	
GOLD BEACH 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	141	REAL MARKET VALUE	1 92 970
	YEAR BUILT	1994				
			ADDITIONAL RESIDENCES			

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 WATER RESOURCES DEPT

app # S-85514

KL FINSCHMIT JOE D TRUSTEE	3514-200-00203-00	ACCOUNT	R11604
		X Number	
		GROUP REF ACCOUNTS	
95169 GREGGS CREEK ROAD	RGR10	ASSESSED VALUE	39 550
		TAXES	417 R
IGNI D BEACH OR 97444	12-4		
95169 GREGGS CREEK RD			Taxes Owning
IGNI D BEACH OR 97444			

LAND	ACRES	1 R	CLASS	191	GRAND MARKET VALUE	48 590
IMPROVEMENTS	SQUARE FEET		CLASS	200	GRAND MARKET VALUE	15 360
MARKS	YEAR BUILT	0	ADDITIONAL RESIDENCES			

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WILSON DAN N & DOROTHY J	3514-200-00202-05	ACCOUNT	1M30914
		X Number	000162964
95171 GREGGS CREEK ROAD		PROPERTY ACCOUNTS	
		ASSSESSED VALUE	132 590
IGNI D BEACH OR 97444		TAXES	302 14
	12-4	Taxes Owng	
95171 GREGGS CREEK RD			
IGNI D BEACH OR 97444			

LAND	ACRES	CLASS	REAL MARKET VALUE
	11.782	1M5	145,340
IMPROVEMENTS	SQ. FEET	CLASS	REAL MARKET VALUE
	1980	1M6	
PARKS			
		ADDITIONAL PARCELS	

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 SALEM, OREGON

app # S-85514

ROSS, GERALD R & SUE C. CO-TRSTF	3514-200-00101-00	ACCOUNT	1R11062
P O BOX 5510	1R010		
BROOKINGS OR 97415			
	12-1		231F
			Taxes Owing

Property is Specially Assessed Potential Additional Tax Liability

LAND	ACRES	9.36	CLASS	1R4r	REAL MARKET VALUE	156,000
IMPROVEMENTS	SQ. FT.		CLASS		REAL MARKET VALUE	
BADGE	YEAR BUILT	10				
			ADDITIONAL RESIDENCES			

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 WATER RESOURCES DEPT.

app # S-85514

OWNER NAME	ACCOUNT	1R11535
CONRIAN BRIAN A	PARCEL NUMBER	3514-20C-00201-00
	Map Number	
	CROSS REF ACCOUNTS	
	ASSIGNED VALUE	31 470
1810 SW 26TH AVENUE #6	ZONING	RCR10
	TAX CODE AREA	
PORTLAND OR 97219	TAXES	285 71
STREET ADDRESS		Taxes Owing

LAND	TAXES	4.9%	CLASS	431	REAL MARKET VALUE	36 520
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
LAND	YEARS	10	ADDITIONAL RESIDENCE			

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 SALEM, OREGON

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 WATER RESOURCES DEPT.
 SALEM, OREGON

app# S-85514

OWNER	PROPERTY NUMBER	ACCOUNT	IR11477
TERRON W. JEFFERY DEAN & ROBY LY	3514-200-00200-00	PARCEL NUMBER	
		OWNER REF ACCOUNTS	
		ALLEGED VALUE	IR3 760
IP N BOX 75	IRCR10	TAXES	IR22 25
		Taxes Owing	
INPHIA OR 97464	TAX CODE AREA		
	124		
LOTUS ADDRESS			
95215 GREGGS CREEK RD			
IGNO D BEACH OR 97444			

LAND	ACRES	CLASS	REAL MARKET VALUE
	1.81	131	48,600
IMPROVEMENTS	SQUARE FEET	CLASS	REAL MARKET VALUE
	1,560	FD4	49,390
GARAGE	YEAR BUILT		
<input type="checkbox"/>	1990		
		ADDITIONAL RESIDENCE	<input type="checkbox"/>

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 SALEM, OREGON

app # S-85514

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MILLER GEORGE F & KARIN F
HAWKINS TIMOTHY MICHAEL CP

3514-00 02800-00

1818276

HAWKINS TIMOTHY MICHAEL
195061 GREGGS CREEK ROAD
GON D REACH OR 97444

180825

137 920

12-1

340 60

Taxes Owning

LAND ACRES 20 CLASS 13 REAL MARKET VALUE 145 810

IMPROVEMENTS SQUARE FEET CLASS REAL MARKET VALUE

GARAGE YEAR BUILT 10 ADDITIONAL RESOURCES

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WATER RESOURCES DEPT.
SALEM, OREGON

app #s - 85514

HAWKINS TIMOTHY M & SALLY ANN	3514-00 -02802-00	ACCOUNT	R18336
		Number	
		CROSS REF ACCOUNTS	
195061 GREGGS CREEK ROAD	RCR25	ASSESSOR VALUE	185 040
		TAXES	1 748 77
IGNI D BFACH OR 97444	124	Taxes Owning	
STATUS ADDRESS			
195061 GREGGS CREEK RD			
IGNI D BFACH OR 97444			

LAND	ACRES	1.91	CLASS	131	REAL MARKET VALUE	59 100
IMPROVEMENTS	SQUARE FEET	1 772	CLASS	142	REAL MARKET VALUE	153 890
GARAGE	YEAR BUILT	1998	ADDITIONAL RESIDENCES			

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 SALEM, OREGON

app #S-85514

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 SALEM, OREGON

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OWNER'S NAME AND ADDRESS	MAP NUMBER	ACCOUNT	R1R405
CONNORLY JOHN I & MARCIA R	3514-00 -02803-00	X NUMBER	
3755 OLD MILITARY ROAD	FFG	ORDER REF ACCOUNTS	
CENTRAL POINT OR 97502		RECEIVED VALUE	74 R10
STREET ADDRESS	TRAFFIC AREA	TAXES	670 RF
	12-1		
		Taxes Owning	

LAND	TAXES	44.9%	CLASS	43F	REAL MARKET VALUE	112,470
IMPROVEMENTS	SQUARE FEET		CLASS		REAL MARKET VALUE	
GARAGE	YEAR BUILT	0	ADDITIONAL RESIDENCES			

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FFR 0 4 2003

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SALEM, OREGON

RECEIVED

MAR 25 2003

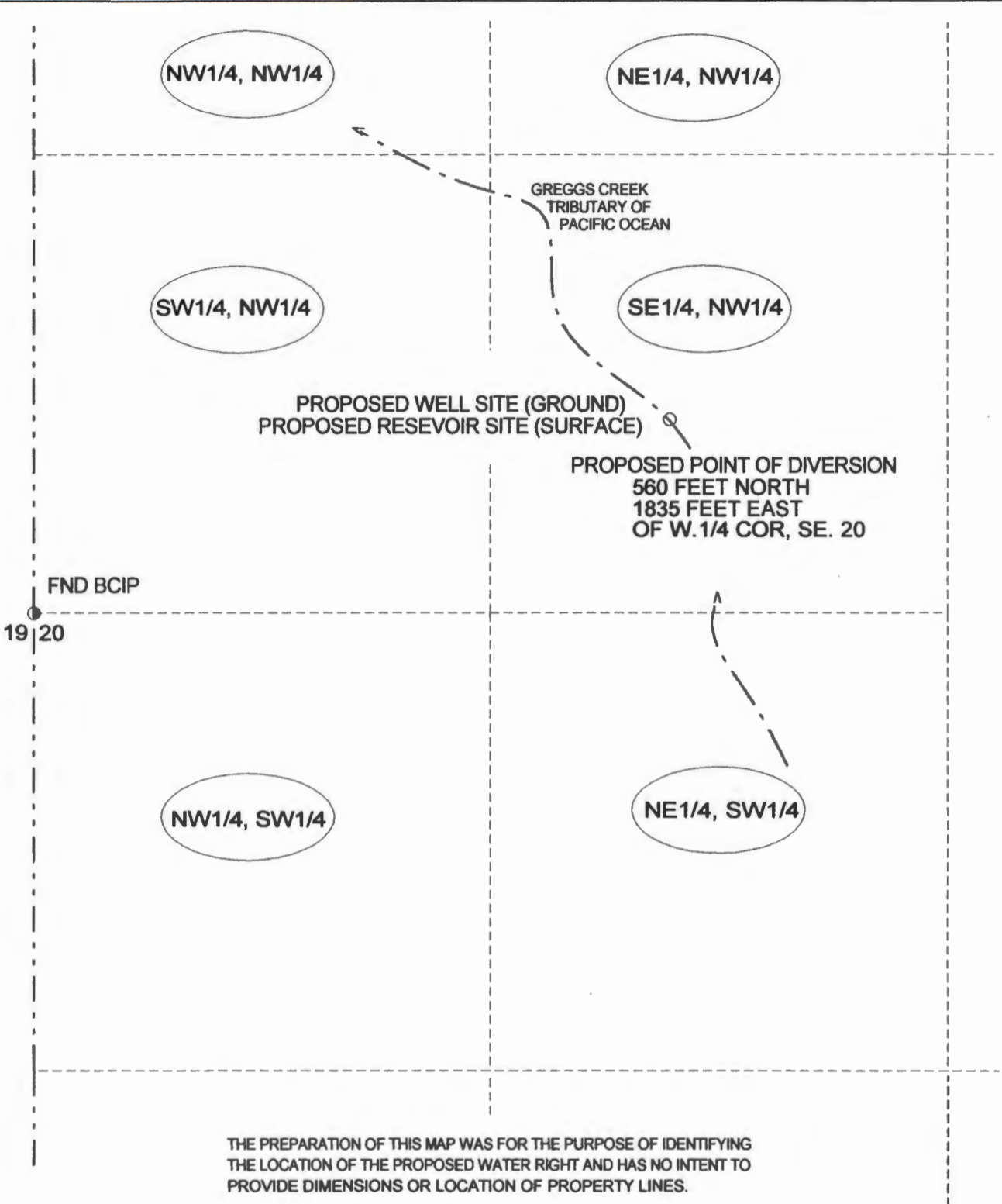
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 27 2003

