

G-13479

City of Wheeler

1 of 2

July 1993 - FEB 1999

CITY OF WHEELER
PO BOX 177
WHEELER, OR

FILE#: G 13479

97147

Application No. G13479
Permit No. G12196
Certificate No. _____

Stream Index, Page No. 1

See 73122
map #230

Date filed _____

Priority _____

Action suspended until C99
"Wheeler db"

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 10-96

Date for completion 10-1-97

Extended to _____

Date for application of water 10-1-98 99 (see permit)

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

FEES PAID

Date	Amount	Receipt No.
<u>7-29-93</u>	<u>200.-</u>	<u>102929</u>
<u>10-26-95</u>	<u>250.00</u>	<u>129756</u>
<u>Ext.- 5-3-04</u>	<u>250.00</u>	<u>67011</u>

Cert. Fee _____

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

REMARKS

use this
application

12/7/09

✓

RECEIVED

FEB 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON

File G 13479



CITY OF WHEELER

P.O. BOX 177 • WHEELER, OR 97147 • (503) 368-5767 • FAX (503) 368-4273

February 3, 1999

Mr. Gary Ball
Water Right Specialist
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

Dear Mr. Ball:

Please accept my apologies for our delinquency in submitting Wheeler's Annual Water Use records. A miscommunication between our engineer and myself has occurred.

Please note that I have included our Permit #G-12196 (wells #4, #6, #13, and #10) as part of our Annual Water Use Report for your records. We are currently calling for engineering qualifications so that we can begin to develop the well sites under G-12196.

A am sending Mr. Dallas S. Miller and Mr. Greg Beaman of your agency a copy of this letter, Wheeler's Annual Water Use records, and a copy of our RFQ for engineering services for their records.

I appreciate WRD's cooperation as we move towards the development of our well site.

Sincerely,

Randall M. Ealy
City Recorder

cc: Dallas S. Miller
Greg Beaman



Oregon Water Resources Department
October 1997 through September 1998
Annual Water Use - Monthly Quantities Form

USER-ID 1268



Facility POD-ID	Vosberg 12335	Jarvis 12333	PERMIT: 6-12196		
October - 1997	1,815,000	250,700			
November - 1997	1,576,000	225,100			
December - 1997	1,579,000	199,200			
January - 1998	1,660,000	201,300			
February - 1998	1,529,000	171,500			
March - 1998	2,642,000	211,200			
April - 1998	2,024,000	195,500			
May - 1998	1,526,000	190,200			
June - 1998	1,659,000	194,800			
July - 1998	1,997,000	242,200			
August - 1998	2,356,000	225,000			
September - 1998	1,983,000	211,600			
TOTAL *	21,746,000	2,518,300	NONE TO DATE		

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: meter. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

[Signature]
Signature

City Recorder
Title

City of Wheeler
Reporting Entity

2-3-99
Date

RANDALL M. EALY
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210

RECEIVED

FEB 05 1999

WATER RESOURCES DEPT.
SALEM, OREGON



CITY OF WHEELER

P.O. BOX 177 • WHEELER, OR 97147 • (503) 368-5767 • FAX (503) 368-4273

CITY OF WHEELER

REQUEST FOR QUALIFICATIONS

The City of Wheeler is seeking qualified engineering firm(s) to design for the construction and development of upgrading the City's water system and related facilities.

PROPOSALS DUE: 4:00 pm - Tuesday, February 16, 1999

INSTRUCTIONS FOR RESPONSES

I. GENERAL:

The City of Wheeler is requesting Statements of Qualifications (SOQs) from qualified engineering firms specifically to assist the City with engineering and design projects related to its water system.

During the November 3, 1998 election, the City of Wheeler was authorized to issue general obligation bonds in an amount not to exceed \$1,750,000.00 to provide funds to the City to finance the costs of capital construction and capital improvements to the City's water system and related facilities, including, but not limited to, providing funds to:

- Create new water sources, such as developing wells and/or constructing water treatment facilities and installing additional pipeline.
- Make existing pipeline replacement and improvements.
- Construct and equip reservoirs or similar storage facilities for domestic water.

The City is currently under a remedial order from the Oregon Health Division to comply with the Federal Safe Drinking Water Act by filtering its water or obtaining an alternate source which does not require filtration.

II. SCOPE OF WORK:

The City of Wheeler desires to engage professional engineering firm(s) to pre-engineer, design, administer and oversee all components throughout the entire construction and inspection phases of its water system upgrade project.

Phase I:

The first proposed project deadline is the submittal of a comprehensive Preliminary Engineering Report and an Environmental Report (as per Rural Utilities Service Bulletin 1780 and 1794A-602), by April 20, 1999 to the USDA Rural Development. An existing working relationship with Rural Development regarding engineering projects and grant/loan financing opportunities is desirable. Typical components of the Reports should include research of existing City of Wheeler Water Department records, review of technical plans, meetings with staff, accumulation of City of Wheeler water related financial data, water system designs, existing engineering reports, and related grant procurement recommendations. Although not yet defined, regional considerations may be a factor within the Scope of Work.

Phase II:

The successful applicant will potentially serve as primary engineer to the City and provide technical assistance to City staff, represent City staff when appropriate, and oversee the entire implementation of the City's water system upgrade project. The specific parameters of this Phase will be further defined after the Preliminary Engineering and Environmental Reports are completed and accepted by Rural Development.

III. STATEMENTS OF QUALIFICATIONS:

Statements of Qualifications are to be no more than five (5) pages in length (excluding resumes, project and firm profiles and other supplementary information), and must contain the following information at minimum:

- 1) *General Information.* Describe the firm, including name, address, size, and areas of expertise.
- 2) *Staffing.* Demonstrate how the firm will be organized to manage this project. Name the project manager, describing his/her role and authority. Include the specific credentials and qualifications of the proposed manager as well as other names and titles of engineers and other personnel who will have major involvement in performing the work.
- * 3) *Related Project Experience.* A list and description of similar projects in which the personnel listed in (2) above have been involved within the last five years. Include for each project: the client, project name, phone numbers, and the responsible person in charge for the client.
- 4) *Timeline and Work Schedule.* It is proposed that the Preliminary Engineering and Environmental Reports to Rural Development will be completed by April 20, 1999, and presented to the Wheeler City Council on that date. Describe how the firm plans to meet that particular deadline.
- 5) *Optional.* Additional information which may be beneficial or of assistance or interest in reviewing the proposal. Joint ventures will also be considered.
- * *Exempt from 5 page SOQ limit.*

IV. **EVALUATION CRITERIA:**

Statements of Qualifications received will be used to ascertain the general qualifications of applicants and will be evaluated by using the following criteria:

- 1) Qualifications of the firm(s), the proposed project staff, and experience of the key members on design of similar projects.
- 2) Understanding of the objectives of the project and City's requirements.
- 3) The methodology to be used to accomplish the work, proposed management of the project, and thoroughness.
- 3) Ability to meet the deadline for submission of Pre-Engineering and Environmental Reports to the City by April 20, 1999.
- 4) Professional references, preferably from former clients for whom similar work programs have been accomplished.

Although these are the primary criteria, the City reserves the right to apply additional criteria which in its sole judgment will serve the public interests of the City of Wheeler. The City reserves the right to reject any or all Statements of Qualifications, waive informalities, or to accept any Statement of Qualifications which appear to serve the best interest of the City of Wheeler.

It is the City's intent to make initial selection from the submitted Statements of Qualifications by February 25, 1999. The most qualified applicants may be requested to provide additional information and interviews. Statements of Qualifications will remain confidential until the selection is referred to the City Recorder.

V. **INSTRUCTIONS:**

- 1) Five (5) copies of the Statement of Qualifications, each signed by an official of the engineering firm, will be accepted until 4:00 pm on Tuesday, February 16, 1999 in the office of the City Recorder, City of Wheeler, 775 Nehalem Blvd, PO Box 177, Wheeler, OR 97147.
- 2) All questions concerning this Request for Qualifications, or requests for copies of the Scope of Work and application packet should be directed Randall M. Ealy, Wheeler City Recorder, at (503) 368-5767.
- 3) Time extensions will not be granted. Faxed copies will be accepted but are not preferred or encouraged.
- 4) Minority-owned and women-owned businesses are encouraged to respond to this Request for Qualifications.



Oregon

John A. Kitzhaber, M.D., Governor

November 4, 1998

Water Resources Department

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

CITY OF WHEELER
PO BOX 177
WHEELER OR 97147

*Sent in error
C date is 1999!*

REFERENCE: File G-13479

The date for the complete application of water to a beneficial use for your water use Permit G-12196 was **October 1, 1998**. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits.

Water Right Certificate

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 1999**. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

Extension of Time

If you wish to apply for an extension of time, please fill out the enclosed form. Permit extension rules, adopted by the Water Resources Commission in October 1998, require that the Department consider this information when determining whether or not to approve an extension request. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted. Copies of the new extension rules will be furnished upon request.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact me at extension 272, at 503-378-3739, or toll-free 1-800-624-3199.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

enclosure

cc: Greg Beaman, Watermaster
F. Duane Lee, CWRE



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

July 27, 1998

DUANE LEE, LEE ENGINEERING INC.
1300 JOHN ADAMS ST
OREGON CITY, OR 97045

REFERENCE: File G 13479

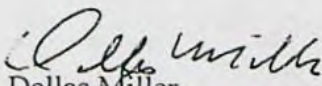
Dear Mr. Lee:

In answer to your letter of July 20, 1998 regarding the extension of permit G 12196. To extend the time limits it is necessary to fill out the enclosed application and submit a \$100 fee.

Hopefully a well was drilled by 10/1/96, this must happen within one year of permit issuance, or the permit is not valid. The beginning date of construction cannot be extended.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,


Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16

LEE ENGINEERING, INC.

F. DUANE LEE, PE.
DAVID A. LEE, PE., P.L.S.

July 20, 1998

Project No. 1749.50/1307 File

Dwight French
Water Rights Section Manager
Water Resource Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97310-0210

RE: Application File No. G-13479

Dear Mr. French:

This letter is an update for the above-referenced Application and Permit to Appropriate Public Waters for the City of Wheeler, Oregon. The City of Wheeler has attempted, along with other jurisdictions in the Nehalem Bay area, to proceed with public acceptance and financing of the project that would develop ground water under the above-referenced permit. However, the City has failed to gather public support. The programs to finance the project have failed at two separate public elections. The City of Wheeler is currently proceeding with alternatives to the previously proposed project and will not have a final project scope or schedule until sometime later this summer.

The City of Wheeler intends to proceed with development of ground water under the appropriate permit.

The permit requires that construction of the wells begin within one year from the permit issuance, and should be completed on or before October 1, 1997. Complete application of the water to the use should be made on or before October, 1999.

We respectfully request, as we have in the past, that this schedule be extended to allow the City to proceed in a fashion unique to municipalities in Oregon. In prior conversations and written communications with you and other members of the Water Resource Board, this has not been considered to be a problem, and we anticipate that the extension will be allowed. However, I am not able to give you a revised date as to when the City may be able to proceed with the actual construction, other than to tell you that the City is under Remedial Order to upgrade its water source and must proceed soon. It may well be that the project will be completed on or about October 1, 1999, but as of now, the actual completion date is not known. When I have a better idea of the schedule, I will so inform you.

RECEIVED

JUL 22 1998

WATER RESOURCES DEPT.
SALEM, OREGON

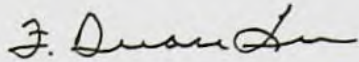
July 20, 1998
Page 2

RECEIVED
JUL 22 1998
WATER RESOURCES DEPT.
SALEM, OREGON

I look forward to hearing from you.

Sincerely,

LEE ENGINEERING, INC.



F. Duane Lee, P.E.

FDL:nj

Cc: City of Wheeler

August 25, 1997

Duane Lee
Lee Engineering, Inc.
1300 John Adams Street
Oregon City, Oregon 97045

WATER
RESOURCES
DEPARTMENT

Re: Water Management and Conservation Plan for G 12196

Dear Duane:

Thanks for taking the time to speak to me about the request for an extension for the Water Management and Conservation Plan required under Permit G-12196. This letter is to acknowledge receipt of this request and to confirm our conversation today. It is the Department's understanding that when the Water Management and Conservation Plan is complete, it will apply not only to the City of Wheeler but also to the City of Manzanita and several other smaller water providers. It is also our understanding that at this time it is your intent to allow for some other municipalities to participate.

One of the requirements of a plan prepared under Division 86 (enclosed) is to assess the environmental impacts of the proposed actions. I think that this is consistent with our conversation on Friday August 22. Your proposal to utilize a hydraulically connected well near the mainstem of the Nehalem River instead of surface water from smaller tributaries seems to have merit. Especially if the timing of the well operations can be done when the impacts to the Nehalem are the least. The Water Management Plan should articulate and document all the pros and cons of this proposal. I view this portion of the plan as a foundation for your proposal of a discussion for expanded utilization of this well during the time when water is not available under the allocation policy.

I will forward your request for the extension to the appropriate parties and inform you of the decision by September 22. I will also let our support staff know of your desire to be a participant in our October Workshop. If you have any questions please do not hesitate to call.

Sincerely,

Bill

Bill Fujii, Planner
Resource Management Division

CC: Charlotte Haynes
Tom Paul
Michael Ricker
Greg Nelson

Darlene = for Permit files



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

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

RECEIVED

AUG 20 1997

WATER RESOURCES DEPT.
SALEM, OREGON

August 19, 1997

Project No. 1567.40

Michael Ricker
Resource Management Division
Water Resource Department
Commerce Building
158 12th Street N.E.
Salem, OR 97310-0210

RE: Water Rights Permit G-12196 / Water Management Plan

Dear Mr. Ricker:

Enclosed is a Request for an Extension for the City of Wheeler's Water Management and Conservation Plan relative to Permit No. G-12196. The City of Wheeler has formed an Intergovernmental Agreement with the City of Manzanita. The Intergovernmental Agreement is intended to develop a new water source for the communities and four small water systems in the Nehalem Bay area, Oregon. The project has been studied and has been ongoing for about five years. The cities are currently at the phase of securing financing for the project. Rural Development, Department of Agriculture, has offered the cities loans and grants sufficient to undertake the project. However, several citizens in the two communities have petitioned that a vote be held before the City can sell revenue bonds to finance the local share of the project cost. That vote is scheduled for September 16, 1997.

Assuming that the vote is affirmative and that bonds are authorized, then we will proceed immediately with design of the project, which will include the construction of pipelines, a reservoir, control valves, and the pump and piping for the wells. The wells have previously been constructed in the summer of 1996. However, we have been attempting since then to secure financing to proceed with the project.

If the vote is not affirmative, then the two cities will need to reassess how to proceed. One option would be to improve their current sources of supply to meet the requirements of the Safe Drinking Water Act. However, that option is considerably more expensive than the proposed groundwater development under this permit. It is not certain as to how the cities might proceed if the vote does not support the project.

Since there is still some uncertainty as to how the cities might proceed, there is no need to go forward with a Water Management and Conservation Plan at this time. I intend to proceed with plans and specifications this winter and spring, followed by construction in 1998 and 1999. I

RECEIVED

AUG 20 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Michael Ricker
August 19, 1997
Page 2

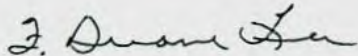
anticipate the most logical time to proceed with the Water Management and Conservation Plan would be during the spring of 1999.

I have filled out the form you provided to the City requesting an extension of time to June 30, 1999. I trust this will be acceptable. I have previously discussed this several times with Bill Fuji. Perhaps he can fill you in on some of the other details.

If you need additional information, please let me know.

Sincerely,

LEE ENGINEERING, INC.



F. Duane Lee, P.E., W.R.E.
FDL:nj
Enclosures

cc: Toni Hatfield, City of Wheeler

P.S.: Your letter was addressed to Gene Cox. Gene is no longer with the City. The new City Recorder is Toni Hatfield. Please change your records to reflect the new contact person in Wheeler.

1567/ricker.819.wp7

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

RECEIVED

FEB 18 1997

WATER RESOURCES DEPT.
SALEM, OREGON

February 7, 1997
Project No. 1569.10

Joseph E. Sheahan
Assistant District Fisheries Biologist
Oregon Department of Fish & Wildlife
Route 1, Box 764, House No. 2
Astoria, OR 97103

**RE: Nehalem Bay Regional Water Board - Proposed Groundwater Development
at Nehalem River Mile 10.6**

Dear Mr. Sheahan:

This letter will address issues that we discussed during our telephone conversation of February 6.