WATER RESOURCES DEPT.
SALEM, OREGON

app # 8-85514



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



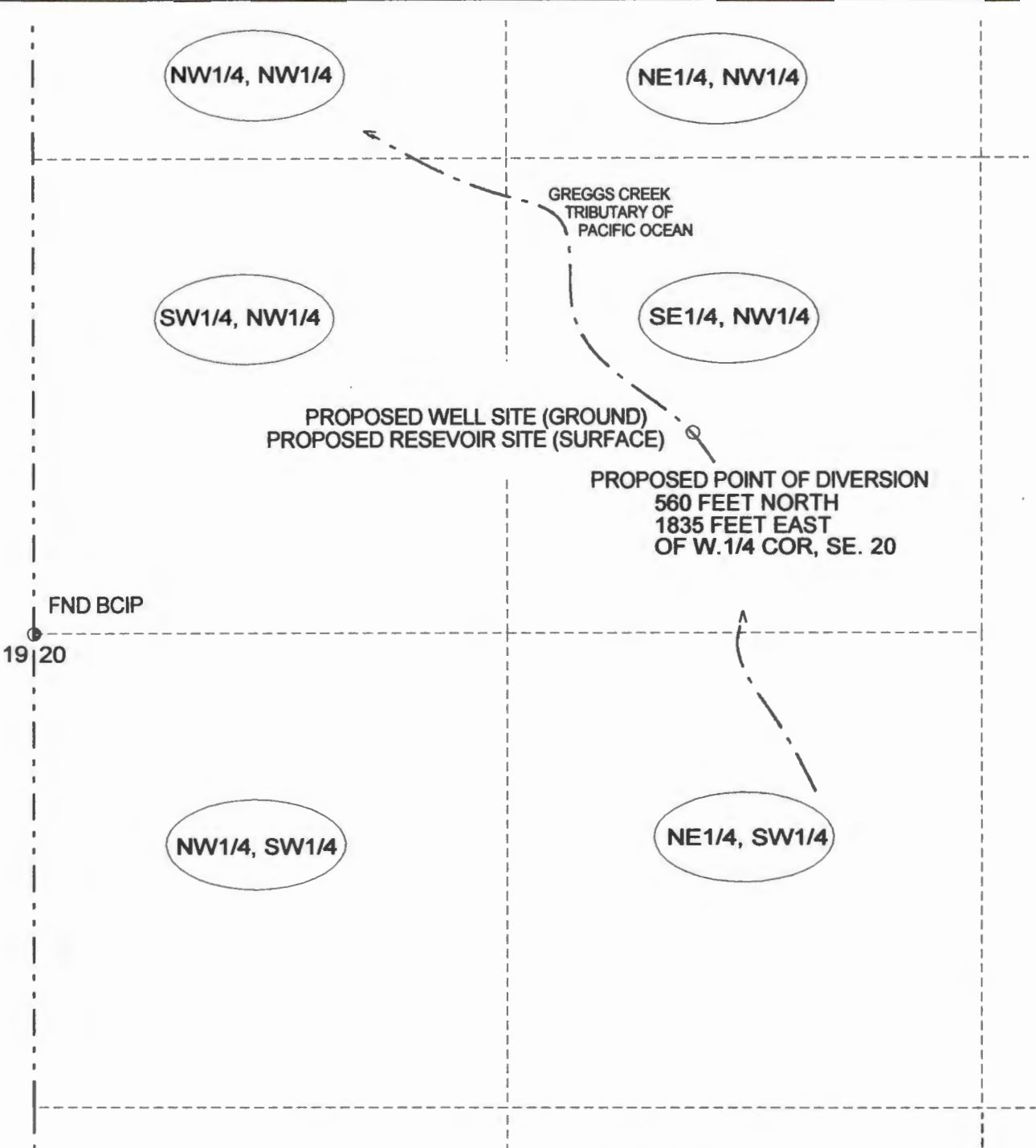
RECEIVED
 MAR 25 2003
 WATER RESOURCES DEPT.
 SALEM, OREGON

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
RECEIVED
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 WATER RESOURCES DEPT.
 SALEM, OREGON

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

app # 5-85514
 Permit #



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

FND BCIP
 19 | 20

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 THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO
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WATER FILING APPLICATION

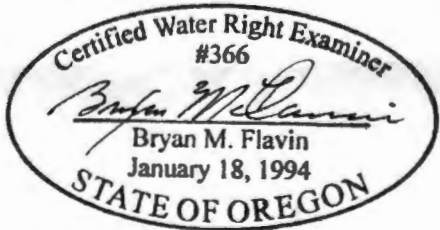
IN THE NAME OF
NESIKA BEACH/OPHIR WATER DISTRICTS

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

JULY 2002



1" = 400'



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
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 CERTIFIED WATER RIGHTS EXAMINER
 32053 SQUAW VALLEY ROAD
 GOLD BEACH, OREGON 97444
 541-247-6485
 CWRE #3385

EXPIRES 12/31/03

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FEB 04 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

app # 5-85514
 Permit #

NW1/4, NW1/4

NW1/4

3 maps

SW1/4, NW1/4

SE1/4, NW1/4

PROPOSED WELL SITE (GROUND)
PROPOSED POINT OF DIVERSION
560 FEET NORTH
1835 FEET EAST
OF W. 1/4 COR, SE. 20

PROPOSED RESEVOIR SITE (SURFACE)
PROPOSED POINT OF DIVERSION
560 FEET NORTH
1835 FEET EAST
OF W. 1/4 COR, SE. 20

FND BCIP

19 | 20

NW1/4, SW1/4

NE1/4, SW1/4

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WATER FILING APPLICATION

IN THE NAME OF

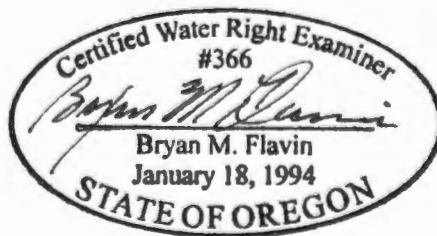
NESIKA BEACH/OPHIR WATER DISTRICTS

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

JULY 2002



1" = 400'



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MAR 25 2003

WATER RESOURCES DEPT.
SALEM, OREGON

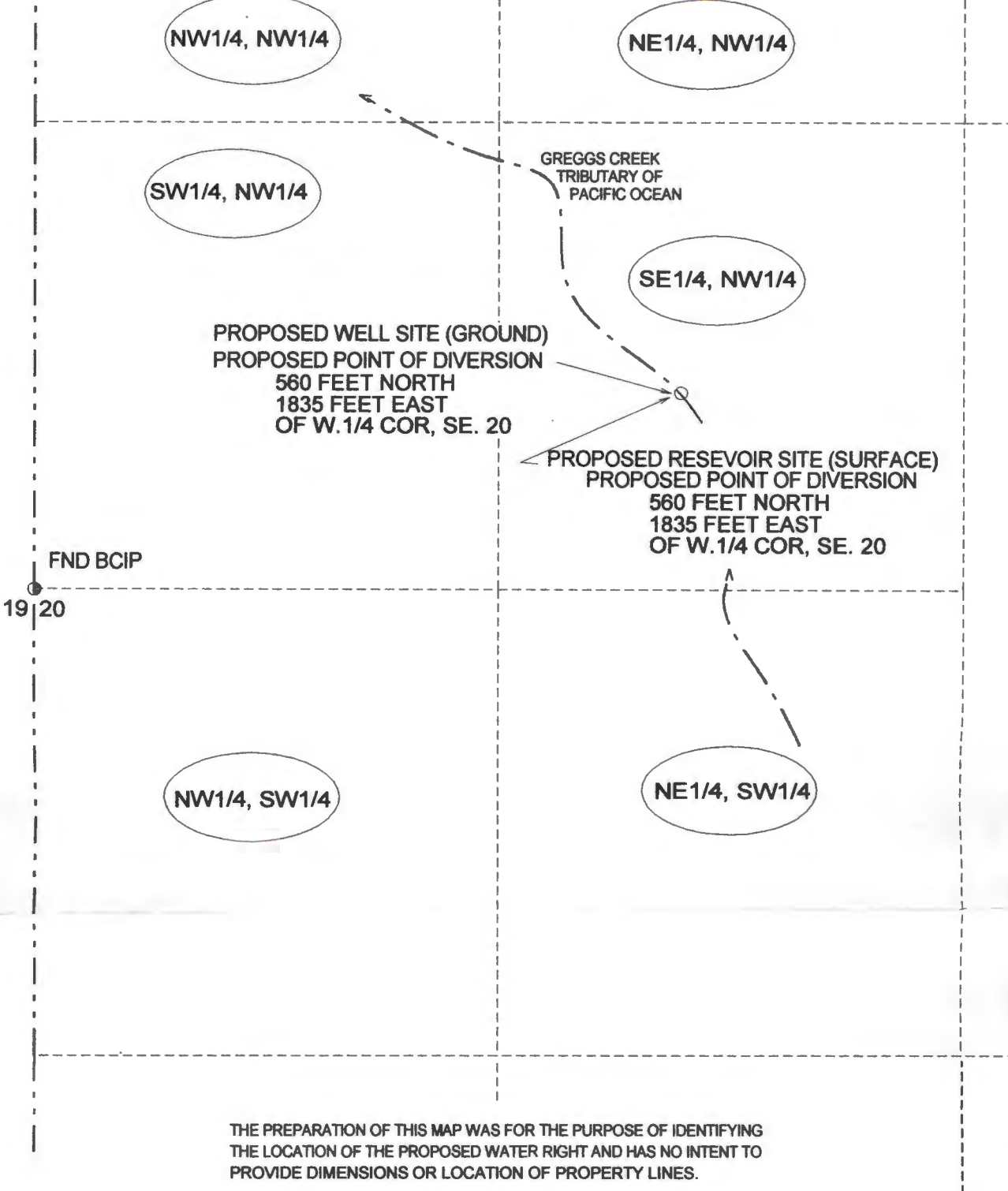
EXPIRES 12/31/03

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

app # S-85514
Permit #

NESIKA BEACH/OPHIR WATER DISTRICTS
32892 NESIKA ROAD



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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



1" = 400'