A claim has been made by unnamed individuals that the proposed groundwater development along the Nehalem River is not in conformance with the prior intentions, permits, or other alleged issues. This claim is categorically false. I enclose for your review a copy of the Water Resource Department Permit to Appropriate Public Waters, Application File No. G-13479. This permit is made out in the name of the City of Wheeler and identifies four future wells for the development of groundwater at approximately River Mile 10.6 and at a rate of use of about 3.6 cfs. Since the permit was issued, the Cities of Wheeler and Manzanita have proceeded with development of two production wells. The wells were originally proposed to be drilled at Resistivity Test Sites Nos. 4 and 6. However, drilling at Test Site 4 proved to be nonproductive, so an alternative site was selected approximately 100 feet east of the proposed Site No. 6. Please see the enclosed Figure No. 1 which was submitted with the Application for Permit to Develop Groundwater to the Water Resource Board. The final location of Production Well No. 2 is between the sites previously noted as Resistivity Sites No. 6 and 13, or proposed Well No. 3. The wells are not closer to the Nehalem River than originally anticipated, even though they are configured slightly differently.

I enclose for your review the original results of a test well analyzed in August and September of 1994. The reports were prepared at my direction by AGI Technologies, groundwater geologists.

Following the original test well, additional production wells were drilled and a report was prepared dated October 11, 1996, by AGI Technologies. A copy of that report is enclosed.

The conclusions of the report are on page 13. The most important conclusion for the management of Nehalem River waters is the statement that "differences in water quality and stable, unchanging measurements of temperature and conductivity during testings indicate that the Well 1 and 2 aquifer is not in direct hydraulic connection with surface waters."

In addition to the reports, the hydrogeologists and I have had discussions concerning the capture zone delineation for the two wells. I enclose a memorandum from AGI Technologies dated January 6, 1997.

1300 JOHN ADAMS STREET

OREGON CITY, OREGON 97045

PH. 503-655-1342

1-800-848-9731

FAX 503-655-1360

Joseph E. Sheahan
February 7, 1997
Page 2

which shows that, based on available information, the waters entering the wells come primarily from underlying groundwater sources east of the well. That is, waters do not enter the well directly from the Nehalem River, but rather come from stored groundwater in the sands and gravels well below the Nehalem River. The affected area will be recharged both by water from precipitation and from water draining in and below Patterson Creek, as well as the Nehalem River. It is my opinion that the proposed development of groundwater will have no substantial effect on the Nehalem River.

Having said that, it is obvious that water will be taken from the Nehalem River drainage basin. That fact will remain even under the existing water withdrawal conditions. The Cities of Wheeler and Manzanita both divert water in small river drainages for domestic use. During minimum stream flow conditions, literally all of the water in Vosburg, Jarvis and Anderson Creeks is diverted for domestic purposes. The intent is that these waters currently being diverted will be released to the natural drainage way and Nehalem Bay without future interference. Rather, water will be withdrawn from the groundwater aquifer at River Mile 10.6. Considering that only a small portion of the 3.6 cfs will be withdrawn in any one day during periods of low stream flows, it is my opinion that the proposed groundwater withdrawals will have far less, if any, impact on the Nehalem River than the current surface water diversions.

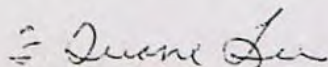
Please note that the City of Wheeler has also applied for a surface water withdrawal at this location. The surface water withdrawal permit process has been held in abeyance subject to the conclusion of the groundwater development. At some future date, I expect that the Water Board will withdraw its surface water application and rely solely on its proposed groundwater development.

You also asked for information on how we intend to cross small streams and wetlands. To avoid disturbance to these areas, we propose to suspend the pipeline across the streams, either with structurally designed pipes, or with pipes suspended on new bridge decks. We do not intend to cross under the streams or to place culverts in the streams. We will cross over culverts where they now exist.

If you need additional information, please call.

Sincerely,

LEE ENGINEERING, INC.



F. Duane Lee, P.E.

FDL:nj

Enclosures

cc: Mona Ellison, Rural Development
David Force, Rural Development
Nehalem Bay Regional Water Board
✓ Water Resource Department

1569/sheahan.207

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)
Groundwater Application)
G-13479 submitted by)
City of Wheeler

FINAL
ORDER

FINDINGS OF FACT

Water Use Request

1. City of Wheeler requested use of 3.6 cubic feet per second (cfs) of water from four wells for Municipal use within the North Coast Basin.
2. The area of proposed use is in Tillamook County WITHIN THE SERVICE AREA OF THE PROPOSED NORTH TILLAMOOK COUNTY REGIONAL WATER SUPPLY, TOWNSHIPS 1, 2 AND 3 NORTH, RANGE 10 WEST, W.M.
3. SYSTEM DESCRIPTION: The wells will be connected to existing Municipal Systems.
4. The request was made in Application G-13479 which was received by the Water Resources Department on July 29, 1993.

Affected Waters

1. The proposed wells are not within or above a State Scenic Waterway.
2. There are no existing rights from this point of diversion. However, there is a surface water right application from the same party at or near the same location.
3. There are existing water rights appurtenant to the lands described in the application.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely the Nehalem River.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on December 2, 1994.

4. The technical review determined:

- a. Municipal use is allowed under the North Coast Basin Program.
- b. The use is not prohibited by Statute.
- c. Groundwater for the proposed use is available in the amounts requested for the period Year round.
- d. Human consumption and livestock watering use would not injure existing water rights year round.

5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in PERMIT G-12196.

6. A Proposed Final Order for this application was completed and copy of that review was mailed to the applicant on AUGUST 29, 1995.

Assessment

1. In proceeding with evaluation of Application G-13479, the following criteria were found to be relevant by the Department.

- a. The North Coast Basin Program (OAR Chapter 690, Division 501-005 (1))
- b. The Tillamook County Comprehensive Plan and Zoning Ordinance
- c. Groundwater availability as determined by the Groundwater/Hydrology staff
- d. The estimated peak demand as listed in the Draft City of Wheeler/City of Manzanita Water Facilities Master Plan for the proposed use
- e. Pending, senior applications and existing water rights of record
- f. The comments received

CONCLUSIONS OF LAW

1. Based on continued evaluation following the previous review, the Department finds the determinations of the Proposed Final Order remain valid.

2. Based on comments and data received, the Department has determined that notwithstanding that water is not likely available during October eighty percent of the time, additional uses may be allowed where public interest in those uses is high and uses are conditioned to protect instream values. The Department has further determined that, to protect the resource, an additional condition(s) on the proposed water use is necessary. The condition, as further described on PERMIT G-12196, would require submittal of a conservation plan.

3. The period of allowed use is year round unless instream rights are not met. In time periods that senior instream rights are not met all uses but human consumption and livestock watering will be

curtailed.

4. The amount of water requested, 3.6 cubic foot per second, is necessary for Municipal uses. The Department finds that no more than 3.6 CFS would be necessary for the proposed use. This is assuming the projection for the year 2050 of 2.2 mgd demand (on page 3-1 of the Draft City of Wheeler and City of Manzanita Water Facilities Master Plan Update (October 1994) is correct.

5. Tillamook County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use involves discretionary land use approval. City of Manzanita Ord. 90-10 Sec. 1.020 allows land uses proposed within the city's jurisdiction. City of Wheeler allows land uses proposed within the city's jurisdiction.

6. The applicant has not identified if the other rights of record appurtenant to the lands described in the application will be used or abandoned. Some of the disposition of these rights may be contingent on the final outcome of the Regional Water Supply Agency. Upon formation of this Regional Water Supply Authority a conservation plan is needed given the possibility of curtailment during the month of October.

7. The proposed use complies with all other rules of the Commission.

8. Pursuant to Senate Bill 674 enacted by the 68th Oregon Legislative Assembly, and given findings listed above, a rebuttable presumption has been established that the proposed use of the water has met the tests necessary to establish that the use would not impair or be detrimental to the public interest if exercised in the months water is available and in the amount identified above.

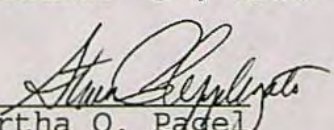
9. No protests were timely filed in response to the Proposed Final Order of AUGUST 29, 1995, and no significant issues or disputes are known to the Department at this time.

10. Therefore, the proposed use as conditioned, and described in PERMIT G-12196, would not impair or be detrimental to the public interest.

ORDER

IT IS HEREBY ORDERED that Application G-13479 in the name of City of Wheeler be approved for Municipal use as provided on PERMIT G-12196.

November 6 , 1995


for Martha O. Pagel
Director, Water Resources Department

NOTICE:

This Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

If this Final Order has modified the Department's prior findings or conditions, the applicant may request a contested case hearing within 14 days from the date of this order. Issues on which a contested case hearing may be requested and conducted are limited to issues based on modifications to the Proposed Final Order.

Requests for a contested case hearing must be made in proper form, submitting the information required under Section 11(6), Chapter 416, Oregon Laws, 1995.

Requests for a contested case hearing must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on November 20, 1995.

Only the applicant and any persons who timely filed a protest may appeal the provisions of this final order.

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

RECEIVED

AUG - 2 1995
WATER RESOURCES DEPT.
SALEM, OREGON

August 1, 1995

Project No. 1384.40

Mr. Gerry Clark
Completeness Team
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

**RE: City of Wheeler Application for Water Use
Land Use Information Forms**

Dear Mr. Clark:

Enclosed are signed Land Use Information Forms which have been returned to us by Planners for the Cities of Wheeler and Manzanita and the Associate Planner for Tillamook County.

Sincerely,

LEE ENGINEERING, INC.

Nancy Jelinek

Nancy Jelinek
Secretary to F. Duane Lee, P.E.

Enclosures



NOTE TO LOCAL GOVERNMENTS

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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

Description of Water Use

State to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

State to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: City of Wheeler
 Address: P.O. Box 177
Wheeler, OR 97147
 Phone: 503-368-5767

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☒ Other (Name and list key characteristics): Municipal to serve wheeler, Manzanita, NBSP, Tideland, Zadduck Creek, Brighton, etc

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	<u>3 6</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

**Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant's Name: City of Wheeler
Address: P.O. Box 177
City: Wheeler State: OR Zip: 97147 Day Phone: 503-368-5767

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING Rural Residential/RR-5) (e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
N.A.	Wheeler, Manzanita,			X
	NBSP, Tideland, Zadduck Creek,			

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

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.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- ☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
Cite applicable ordinance section(s); _____. Go to section b) on reverse side.
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=====

Receipt for Request for Land Use Information

WRD Applicant Name: City of Wheeler

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: Tillamook County
Staff Contact: Steve Allen Phone: 842-3408
X Signature: Chuck Blaney Date of Information Request: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily
CONDOMINIUM USE	OPR 660-35-130(16)			NO APPLICATION AS YET

b) Please provide printed name and written signature.Name: CHUCK BERRY Date: 8/1/95Title: ASSOCIATE PLANNER Phone: 503 842-3408Signature: Chuck Berry

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

WATER WELLS ARE PROPOSED ON MAP 2N 9W 5 T.L. 200, LOCATED IN THE F-1 (FARM) ZONE. PIPELINES TO RESERVOIR ON MAP 2N 9W 5 T.L. 800 ZONED F (FOREST) AND ON 2N 9W 5 400 ZONED M-1 (GENERAL INDUSTRIAL) ZONE.

LOCATION OF FACILITIES IN F (FOREST) AND F-1 (FARM) ZONES REQUIRES PUBLIC NOTICE AND OPPORTUNITY FOR HEARINGS.

AUG - 2 1995
NATURAL RESOURCES DEPT.
SALEM, OREGON

Oregon

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

RECEIVED
JUL 27 1995

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**Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses**

AUG - 2 1995

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Brighton, etc.

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City or County: City of Manzanita
Staff Contact: Randy Kugler Phone: 368-5343
Signature: [Signature] Date of Information Request: 7/25/95

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: Randy Kugler Date: 7/25/95

Title: City Manager Phone: (503) 368-5343

Signature: Blank 14/2

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Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

AUG - 2 1995
WATER RESOURCES
SALEM, OREGON

Oregon

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WATER
RESOURCES
DEPARTMENT

RECEIVED
JUL 27 1995
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DEPARTMENT

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**Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses**

AUG - 2 1995

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City or County: City of Wheeler
Staff Contact: Steve Dunn Phone: 368-5767
Signature: Steve Dunn Date of Information Request: 7/26/95

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

Name: Steve Dunn Date: 7/26/95
Title: City Planner Phone: 503 355 9652
Signature: Steve Dunn

Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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WATER RIGHTS/NWR

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

AUG - 2 1995

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City or County: City of Wheeler
Staff Contact: Steve Dunn Phone: 368-5767
Signature: Steve Dunn

RECEIVED

G-13479

MAR 20 1995

MEMORANDUM
WATER RESOURCES DEPT
SALEM, OREGON

LEE ENGINEERING, INC.

TO : Mayor Walt Trandum, City of Wheeler, and Mayor Jim Bond, City of Manzanita
PROJECT: Project No. 1384 - Water Rights Permits - Groundwater Development
SUBJECT: Telephone Call from Joe Sheahan of Oregon Fish & Wildlife
BY : Duane Lee *DL*
DATE : March 14, 1995

On March 13, Joe Sheahan of the Oregon Department of Fish & Wildlife called to discuss the impending permit to appropriate groundwater at approximate River Mile 10.6. Joe and I had a meaningful discussion as to the issues facing the communities of Wheeler and Manzanita. We discussed the existing water rights that the cities have on Vosberg and Jarvis Creeks for Wheeler and on Anderson Creek and others for Manzanita. Mr. Sheahan asked if it was possible for these permits to be transferred to instream use in exchange for the groundwater withdrawal permit.

Transferring existing water rights to instream use has been briefly discussed with Steve Brown of the Water Resource Department. Steve and I have been somewhat cautious about making the recommendation to transfer existing water rights directly to instream use. A more likely scenario is for the cities to discuss with ODF&W the possibility of leasing existing surface water rights to ODF&W, at least in the short term. The primary issue deals with whether or not the groundwater will be sufficient, whether the cities wish to give up existing water rights with priority dates that give them some future protection in the event of unforeseen political environments in the future, and a host of other potential problems. Also, the City of Wheeler will likely be restricted to providing only domestic water during minimum stream flow conditions in September and October each year. If an industry should wish to locate in Wheeler that has a high demand for water, it is the City's intent to make that water available through use of their permit on Vosberg Creek. This implies that a future industry would have to treat its own water supply for industrial use. Nonetheless, the City would be able to provide some level of water availability under this scenario.

I think from our telephone conversation with Mr. Sheahan, he understands these issues and is likely to accept them. That is, he will not resist the groundwater withdrawal as we have proposed. He sees it as a viable option for the region's needs. He and I agree that the groundwater withdrawal will have little if any impact on the flows, temperatures, and other aquatic issues relating to the Nehalem River. We have located the well site near the confluence of the Nehalem with the saltwater environment, hence minimizing the reach of the river that would be impacted, if at all. This kind of discussion is similar to others I have had on other drainages throughout the state, particularly with the flows on the Chetko River.

In summary, I anticipate that Mr. Sheahan will support the application, although he may wish to pursue some additional clarification as to the cities' intent with their existing permits on Vosber, Jarvis and Anderson Creeks (and maybe Neahkahnie and Alder Creeks).

Please do not hesitate to call me at 1-800-848-9731 if you have any questions or need additional information.

FDL:nj

cc: ✓ Steve Brown, Water Resource Department
Joe Sheahan, ODFW - Seaside

RECEIVED

OCT 26 1995

WATER
SALEM, OREGON



CITY OF WHEELER

P.O. BOX 177 • WHEELER, OR 97147 • (503) 368-5767 • FAX (503) 368-4273

October 24, 1995

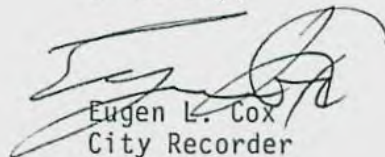
Douglas L. Baer
Senior Water Rights Technician
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem OR 97310-0210

Reference: File G-13479

Dear Mr. Baer:

Enclosed is check number 2527 for \$250.00 for the permit recording fees for the above referenced application.

Sincerely,


Eugen L. Cox
City Recorder

October 17, 1995

WATER
RESOURCES
DEPARTMENT

CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147

Reference: File G-13479

Dear Applicant:

Your application file was recently reviewed. Before we can process your application further, you need to provide us with permit recording fees as described in previous correspondence (copy enclosed)

Please send the following:

Permit recording fees in the amount of \$250.00

To allow us to process your application further, please submit the requested items by November 17, 1995.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503)378-3739.