EXPIRES 12/31/03

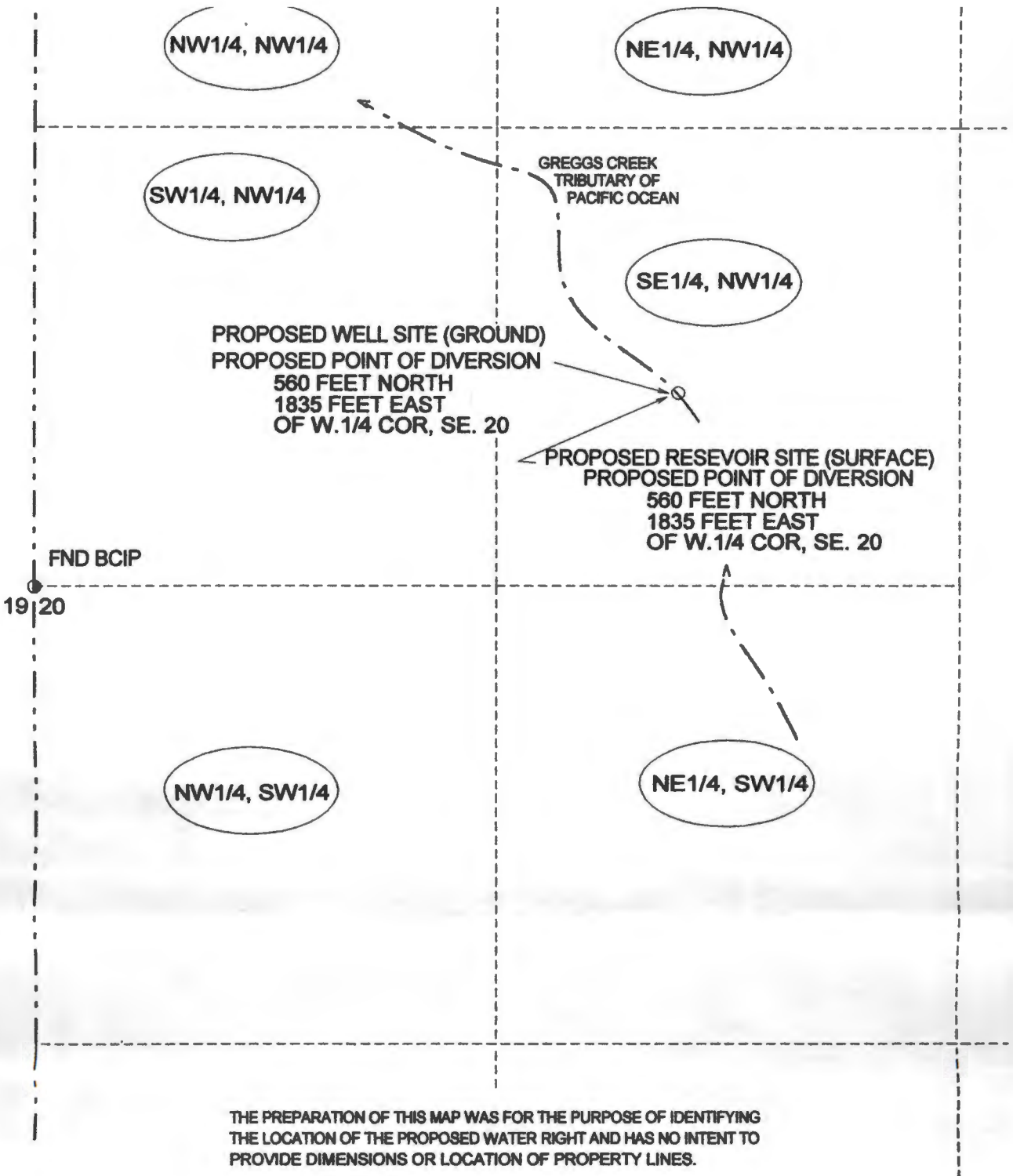
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 SALEM, OREGON

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

app # S-85514
 Permit #

APPLICANT

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



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WATER FILING APPLICATION

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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

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MAR 25 2003

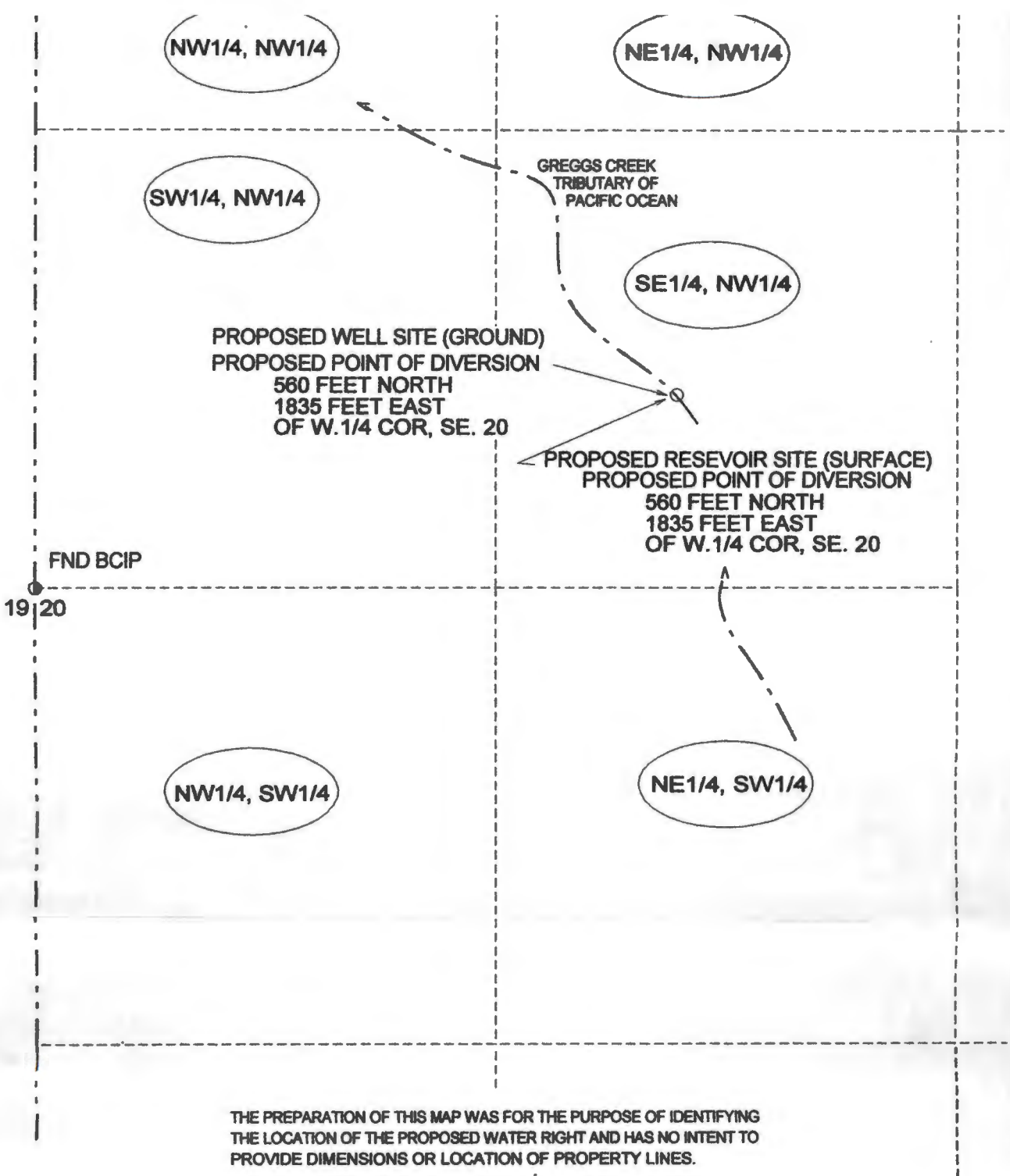
WATER RESOURCES DEPT.
 SALEM, OREGON

APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICT
 32892 NESIKA ROAD
 OLD BEACH, OREGON 97141

RYAN FLAVIN LAND SURVEYING
 RYAN M. FLAVIN
 REGISTERED LAND SURVEYOR
 CERTIFIED WATER RIGHTS EXAMINER
 2053 SQUAW VALLEY ROAD
 OLD BEACH, OREGON 97444
 503-247-6485

app # S-85514
 Permit #



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WATER FILING APPLICATION

IN THE NAME OF

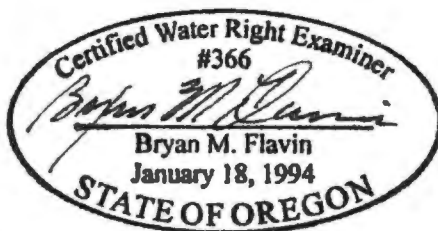
NESIKA BEACH/OPHIR WATER DISTRICTS

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

JULY 2002



1" = 400'



RECEIVED

MAR 25 2003

WATER RESOURCES DEPT.
SALEM, OREGON

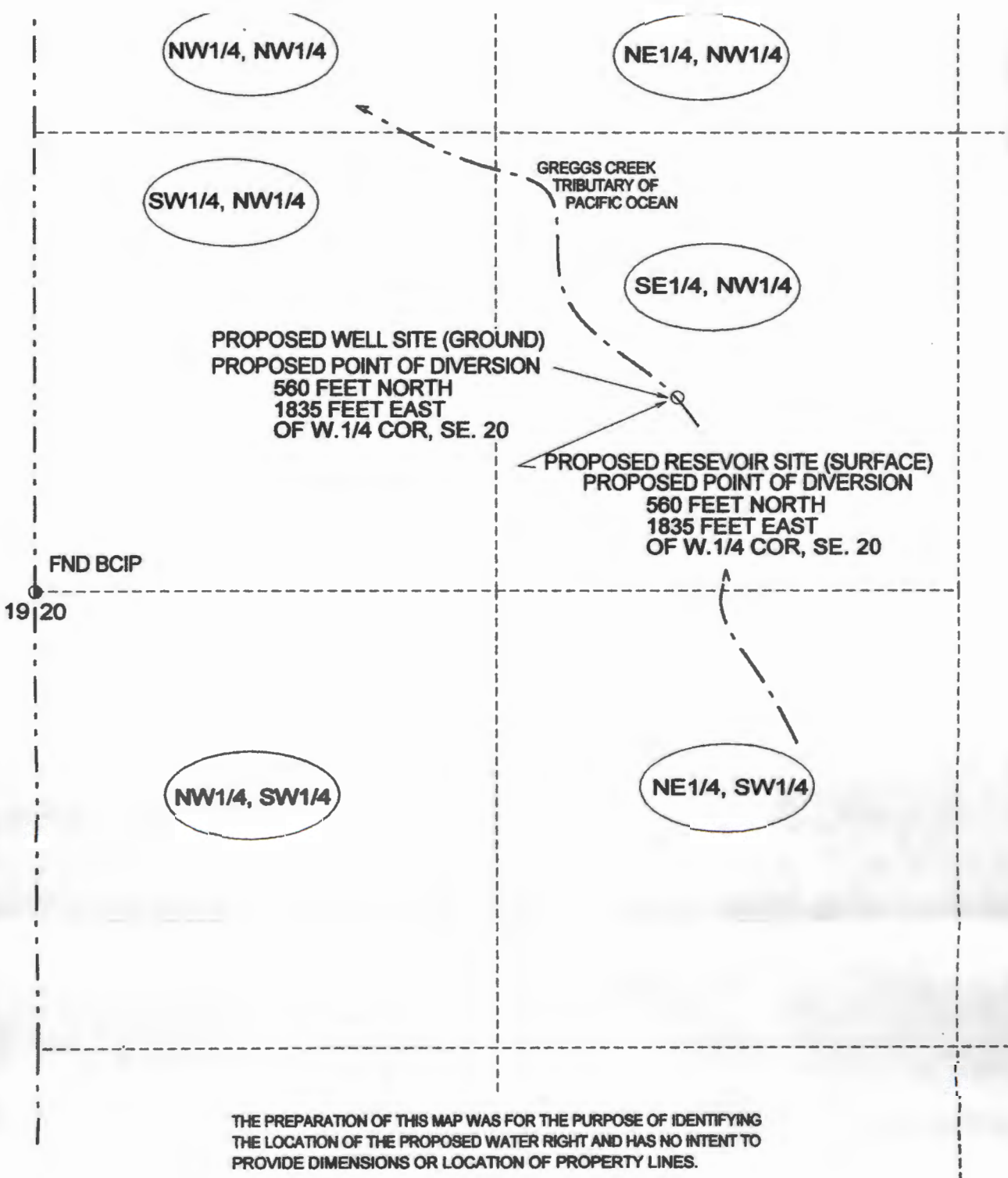
APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICT
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

EXPIRES 12/31/03

app # S-85514
Permit #



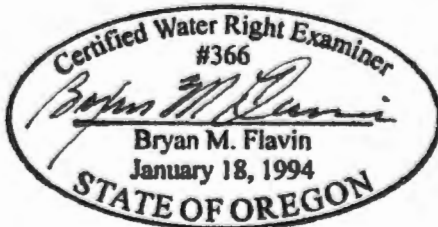
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WATER FILING APPLICATION

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



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 SALEM, OREGON

APPLICANT

NESIKA BEACH/OPHIR WATER DISTRICT
 32892 NESIKA ROAD

BRYAN FLAVIN LAND SURVEYING
 BRYAN M. FLAVIN
 REGISTERED LAND SURVEYOR
 CERTIFIED WATER RIGHTS EXAMINER
 32053 SQUAW VALLEY ROAD
 GOLD BEACH, OREGON 97444
 541-247-8485

EXPIRES 12/31/03

app # S-85514
 Permit #:

March 7, 2003

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:

- 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")*.

app # S-85514

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

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	<u>S-85614 \$400.00</u>	\$
0410	RESEARCH FEES	<u>G 15960 \$400.00</u>	\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	<u>\$400.00</u>	0202 \$
0203	GROUND WATER	<u>\$400.00</u>	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	<u>\$</u>	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	<u>CASH</u>
0210	MONITORING WELLS	\$	<u>CASH</u>
	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: 58951

DATED: 3/25/03 BY: Conna Vance

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63346**

APPLICATION # _____
PERMIT # _____
TRANSFER # _____

RECEIVED FROM: Nesika Beach - Ophir
BY: Water District

APPLICATION S 85514
PERMIT _____
TRANSFER _____

CASH: CHECK:# 1744 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 (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **63346**

DATED: 9/30/03 BY: Connie Vance

Standard Application "Completeness" Checklist

Application: G-15960 & S-85514

Priority Date: 3/25/03

Use(s): QUASI-MUNICIPAL

Rate: 2@ 1 CFS

County: CURRY

Township: SEE MAPS

Range: SEE MAPS

Section: SEE MAPS

POD ¼¼: SEE MAPS

POU ¼¼: SEE MAPS

Minimum Requirements (OAR 60-310-040)

OK Applicant/Organization Name, Mailing Address', and Telephone Numbers. If applicant is other than a private landowner, Organizations section must be completed.

OK Source *and* tributary listed

OK Property ownership indicated? If applicant does not own all the land, is the affected landowners name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is located ...or... any Lands, not owned by applicant, which are crossed by the diversion works.) NOTE: An easement or agreement DOES NOT need to be submitted at this time, but will be required before a permit will be issued.

OK If a groundwater application...is the groundwater development section completed?

OK Proposed Use of the water.... Is each proposed use identified?

OK Has the appropriate "Supplemental Form" for each proposed use been completed?

NA Form I (Irrigation)

OK Form M (Municipal or Quasi-Municipal)

NA Form R (Mining)

NA Form Q (Commercial or Industrial)

NA Spring Description Sheet (if source is a Spring)

OK Amount of water from each source listed in GPM, CFS or AF?

OK Acreage being proposed, if applicable.

OK Season being requested by applicant.

OK The water management section has been completed? If, the water system has not been designed, the applicant may estimate this information.

OK Resource protection system completed on Surface Water application?

OK Are the dates of construction indicated? If, the system already is completed, the applicant should indicate existing.

OK Is the application signed in ink by the applicant? If the application is in the name of an Organization, or corporation, the authorized agent must sign the application.

OK Is a copy of the deed, land sales contract or title insurance policy included? We cannot accept a copy of the tax bill.

OK A completed Land-Use Form or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?*

OK Does the map meet map requirements of OAR 60-310-050?

OK Town, Range, Sec, 1/4 1/4's and Tax Lot #	OK Scale of the Map
OK Reference corner on map	OK North Directional Symbol
OK 1/4 1/4's clearly identified	OK POD clearly identified
OK POU clearly identified	OK Location Coordinates for each POD
OK Location of House, if Domestic	OK Number of acres per 1/4 1/4, if Irrigation
OK Location of Bldg, if Com./Indus.	OK Location of Stock Tanks, if Livestock
OK Muni / Quasi-Muni Service Boundaries	OK Other
OK fees enclosed?	Base Fee \$2@ 250.00 EACH
Total Paid \$2@ 400.00 EACH	plus \$2@ 150.00 EACH
Total Amount of Water Requested: 2@ 1CFS	plus \$

Total Exam Fee \$2@400.00

Total Exam Fee \$2@400.00

Recording Fee \$2@ 175.00 TO BE RECEIVED

Completeness Check by: ROGER WRIGHT

Date: 3/25/03

NEW APPLICATION ROUTE SLIP

RECEIPTING
POST CARD SENT
DATA CENTER

GROUND WATER YES NO

ANITA HUFFMAN EXT. 229	<input type="checkbox"/>
CORY ENGEL EXT. 324	<input type="checkbox"/>
<u>JERRY GAINEY</u> EXT. 458	<input checked="" type="checkbox"/>
KERRY LEFEVER EXT. 276	<input type="checkbox"/>
RUSS KLASSEN EXT. 266	<input type="checkbox"/>

A "Standard Reservoir" storing 9.2 acre-feet or more of water and has a dam height of 10.0 feet or greater needs to have a copy of the application & supplemental forms routed to "JOHN FALK."

ATT: WATER RIGHTS
SUPPORT...>>>>

Mark contents of Application File; Update Powerbuilder with caseworker, etc.;
Route to filing cabinet.





QUASI & MUNICIPAL ROUTE SLIP

MUNICIPAL

QUASI-MUNICIPAL

DOUG PARROW

DONE

DATE: 3-26-03 (COPY OF APP. & "M" FORM SENT)

WATER FILING APPLICATION for NESIKA BEACH WATER DISTRICT & OPHIR WATER DISTRICT

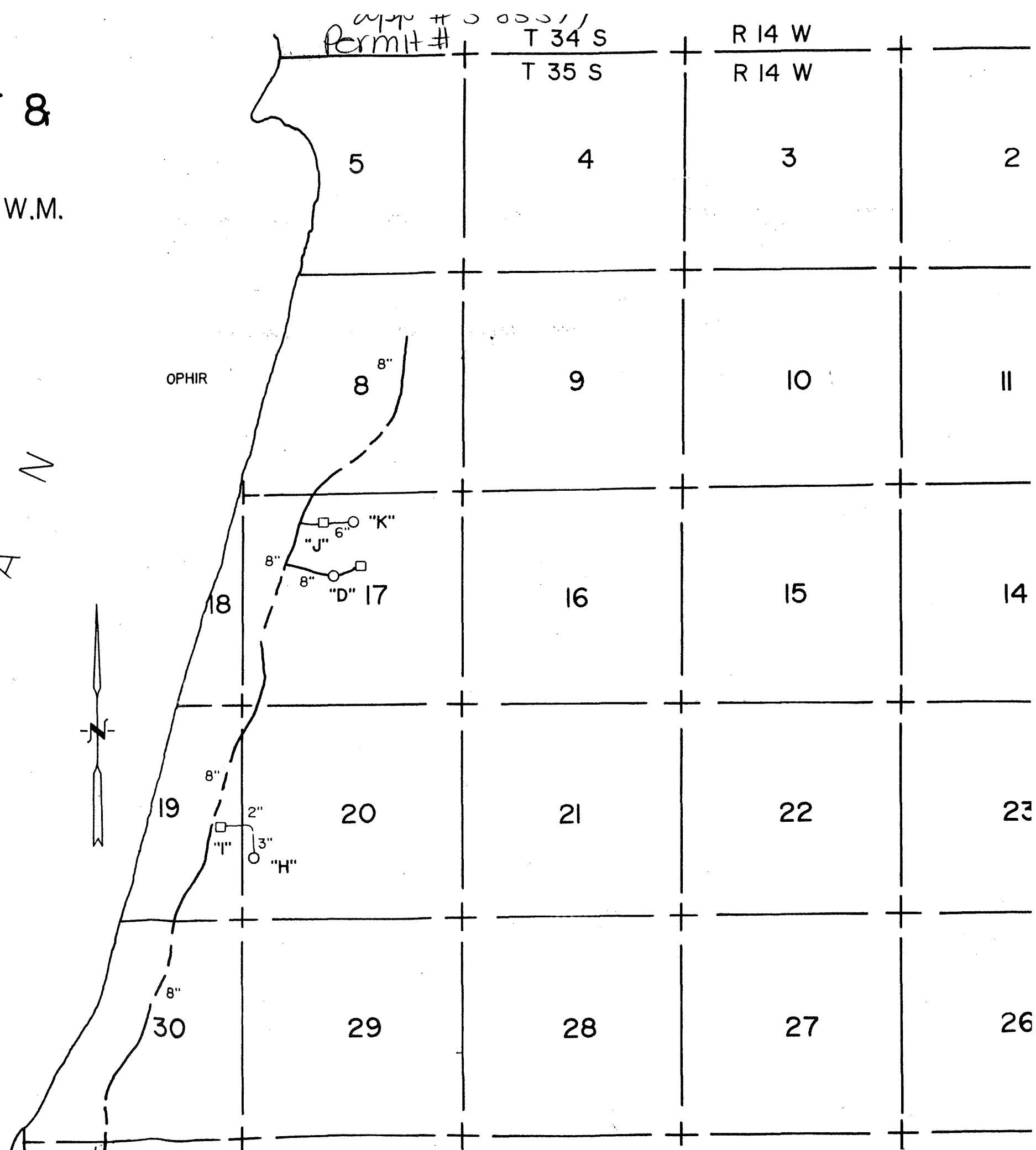
LOCATED in T 35 S, R 14 W and T 36 S, R 14 W, W.M.
CURRY COUNTY, OREGON