Sincerely,

Douglas L. Baer
Senior Water Rights Technician

enclosure



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

WaterWatch

RIVERS NEED WATER

cc: file

Delivered via FAX and Regular Mail

October 13, 1995

Steven Applegate
Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

RE: Application **G-13479**, City of Wheeler

Dear Mr. Applegate:

WaterWatch has serious concerns about the City of Wheeler's request to withdraw 3.6 cfs from 4 wells in the Nehalem River Basin. Given that the PFO found that the proposed groundwater use has the potential to cause substantial interference with the Nehalem River, combined with the fact that the water availability analysis finds that no water is available for appropriation from the Nehalem in the month of October, we question the capacity of the resource to support this use and at the same time meet the flows protected by the senior instream water rights.

However, per our discussion with the Department, WaterWatch has agreed not to protest this groundwater right if a condition were included in the permit that mandated that if senior instream water rights were not met, water use under the permit, if issued, would be curtailed for all use except human consumption and livestock watering. The Department agreed to include such a condition and sent us a letter outlining the exact language of the condition to be included in the permit on October 10, 1995.

Per this agreement, WaterWatch will not protest this groundwater application. If this condition is not in fact included, we reserve the right to protest this application. Moreover, we still have major concerns about the City's proposed use and will track the surface water application that is currently "on hold" accordingly.

Sincerely,

K. Priestley
Kimberley Priestley
Legal/Policy Analyst

Water Watch

RIVERS NEED WATER

Via FAX and regular mail

October 3, 1995

Steve Applegate
Water Resources Department
Water Rights Section
158 12th Street NE
Salem, OR 97310

RE: Public Notice of Application G13479

Dear Mr. Applegate:

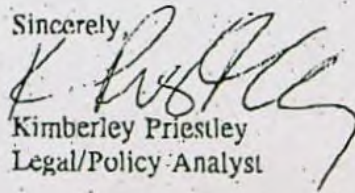
The Public Notice for application G13479 (City of Wheeler) is defective. The public notice, which was sent out on August 29, 1995, states that the proposed amount of use is 6 cfs. The proposed amount listed in the PFO is 3.6 cfs.

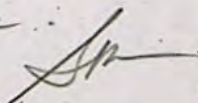
Given that this is the last opportunity that the public has to interject themselves in the water allocation process, is imperative that the public have proper notice of the proposed final order. To decline to do so would be in blatant disregard to the public's interest in the water resource and would inhibit the public's ability to aptly participate in the water allocation process.

In the rules governing initial notice (OAR 690-11-155(2)(c)), the Department has recognized the importance of notifying the public of the proposed amount of use. The notice for PFO's should be held to at least the same standard.

To rectify the aforementioned deficiency of notice, this application should be re-noticed and a new deadline for the PFO issued. Please notify us as soon as possible us regarding the new notice.

Sincerely,


Kimberley Priestley
Legal/Policy Analyst

*Called Kimberley - 10/6/95
Will not re notice in
this instance & think
problem is now solved.
for future*


October 10, 1995

Kimberley Priestley
Water Watch of Oregon
213 Southwest Ash
Suite 208
Portland, Oregon 97704

Re: File G-13479

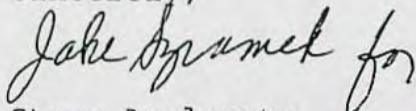
Dear Ms. Priestley:

Based upon our recent conversation about File G-13479, we will include the following notice to the permittee within the permit about the use of water when instream water rights are not met.

Notice to Permittee: (as identified in the permit)

The period of allowed use under the terms of this permit is year-round, however if senior instream water rights are not met, water use will be curtailed for all use except human consumption and livestock watering until those instream water rights are met.

Sincerely,



Steve Applegate
Administrator
Water Rights and Adjudication Division

cc: City of Wheeler
PO Box 177
Wheeler, Oregon 97147



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)	PROPOSED
Groundwater Application)	FINAL
G-13479 submitted by)	ORDER
City of Wheeler		

FINDINGS OF FACT

Water Use Request

1. City of Wheeler requested use of 3.6 cubic feet per second of water from four wells (listed below) for Municipal use within the North Coast Basin.

ALL IN THE NE 1/4 NW 1/4, SECTION 5, T 2 N, R 9 W, W.M.:

WELL #1 - 989.22 FEET SOUTH AND 2204.31 FEET EAST;
WELL #2 - 1087.73 FEET SOUTH AND 2214.81 FEET EAST;
WELL #3 - 1055.75 FEET SOUTH AND 2547.09 FEET EAST;
WELL #4 - 905.91 FEET SOUTH AND 2543.69 FEET EAST;

ALL FROM THE NW CORNER OF SECTION 5

2. The area of proposed use is in Tillamook County WITHIN THE SERVICE AREA OF THE PROPOSED NORTH TILLAMOOK COUNTY REGIONAL WATER SUPPLY, TOWNSHIPS 1, 2 AND 3 NORTH, RANGE 10 WEST, W.M.

3. SYSTEM DESCRIPTION: The wells will be connected to existing Municipal Systems.

4. The request was made in Application G-13479 which was received by the Water Resources Department on July 29, 1993.

Affected Waters

1. The proposed wells are not within or above a State Scenic Waterway.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department has determined, based upon OAR 690-09, that the proposed groundwater use: will have the potential for substantial interference with the nearest surface water source, namely the Nehalem River.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on December 2, 1994.
4. The technical review determined:
 - a. Municipal use is allowed under the North Coast Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Groundwater for the proposed use is available in the amounts requested for the period Year round.
 - d. Human consumption and livestock watering use would not injure existing water rights year round.
5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-13479, the following criteria were found to be relevant by the Department.
 - a. The North Coast Basin Program (OAR Chapter 690, Division 501-005 (1))
 - b. The Tillamook County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff
 - d. The estimated peak demand as listed in the Draft City of Wheeler/City of Manzanita Water Facilities Master Plan for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. The comments received

CONCLUSIONS OF LAW

1. Based on continued evaluation following the previous review, the Department finds the determinations of the technical review remain valid.
2. Based on comments and data received, the Department has determined that notwithstanding that water is not likely available during October eighty percent of the time, additional

uses may be allowed where public interest in those uses is high and uses are conditioned to protect instream values. The Department has further determined that, to protect the resource, an additional condition(s) on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require submittal of a conservation plan.

3. The period of allowed use is year round unless instream rights are not met. In time periods that senior instream rights are not met all uses but human consumption and livestock watering will be curtailed.

4. The amount of water requested, 3.6 cubic foot per second, is necessary for Municipal uses. The Department finds that no more than 3.6 CFS would be necessary for the proposed use. This is assuming the projection for the year 2050 of 2.2 mgd demand (on page 3-1 of the Draft City of Wheeler and City of Manzanita Water Facilities Master Plan Update (October 1994) is correct.

5. Tillamook County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use involves discretionary land use approval. City of Manzanita Ord. 90-10 Sec. 1.020 allows land uses proposed within the city's jurisdiction. City of Wheeler allows land uses proposed within the city's jurisdiction.

6. The applicant has not identified if the other rights of record appurtenant to the lands described in the application will be used or abandoned. Some of the disposition of these rights may be contingent on the final outcome of the Regional Water Supply Agency. Upon formation of this Regional Water Supply Authority a conservation plan is needed given the possibility of curtailment during the month of October.

7. The proposed use complies with all other rules of the Commission.

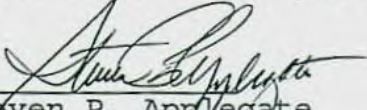
8. Pursuant to Senate Bill 674 enacted by the 68th Oregon Legislative Assembly, and given findings listed above, a rebuttable presumption has been established that the proposed use of the water has met the tests necessary to establish that the use would not impair or be detrimental to the public interest if exercised in the months water is available and in the amount identified above.

9. Therefore, the proposed use as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-13479 in the name of City of Wheeler be approved for Municipal use as provided on the attached draft permit.

DATED this 29th day of August, 1995


Steven P. Applegate
Administrator, Water Rights and Adjudications Division

Recorded in Special Order Records at Volume , Page .