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
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- "I" EXISTING BOOSTER PUMP STATION
- "J" EXISTING BOOSTER PUMP STATION
- "K" EXISTING 18,000 gal. STEEL TANK

O C E A N

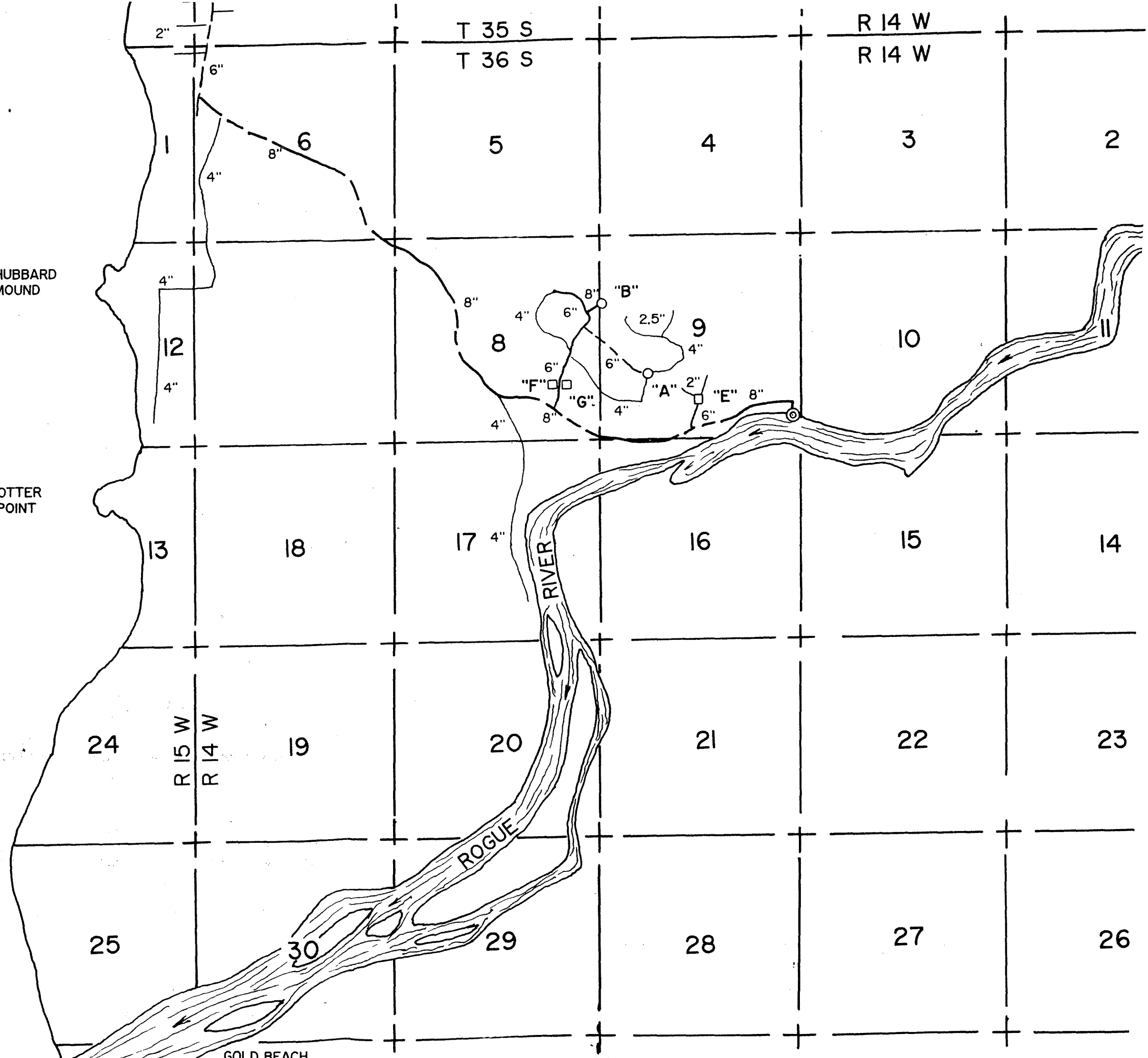


P A C I

NOTE:
ALL PIPELINES ARE LOCATED WITHIN ROAD WAYS,
EXCEPT THAT PORTION OF THE 4" LINE LOCATED IN
SECTION 12, T36S, R15W.

HUBBARD
MOUND

OTTER
POINT



GOLD BEACH

RECEIVED

MAR 25 2003

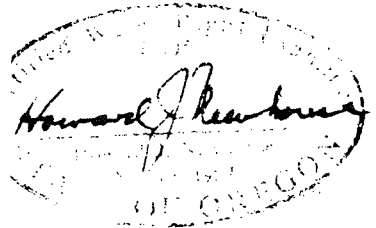
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

FFR 04 2003

WATER RESOURCES DEPT.
SALEM, OREGON

WEDDERBURN



NEWHOUSE - LAND SURVEYING
BOX 360
DERBURN, OREGON 97491
P) 247-6923
S. # 402
R.E. # 095

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 25 2003

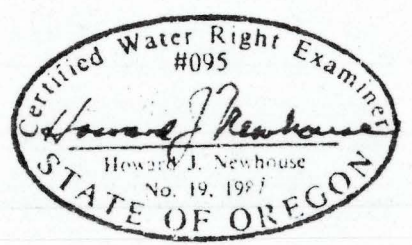
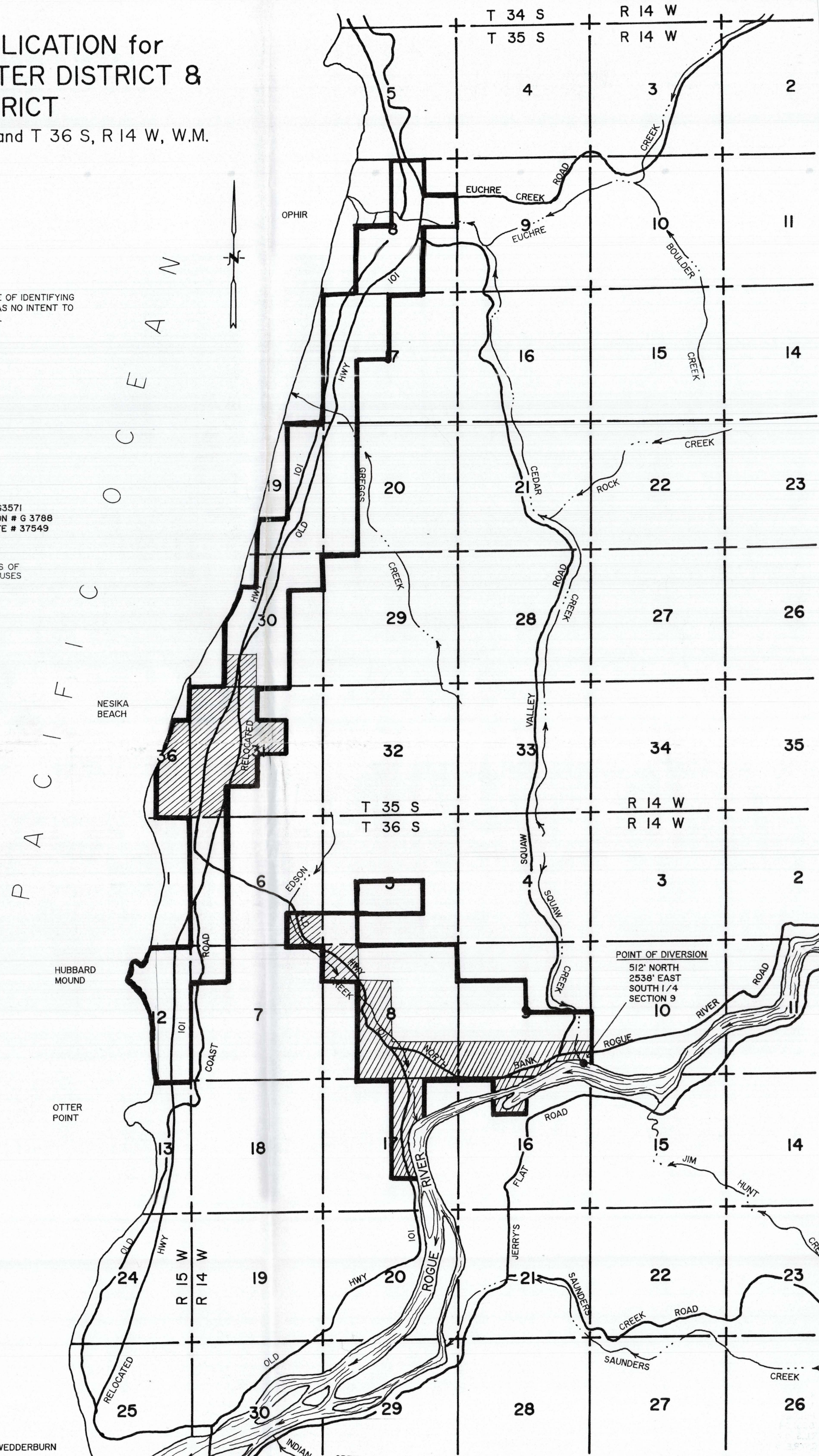
WATER RESOURCES DEPT. SALEM, OREGON

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app# 5-85514
Permit#

 INDICATES: PERMIT # G3571
 APPLICATION # G 3788
 CERTIFICATE # 37549

 INDICATES: BOUNDARIES OF EXPANDED USES



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 25 2003

WATER RESOURCES DEPT.
SALEM, OREGON

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*app# S-85514
Permit#*



INDICATES:

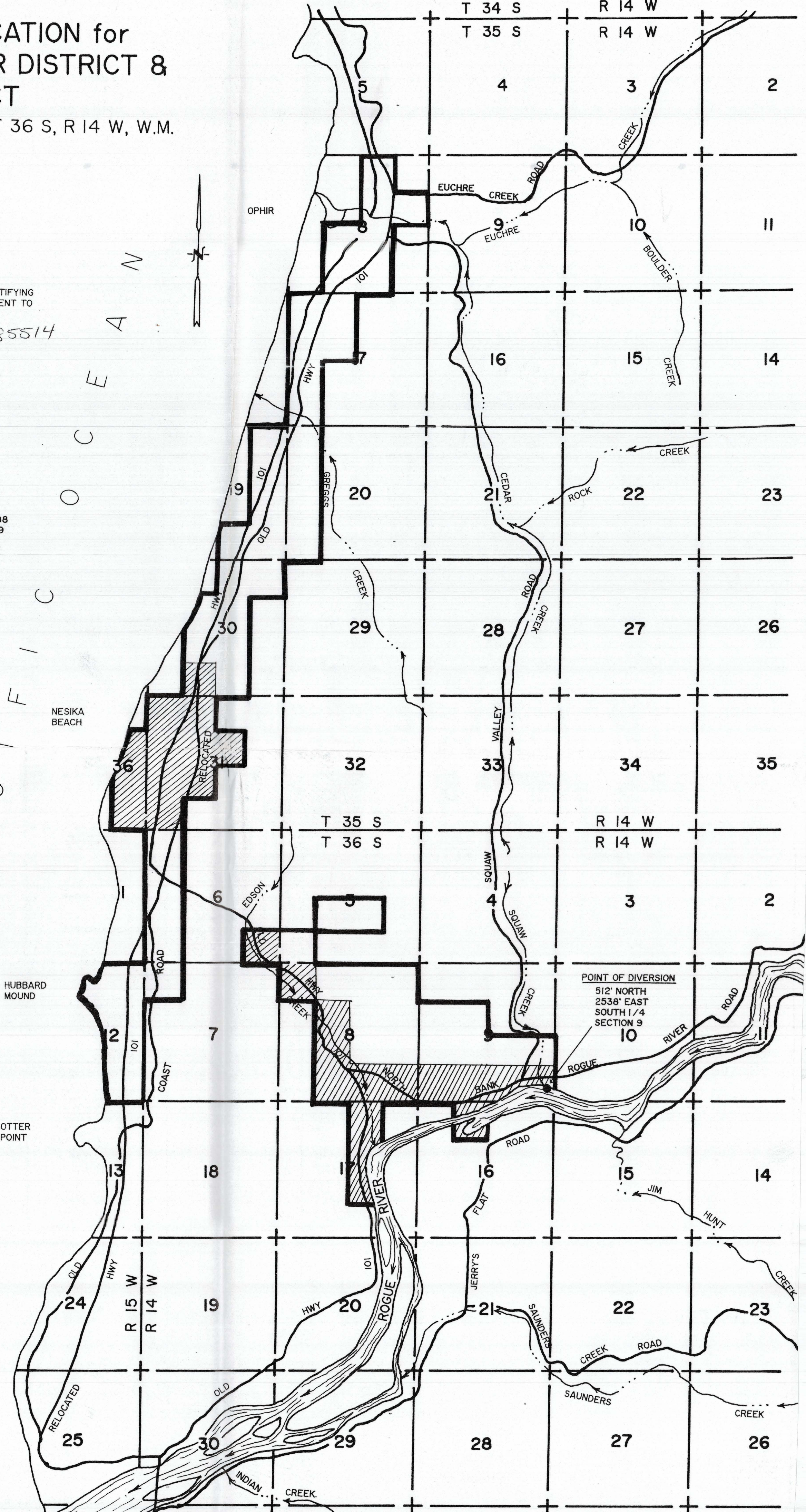
PERMIT # G3571
APPLICATION # G 3788
CERTIFICATE # 37549



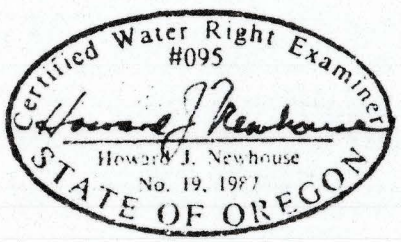
INDICATES:

BOUNDARIES OF
EXPANDED USES

PACIFIC OCEAN



POINT OF DIVERSION
512' NORTH
2538' EAST
SOUTH 1/4
SECTION 9



H.J. NEWHOUSE - LAND SURVEYING
P.O. BOX 360
WEDDERBURN, OREGON 97491
(503) 247-6923
R.L.S. # 402
C.W.R.E. # 095

WEDDERBURN

WATER FILING APPLICATION for NESIKA BEACH WATER DISTRICT & OPHIR WATER DISTRICT

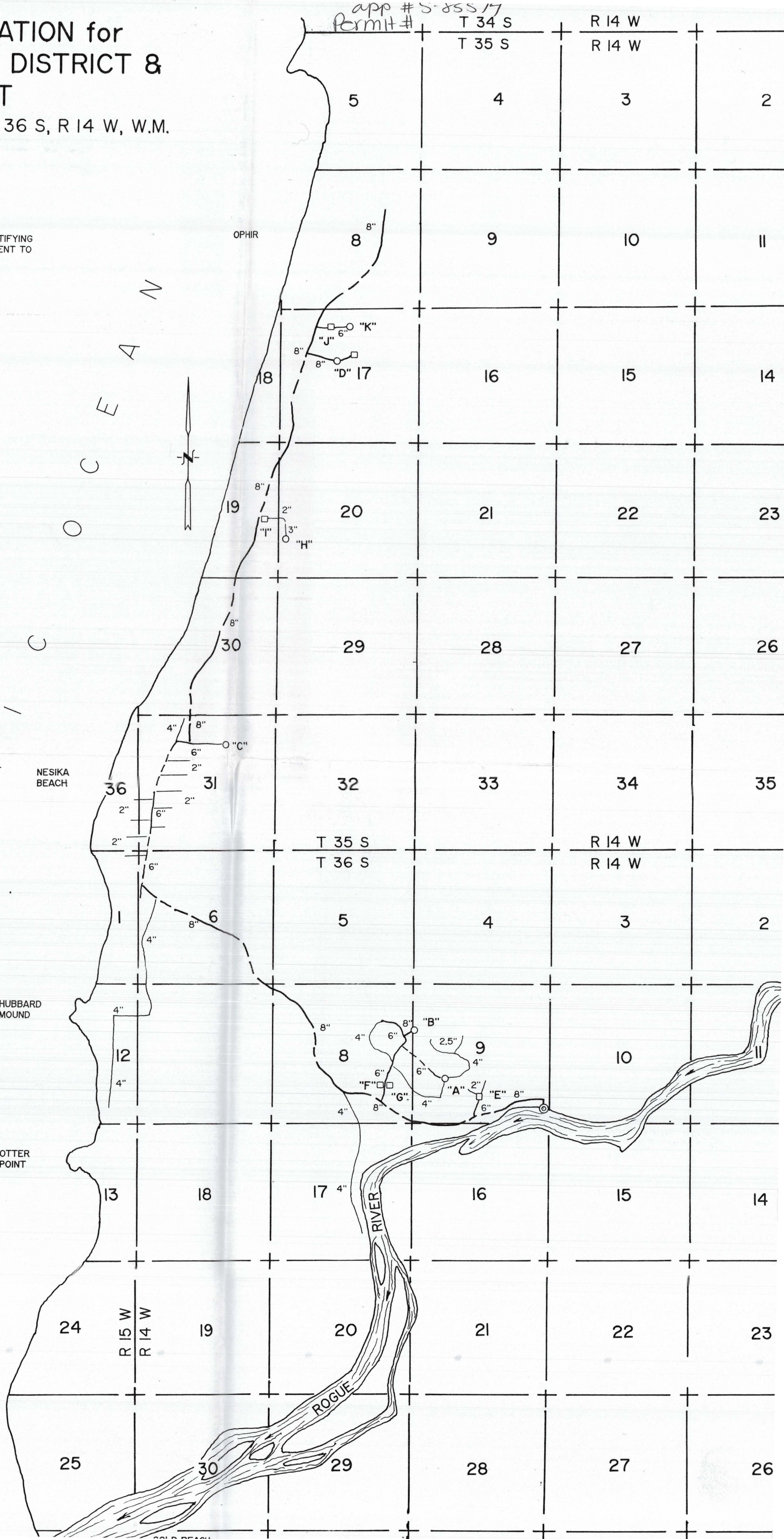
LOCATED in T 35 S, R 14 W and T 36 S, R 14 W, W.M.
CURRY COUNTY, OREGON

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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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WATER RESOURCES DEPT.
SALEM, OREGON

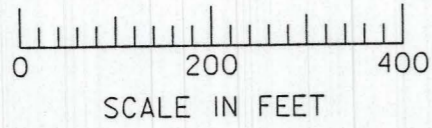
H.J. NEWHOUSE - LAND SURVEYING
P.O. BOX 360
WEDDERBURN, OREGON 97491
(503) 247-6923
R.L.S. # 402
C.W.R.E. # 095

WEDDERBURN

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SEC 20 T.35S. R.14W. W.M. CURRY COUNTY

1" = 200'