NOTICE:

This proposed final order is issued by the Director pursuant to Senate Bill 674 enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by \$200 as specified in Senate Bill 674 enacted by the 68th Oregon Legislative Assembly.

To participate in any contested case proceedings or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by \$50 as specified in Senate Bill 674 enacted by the 68th Oregon Legislative Assembly.

Protests and fees and requests for standing must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on October 13, 1995.

Only the applicant and any persons who timely file a protest may participate in further proceedings before the Department or the Commission which deal with this Application.

Recorded in Special Order Records at Volume , Page .

DRAFT
STATE OF OREGON

COUNTY OF TILLAMOOK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

City of Wheeler
PO Box 177
Wheeler, Oregon 97147

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

APPLICATION FILE NUMBER: G-13479

SOURCE OF WATER: Four Wells tributary to Nehalem River within the North Coast Basin.

PURPOSE OR USE: Municipal use

Rate of use: 3.6 CFS

Period of allowed use: year round.

DATE OF PRIORITY: July 29, 1993.

POINT OF DIVERSION LOCATION:

ALL IN THE NE 1/4 NW 1/4, SECTION 5, T 2 N, R 9 W, W.M.:

WELL #1 - 989.22 FEET SOUTH AND 2204.31 FEET EAST;
WELL #2 - 1087.73 FEET SOUTH AND 2214.81 FEET EAST;
WELL #3 - 1055.75 FEET SOUTH AND 2547.09 FEET EAST;
WELL #4 - 905.91 FEET SOUTH AND 2543.69 FEET EAST;

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Tillamook County WITHIN THE SERVICE AREA OF THE PROPOSED NORTH TILLAMOOK COUNTY REGIONAL WATER SUPPLY, TOWNSHIPS 1, 2 AND 3 NORTH, RANGE 10 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each

month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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.

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.

Within one year of formation of the Regional Water Supply Authority, it shall submit a conservation management plan consistent with Oregon Administrative Rule 690-86.

Use of water under this permit is subject to all prior rights.

STANDARD CONDITIONS

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 work shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application G-13479 Water Resources Department
Basin 01 Volume
WHF/Aug/1995

PERMIT DRAFT
District 18

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

August 30, 1995
Project No. 1384.40

The Oregon Water Resource Department
Commerce Building
158 12th St. N.E.
Salem, OR 97310-0210

RECEIVED
SEP 05 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Attention: Steven Applegate, Administer, Water Rights and Adjudication Division

RE: Groundwater Application G-13479 - City of Wheeler

Dear Mr. Applegate:

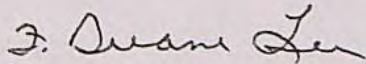
I have reviewed your Findings of Fact, Conclusions of Law, and proposed Order for the City of Wheeler's application. As representatives of the Cities of Wheeler and Manzanita, we take no exceptions to these issues. We sincerely appreciate the Department's attention to this application. We look forward to moving ahead now with the development of a regional water supply

As you may know, the City is in the process of obtaining financing to proceed with the final drilling and testing of the proposed wells. We anticipate the project will begin in two or three months and conclude sometime next spring. Once the quantity and quality of water have been verified at the proposed well field, the City will then proceed with the final design through 1996, with final construction anticipated in 1997.

Again, thank you.

Sincerely,

LEE ENGINEERING, INC.



F. Duane Lee, P.E., W.R.E.

FDL:nj

cc: City of Wheeler
City of Manzanita

RECEIVED

MAR - 2 1995

WATER RESOURCES DEPT.
SALEM, OREGON

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

February 28, 1995

Project No. 1384

Mr. Steve Brown
Water Resource Department
Commerce Building
158 12th Street N.E.
Salem, OR 97310-0210

Re: City of Wheeler G13479-ODF&W Response

Dear Mr. Brown:

I recently received from the City of Wheeler the response to their groundwater application referenced above.

ODF&W is suggesting that no information has been presented which will eliminate or reduce the potential for interference between the proposed groundwater withdrawal and the Nehalem River. At this time, we have no such information and are attempting to develop that information as soon as financing can be obtained to drill additional test wells and observation wells in the area of the proposed groundwater withdrawal. However, there is undoubtedly some form of connection and the extent and nature of it will not be known until test wells are drilled.

Regardless of the outcome of the proposed test wells, we understand that some form of conditions may be attached to the groundwater permit. We anticipate those conditions to relate to curtailment of industrial use of water and restrictions in water use during critical water years. Those restrictions in water use will likely include the prohibition of lawn watering, car washing, and similar uses not related to human consumption. As you are aware, this groundwater application deals with the proposed municipal use of water for the Cities of Wheeler, Manzanita, and possibly others in the immediate vicinity of Nehalem Bay. The location of the wells away from the immediate river, and the reduction of the use of the small stream flow currently used for domestic purposes is hoped to play an important role in the Water Commission's review of this application. It is anticipated, although not yet proven, that the proposed groundwater withdrawal will have far less impact on the aquatic environment of the Nehalem River and/or estuary than is currently occurring via total withdrawal of water in some streams (Vosberg, Jarvis, and Anderson Creeks). Also, the proposed withdrawal point is reasonably close to the tidal zone of the Nehalem Bay so that the impact on the river will be very slight, if at all.

RECEIVED

MAR - 2 1995

WATER RESOURCES DEPT.
SALEM, OREGON

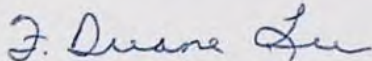
Mr. Steve Brown
February 28, 1995
Page 2

Therefore, we basically disagree and are unwilling to accept ODF&W's recommendation that the permit should not be issued. Rather, we request that we be allowed to proceed with the groundwater development. As we are all aware, the groundwater development is for municipal purposes (domestic, commercial, and related activities).

Please let us know when and if this issue is presented to the Water Resource Commission so that we can be available to testify. We may have additional information on the proposed test wells by that time.

Sincerely,

LEE ENGINEERING, INC.



F. Duane Lee, P.E., W.R.E.

FDL:nj

cc: City of Wheeler
City of Manzanita
Oregon Department of Fish & Wildlife

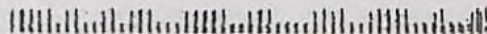
LEE ENGINEERING, INC.

1300 JOHN ADAMS STREET
OREGON CITY, OREGON 97045



MR. STEVE BROWN
WATER RESOURCE DEPARTMENT
COMMERCE BUILDING
158 12TH STREET N.E.
SALEM, OR 97310-0210

97310-0210



Water Watch

FACSIMILE TRANSMITTAL COVER SHEET

Date: 2-9-95

To: Water Rights Section, WRD

Fax: (503) 378-8130

From: K. Priestley Fax number (503) 295-2791

Total Pages Being Sent, including this page: 19

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

Re: resubmittal as I don't think
the last came through.

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

Confirming call:

Initials _____ Date _____ Time _____ WRD contact _____

Water Watch

FACSIMILE TRANSMITTAL COVER SHEET

Date: 2-9-94
To: Water Rights Section, WRD
Fax: (503) 378-8130
From: K. Prestly Fax number (503) 295-2791
Total Pages Being Sent, including this page: 18

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

Re: 613479, 71633, 72244, 71513, 71448,
71141, 66743, 72092, 71127, R73787,
73676, 73677, 73680, 73681,
R73966, 72230, 72231, R72638,
R72913, R72914, R73607, R73608,
R73609, 72282, 73094, 71917

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

Confirming call:

Initials _____ Date _____ Time _____ WRD contact _____

WaterWatch

Delivered via FAX and regular mail

February 9, 1995

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

Re: Objection to Technical Report for:
G13479, City of Wheeler, Municipal, 3.6 cfs, Nehalem
Columbia County, Nehalem River

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

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

◆ **The Water Availability Analysis in the Technical Report is Defective**

- The analysis failed to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource.

- The technical report proposes to allow use of water for municipal during a month (October) when the water availability analysis in the file shows that the source is overallocated. This is contrary to the water allocation policy which prohibits further overallocation of Oregon's water resources.

- There is one pending instream water right for the mainstem Nehalem that is senior to these applications. Failure to take the instream water right applications into account when doing the water availability analysis results in an overestimation of actual water availability. It also violates the Commission's direction to process water right applications in the order received.

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.

Page 2

◆ The Use as Proposed is Not in the Public Interest

The proposed uses fail to pass the public interest considerations in ORS 537.170, ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f).

1. The proposed use depletes flows needed to support numerous public instream uses, including fishery resources.

The groundwater staff has found that the proposed use will have the potential to cause substantial interference with surface waters. Moreover, staff did not suggest that conditioning could prevent this interference. Thus, as the surface waters of an already overappropriated stream will be depleted by the proposed use, this application is not in the public interest.

The Nehalem River system supports numerous instream uses. In particular, the Nehalem River system supports a variety of fish life including cutthroat trout, coho, fall chinook and chum salmon. Petitions have been filed requesting listing of coastal coho. Nehalem River summer chinook and coho are considered stocks of concern by the State of Oregon. *See ODFW Comments dated April 20, 1993 regarding application 73500*. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by among other things exposing spawning gravel and reducing feeding and rearing areas in the river. ODFW has specifically identified water diversion as causing problems for fish passage and survival in the Nehalem River basin. *Id.* Moreover, DEQ has identified this reach of the Nehalem River as being impacted by low flows. *Id.* Thus, this groundwater withdrawal, which will effect streamflows, will negatively impact the public interest in the resource.

As the coastal coho is currently being petitioned for listing under the federal Endangered Species Act, it would behoove the Commission to consider the mandates of the Act now. The state and federal Endangered Species Acts place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival or recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), *aff'd*, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food

Page 3

source of an endangered bird. Taking water from fish is at least as clear a causal connection.

2. Instream Water Rights

There are several existing instream water rights and one pending instream water right which protect flows in the Nehalem River for fish life and pollution abatement. These instream water rights are currently not being met during the summer and fall months. These certificates protect flows needed for fish life and pollution abatement in the Nehalem River system. Yet their purpose could be thwarted by the proposed use, thus the use is not in the public interest.

3. The proposed use will adversely affect the water quality needed to support instream uses.

Problems with water quality in the mainstem Nehalem River currently limit the production of native salmonids. The Nehalem River is listed by the DEQ as impacted by low dissolved oxygen in the water and by low flows.

When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring

Page 4

"proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); ORS 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the river. See also OAR 690-11-195(4)(c). Because the uses as proposed will cause water quality degradation, they are not in the public interest.

4. Measuring and Reporting

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both rate and duty of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

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

5. The Proposed Use is Contrary to Conservation Policy and the Conservation Conditions are Inadequate

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. To adequately protect the resource it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place prior to any approval of these proposed uses.

6. Groundwater Conditions inadequate

The technical report contains a condition which requires a pump test prior to receiving a certificate. A pump test provides information relating to the extent the ground water use will interfere with surface waters and aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then this

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DEC 27 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

Steve Brown
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem OR 97310-0210

DEPARTMENT OF
FISH AND
WILDLIFE

December 22, 1994.

RE: G13479

North Coast Fish District

Dear Mr. Brown



The City of Wheeler has applied for a permit for 4 wells in the Nehalem River Basin to draw 3.6 cubic foot per second. The Nehalem River as stated in the review "indicates that water is not likely available during October eighty percent of the time" for surface withdrawal. It also states that "the proposed groundwater withdrawal will have the potential to cause substantial interference with surface water". The proposed water right would have a negative impact on the Instream Water Right #59752 dated 05/09/73.

In the subject Report, WRD states the proposed groundwater withdrawal will not, if properly conditioned, have the potential to cause substantial interference with surface water. Based on this statement, ODFW assumes the opposite to be true; if not properly conditioned, interference is likely to occur.

In its review of proposed permit conditions, ODFW finds no condition that will eliminate or reduce the potential for interference and is, therefore, the basis of this objection to the proposed use. An explanation by WRD staff as to the justifications and rationales relied upon here might be sufficient to cause ODFW to withdraw this objection.

This water right permit should not be issued until a water availability assessment by WRD indicates that adequate water is first available to meet established or pending (applied for) instream water rights on the Nehalem River. The subject water right permit should be conditioned to prohibit withdrawal during periods (months) the water availability analysis indicates the instream water right might not be met on an average of eight years out of ten.

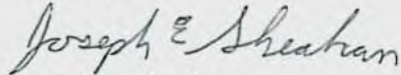


Hamlet Route Box 360
Seaside, OR 97138
(503) 738-7066
FAX 738-6929

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SALEM, OREGON

If the applicant disagrees with this analysis or is unwilling to agree to the recommended condition(s), ODFW recommends referral of the application(s) to the Water Resources Commission for determination of the public interest.

Sincerely,



Joseph E Sheahan
Assistant District Fisheries Biologist

cc C. Wheaton
S. Burchfield

December 2, 1994

CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147

WATER
RESOURCES
DEPARTMENT

Reference: File G 13479

Hello:

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

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

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

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

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

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



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

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest. If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

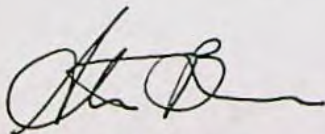
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before February 10, 1995 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

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

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

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

Respectfully,

A handwritten signature in dark ink, appearing to be 'Steve Brown', written in a cursive style.

Steve Brown
Water Rights Program Analyst
Water Right/Adjudication Division

Enclosures

Report Date: December 2, 1994

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: February 10, 1995.

1. APPLICATION FILE NUMBER -G 13479
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147
COUNTY OF TILLAMOOK

503-368-5767

Date application received for filing and/or tentative date of priority: 7/29/1993

SOURCE: FOUR WELLS IN THE NEHALEM RIVER BASIN

Purpose and/or use: MUNICIPAL.

Flow: 3.6 CUBIC FOOT PER SECOND

Well to be Located:

ALL IN THE NE 1/4 NW 1/4, SECTION 5, T 2 N, R 9 W, WM:

WELL #1 - 989.22 FEET SOUTH AND 2204.31 FEET EAST;
WELL #2 - 1087.73 FEET SOUTH AND 2214.81 FEET EAST;
WELL #3 - 1055.75 FEET SOUTH AND 2547.09 FEET EAST;
WELL #4 - 905.91 FEET SOUTH AND 2543.69 FEET EAST;

ALL FROM THE NW CORNER SECTION 5.

Place of use:

WITHIN THE SERVICE AREA OF THE NORTH TILLAMOOK COUNTY
REGIONAL WATER SUPPLY, TOWNSHIPS 1, 2 AND 3 NORTH, RANGE 10
WEST, WM

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water use can, if properly conditioned, avoid injury to existing rights or to the groundwater resource.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application.

SURFACE WATER AVAILABILITY

The water availability analysis indicates that water is not available above the needs of existing instream rights during the period of October of each year. Notwithstanding that water is not likely available during October eighty percent of the time, additional uses may be allowed where public interest in those uses is high and uses are conditioned to protect instream values.

The request is for a regional water supply where there is a high public interest and proposed permit conditions would protect instream values.

As conditioned the use to be allowed would be at times when the flows in the Nehalem River are above the needs of instream water right certificate 59572.

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

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 3.6 CFS is likely available.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: G 13479

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: year round.
3. Rate of use: 3.6 CFS.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well 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 of water shall be limited when it interferes with any prior surface or ground water rights.
10. 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.
11. 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.
12. Within one year of permit issuance, the City or Regional Water Supply Authority shall submit a conservation management plan consistent with Oregon Administrative Rule 690-86.

M E M O R A N D U M

To: Permits Section
From: Doug ^{dp} Farrow, Conservation Planning
Date: November 9, 1994
Subject: Water Rights File G 13479, City of Wheeler

Following is a summary of our review of the permit application and current water use and conservation efforts by the applicant to determine if a water management and conservation plan should be required as a condition of a permit.

Population Served: This application is for water to serve a new regional water supply organization along the Northern Tillamook County coastal corridor. It would be replacing individual sources of water currently being utilized by ten small water purveyors. No formal organization has yet been implemented.

The regional Water Resource Committee is aware of the probable connection of the proposed wells and the Nehalem River because of the close proximity. Their preliminary engineering report mentions the appropriateness of conservation measures to minimize the impact on the river during low stream flows periods.

A comparison of current water use and existing conservation activities can not be made at this time because the permit is for a new regional water supply agency.

Recommendation: The water management and conservation planning condition should be added to the requested permit with the timing to submit the plan tied to formation and start-up of the regional agency.