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JAN 27 2003

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FFR 04201

WATER RESOURCES SALEM, OREGON

RECEIVED

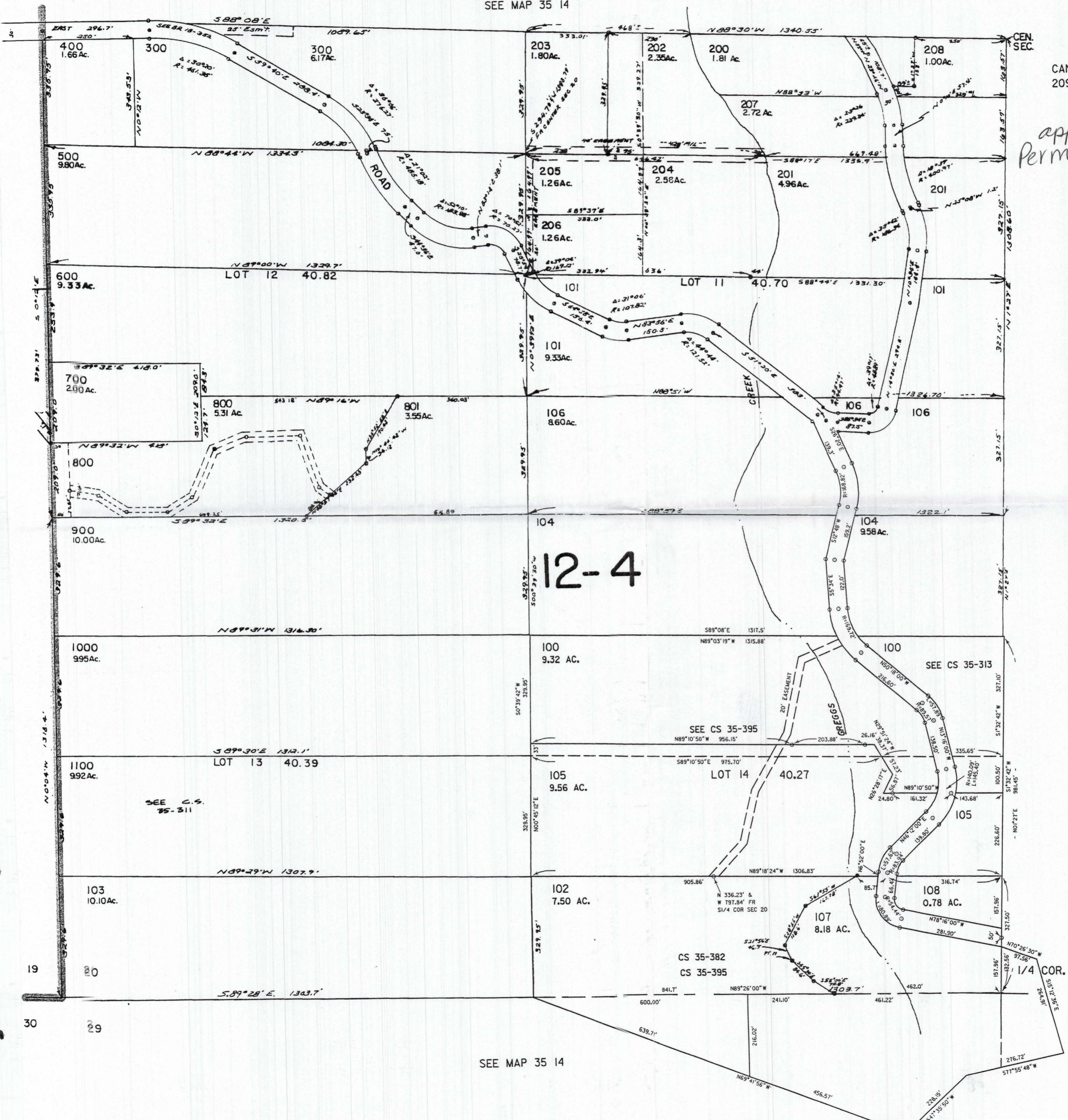
MAR 25

WATER RESOURCES SALEM, OREGON

SEE MAP 35 14

CANCELLED NO. 209

app # 5-85514
Permit #



12-4

SEE MAP 35 14

SEE MAP 35 14

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

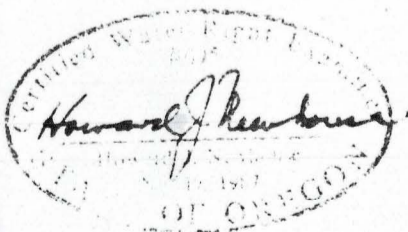
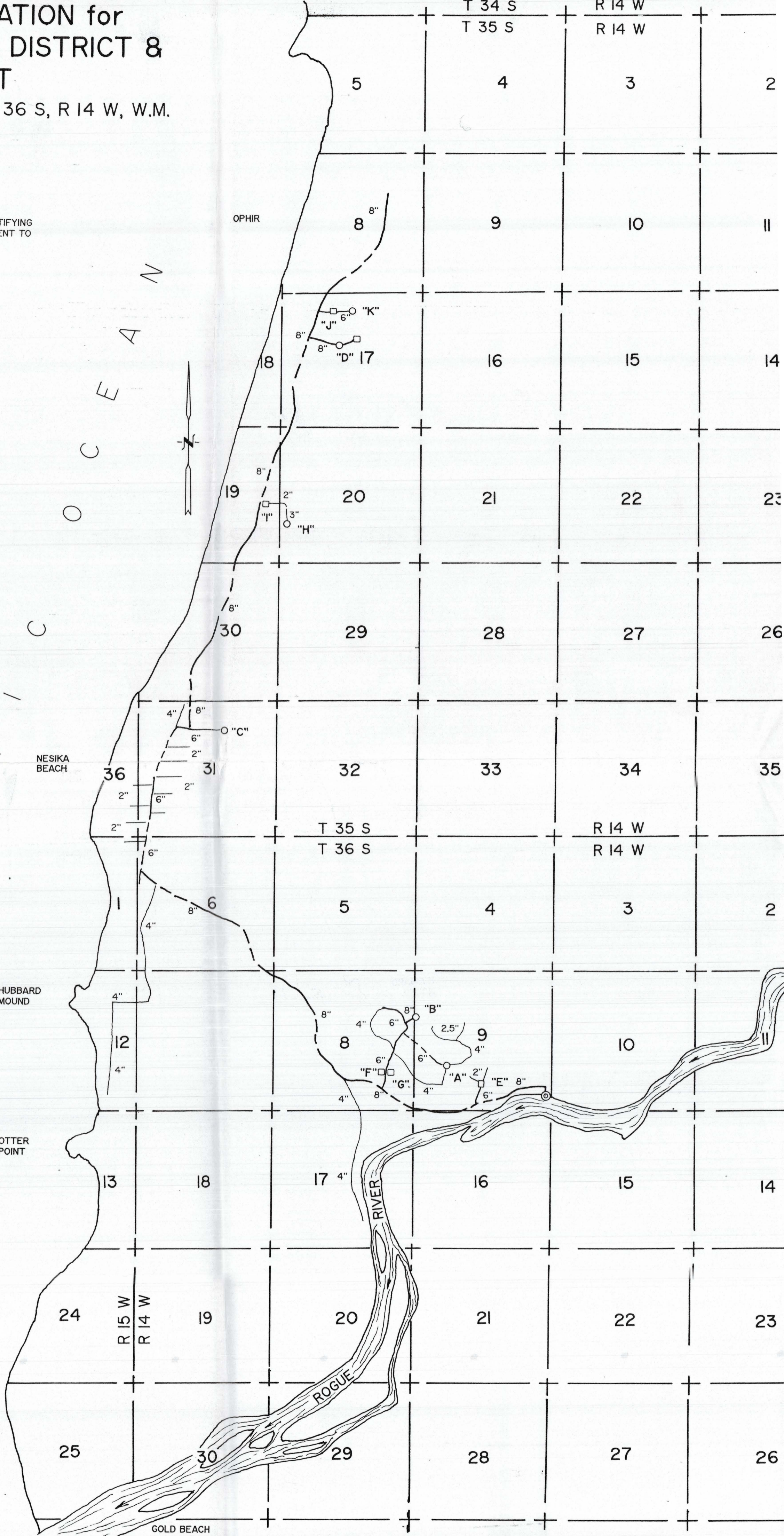
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app # S-85514
Permit #

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SALEM, OREGON

H.J. NEWHOUSE - LAND SURVEYING
P.O. BOX 360
VEDDERBURN, OREGON 97491
503) 247-6923
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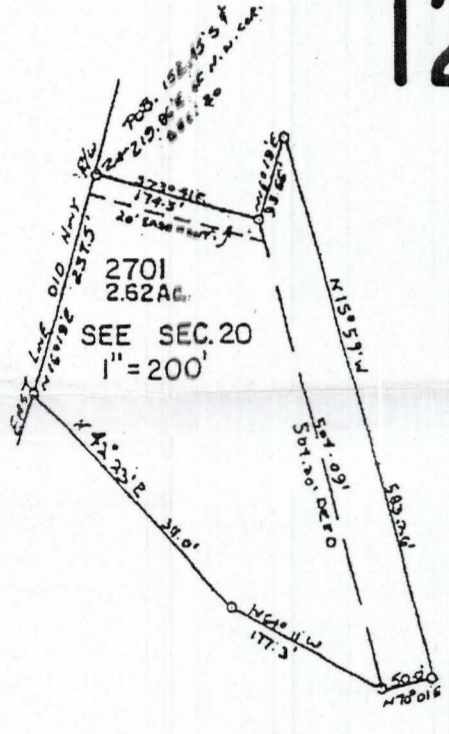
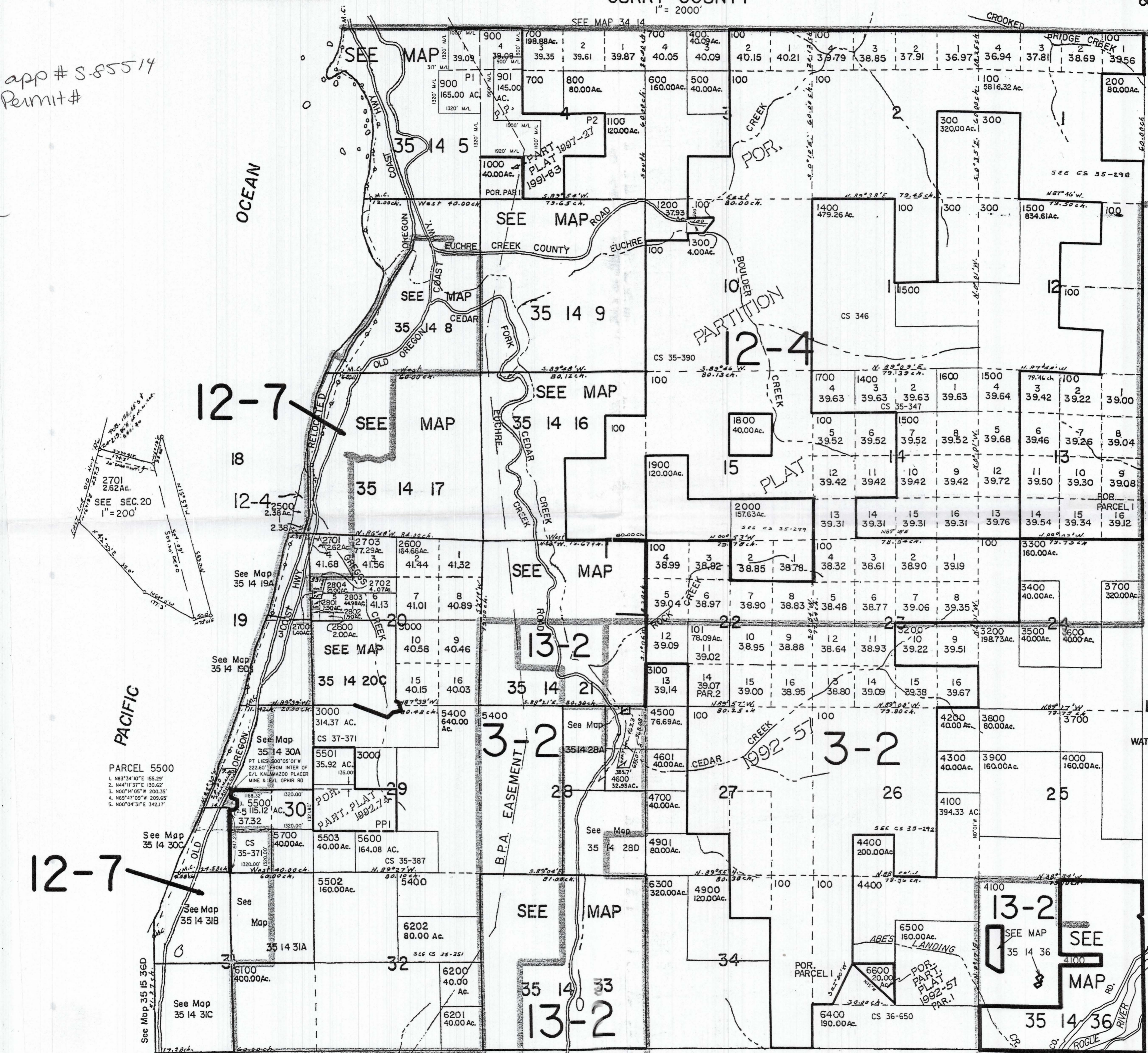
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SALEM, OREGON

WEDDERBURN

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T.35S. R.14W. W.M. CURRY COUNTY 1" = 2000'

app # S-85514 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 - 2300
2399
2400
2704
2900 - 2900
4800
5000
5100
5200
5200MI
5300 - 5313
5800
5900 - 5900
6000
6900
4101 - 4103
6700 - 6700
6799
6800
7000

RECEIVED
MAR 25
WATER RESOURCES
SALEM, OREGON

RECEIVED
JAN 27 2003
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
FEB 0
WATER RESOURCES
SALEM, OREGON

NORTH BANK
ROGUE RIVER RD.
RD. 545

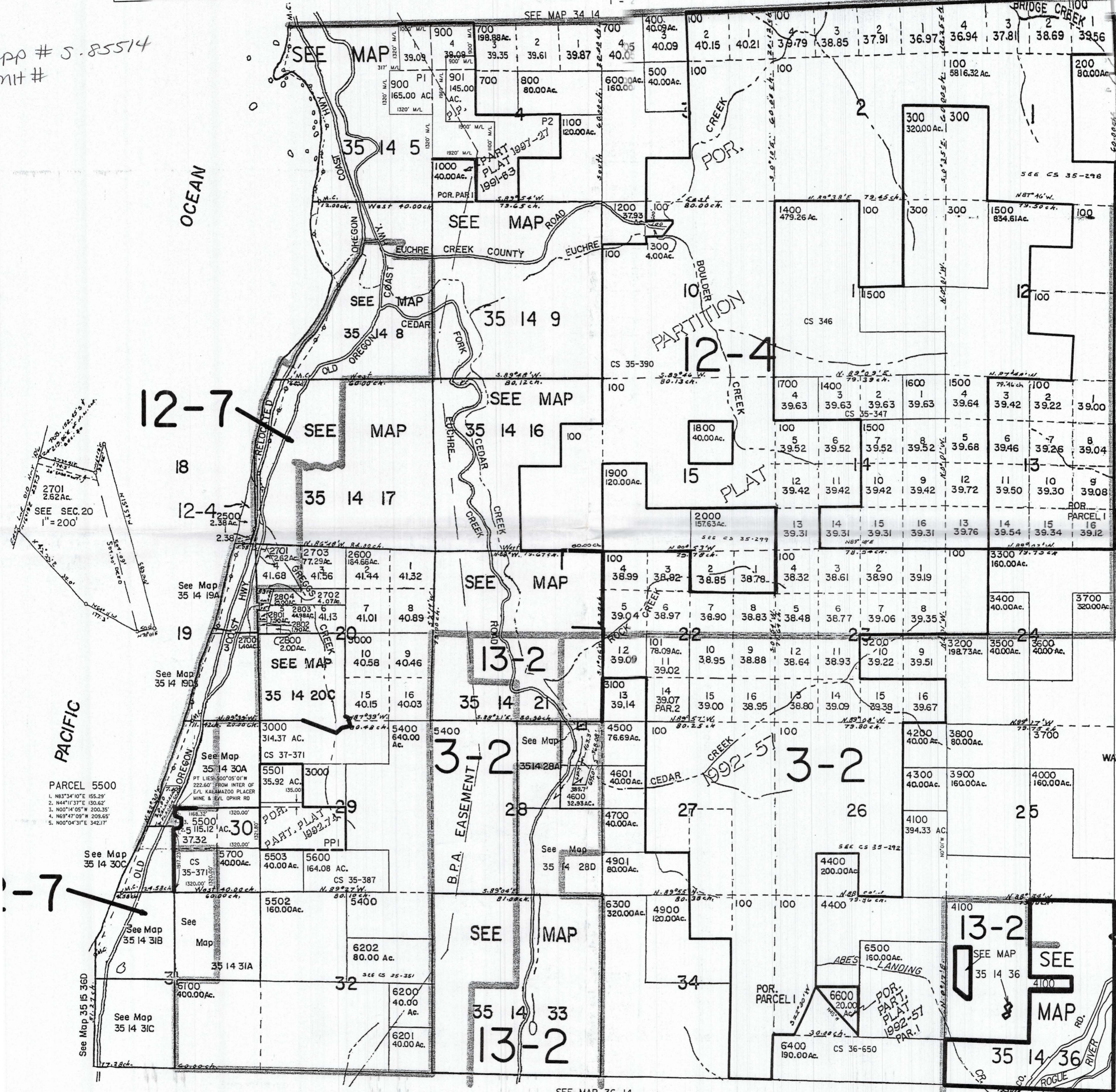
Revised
10/1/2002, DE

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ASSESSMENT PURPOSE ONLY

CURRY COUNTY
1" = 2000'

& INDEX

PP # 5.85514
MIT #



- 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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MAR 25 2003
WATER RESOURCES DE
SALEM, OREGON

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JAN 27 2003
WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DE
SALEM, OREGON

NORTH BANK
ROGUE RIVER RD.
RD. 545

Revised
10/1/2002, DBJ

35 14
& INDEX

NOV 10 2002

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SEC 20 T.35S. R.14W. W.M. CURRY COUNTY

1" = 200'



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JAN 27 2003

WATER RESOURCES DEPT. SALEM, OREGON

RECEIVED

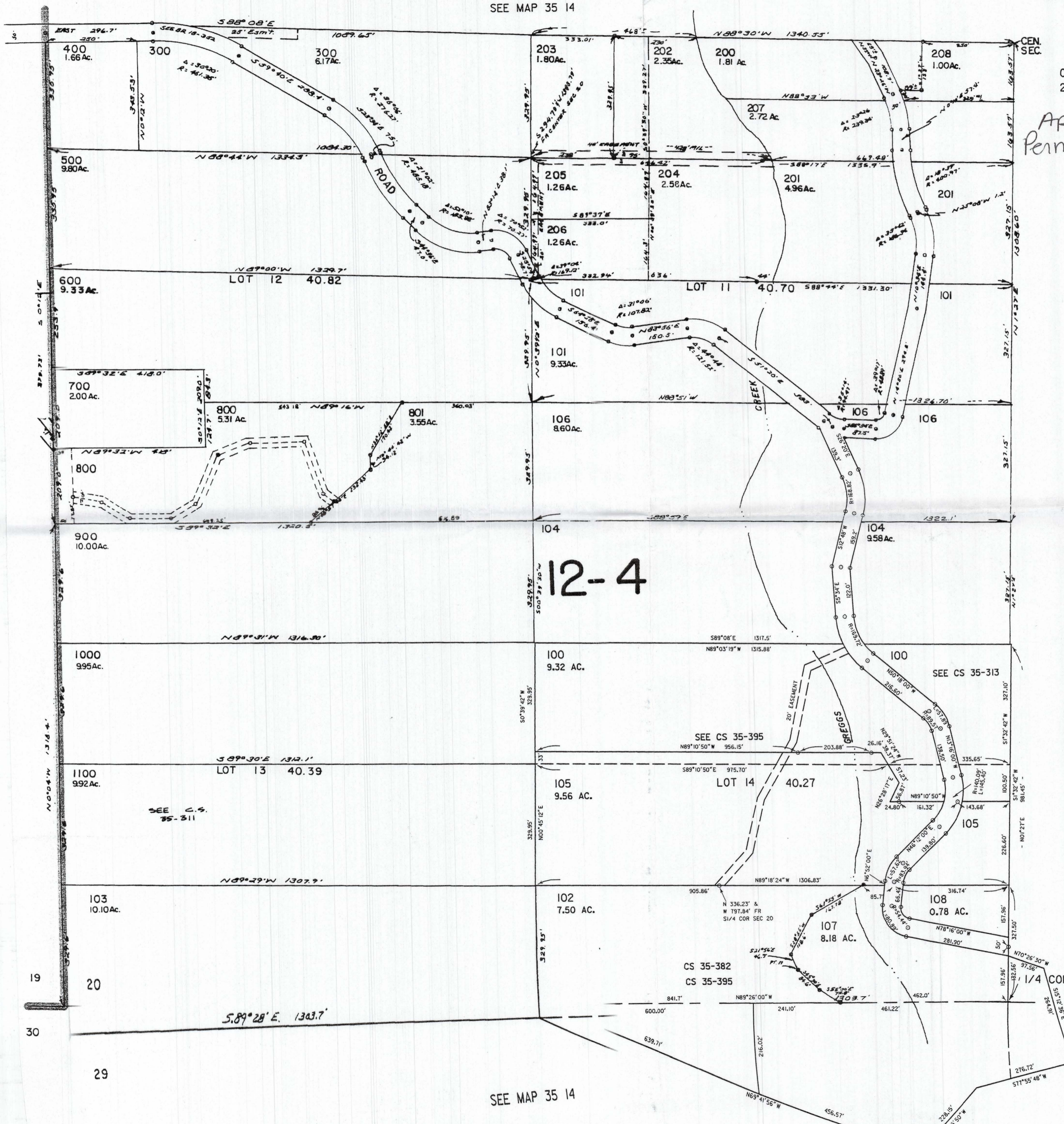
FFR 0

WATER RES SALEM

SEE MAP 35 14

CANCELLED NO. 209

App # S-85514 Permit #



12-4

SEE MAP 35 14

SEE MAP 35 14