December 2, 1994

CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147

WATER
RESOURCES
DEPARTMENT

Reference: File G 13479

Hello:

Application G-13479 proposing the use of 3.6 cubic feet per second of water from four wells for municipal uses was recently reviewed. Under separate cover I have enclosed our report of technical review.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$450.00; being an examination fee of \$200.00, and a permit recording fee for municipal use of \$250.00. Since you have previously submitted \$200.00, an additional \$250.00 is required.

Please complete and return land use forms indicating that the proposed use is compatible with all the local land use plans including Tillamook County.

The application form requests you to submit the names and mailing addresses of the legal owners of all property involved in the proposed development. You have indicated that all the lands involved are not under your ownership. However, as allowed by Oregon Administrative Rule 690-11-020 (1)(f), the Director is waiving this requirement. Please be advised that Oregon law would prevent the creation or establishment of a water right without first obtaining written authorization or easement permitting access to land crossed by the proposed works.

Our water availability analysis indicates that water is not available above the needs of existing instream rights during the period of October of each year. Notwithstanding that water is not likely available during October eighty percent of the time, additional uses may be allowed where public interest in those uses is high and uses are conditioned to protect instream values. In as much as your request is for a regional water supply where there is a high public interest and the proposed permit conditions would protect instream values, the attached Satisfactory Report of Technical Review was prepared. As conditioned, the use of water without restriction, would be at times when the flows in the Nehalem River are above the needs of instream water right certificate 59572 (copy enclosed). In any event, during the times that the flows were not



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158 12th Street NE
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(503) 378-3739
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December 2, 1994
CITY OF WHEELER
File G-13479
Page Two

being met to satisfy the instream right, the use under any permit issued in approval of the application, would be restricted to human and livestock consumption.

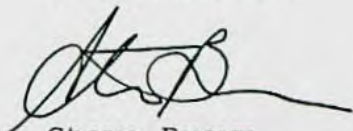
Our records indicate there are a number of existing water rights within the area of the proposed regional water supply service area. Please provide us with an explanation as to whether or not they will continue to be utilized.

It may be possible for the regional water supply authority to submit an application for use of groundwater at times when the instream right is not being satisfied by supplying water for instream purposes under an exchange request. I would be happy to discuss the requirements of an exchange application if you wish to pursue a request.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

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

Respectfully,

A handwritten signature in dark ink, appearing to be 'S. Brown', with a long horizontal flourish extending to the right.

Steve Brown
Water Rights Program Analyst
Water Right/Adjudication Division

cc: F. Duane Lee, CWRE

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

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NOV 03 1994

WATER RESOURCES
SALEM, OREGON

November 1, 1994

Mr. Steve Brown, Manager
Water Rights Division
Oregon Water Resource Department
The Commerce Building
158 12th Street N.E.
Salem, OR 97310

Re: City of Wheeler - Permit G-13479

Dear Mr. Brown:

The City of Wheeler has continued to work toward development of an alternative water supply that will be in compliance with the requirements of the Oregon Health Division and the Federal Safe Drinking Water Act. The City is under Administrative Order to upgrade its water system or seek an alternative approved source. (See enclosed letter dated January 8, 1992, from the Oregon Health Division.)

As you may be aware, the City of Wheeler currently draws water from two small drainages near town. The water supply receives some treatment in the way of disinfection, but remains unfiltered. Similar circumstances exist for most of the other communities in the Nehalem Bay area.

In March, 1993, Lee Engineering, Inc. published a report entitled *North Tillamook County Regional Water Supply Master Plan* which recommended that a new water supply be developed along the Nehalem River to serve the regional needs. At that time, a site was proposed at approximate River 9.1. Following that report and several meetings of the interested jurisdictions, we contacted property owners for permission to develop test wells. We were not able to conclude negotiations with the property owner at River Mile 9.1 and proceeded to discuss the matter with other property owners. The City of Wheeler has entered into an Option Agreement with a property owner at approximate River Mile 10.6. A test well has been drilled and it appears as though sufficient groundwater resources exist in this area for the immediate needs of the region.

Therefore, the Cities of Wheeler and Manzanita have jointly continued to work on further matters regarding a regional water supply. They intend to proceed with groundwater development, hold public hearings, and have a vote on the issue in the near future. However, before we can proceed, we need some response from the Water Resource Department as to the likelihood for obtaining water rights in this area. Therefore, we offer the following information as a revision to the City of Wheeler's previous permit application.

Mr. Steven Brown, Manager

November 1, 1994

Page 2

1. PREVIOUS APPLICATION FOR A PERMIT TO APPROPRIATE GROUNDWATER - G-13479

The City has submitted to the Water Resource Department an application for a permit that will need to be revised. Pursuant to our telephone conversation of last week, we offer the following information.

A. Change in Location

The previous application was for a permit to appropriate water at approximate River Mile 9.1. The new location is at River Mile 10.6. (See the enclosed Figure 1.) We have prepared a new map and indicated on the map the proposed locations for four wells. Two will be drilled in the near future. The other two will be developed as water demands require. Enclosed for your review is a copy of our draft of the Water Facilities Master Plan Update, which contains in the Appendix a report from AGI Technologies concerning the test well drilled on the site. The test well will be redesigned and reconstructed to conform with Water Resource Department requirements for a domestic water supply. An additional well will be located at Test Site No. 6 and labeled Well No. 2. Future wells will be located at Sites 10 and 13, as shown on the enclosed map. The number configuration deals with the electrical-resistivity test sites as performed by AGI Technologies (September 19, 1994 report).

We believe that the proposed location for groundwater withdrawal is the best location for a new regional water supply. Although the groundwater withdrawal is upstream of other existing diversion points along the Nehalem and/or its tributaries, the new location is ideal because:

1. We have a cooperative property owner who is willing to deed property for the well sites and associated wellhead protection zones.
2. The site is within about one and one-half miles of the tidewater area. Therefore, even during minimum streamflows, a very short reach of the river will be impacted.
3. The average minimum stream flows on this reach of the Nehalem River are reported to be approximately 60 to 65 cfs. The proposed withdrawal of about 3.6 cfs will have minimal, if not negligible impact on the lower one and one-half mile reach of the Nehalem River between the well site and tidewater.

Mr. Steven Brown, Manager

November 1, 1994

Page 3

4. The proposed groundwater withdrawals will be recharged by both the Nehalem River and/or a tributary, Patterson Creek. The impacts on resident and/or aquatic life are expected to be minimal.
5. The site is the closest site to the water users' service areas. Hence, this will minimize the cost of pumping and transmission facilities to deliver water.
6. The site has potential in terms of additional groundwater withdrawals and/or surface water withdrawals to serve the estimated saturation population of the proposed service areas.
7. The annual mean discharge of the Nehalem River at this area is 2,638 cfs. The lowest annual mean discharge record from 1940 through 1943 is reported to be 1,063 cfs. The highest annual mean discharge is 4,235 cfs.

The main disadvantage of this site is the over allocation of waters on the Nehalem River, specifically the minimum streamflow requirements.

B. Service Area

In recent discussions with the initial 10 water systems, only six of the original 10 wish to remain a part of the regional supply. They include:

- i. Wheeler
- ii. Manzanita
- iii. Tideland Water Corporation
- iv. Nehalem Bay State Park
- v. Zadduck Creek
- vi. Brighton

Only Wheeler and Manzanita are municipalities. The others are either owned by the State or are private water companies.

Future service may include Nehalem and/or Rockaway Beach. There is also some discussion by individuals at Neahkahnie Beach about some participation in the near future. However, we provide the enclosed Figure 2 which shows the service areas to be included in the immediate future.

It is anticipated that a water authority will be formed to own and operate the regional water supply. However, the current application in the name of Wheeler needs to remain

Mr. Steven Brown, Manager

November 1, 1994

Page 4

until the public votes on the matter and approves the formation of the water authority. We expect a vote in either March or May of 1995.

C. Projected Well Yield

AGI Technologies' report indicates that each well will have a capacity of about 400 GPM (0.89 cfs). The exact well yield will not be known until the wells are drilled and developed. However, we anticipate a total well yield in this area of approximately 1,600 GPM, or about 3.6 cfs.

D. Water Right Permit Conditions

It is anticipated that some conditions will apply to the future water rights. Those conditions include, but may not be limited to, a requirement for a conservation program, a requirement that all services be metered, a requirement for restricted water use during minimum stream flows, including restrictions on lawn watering and other nondomestic uses, and restricted industrial uses.

E. Revised Project Scope

The preparation of a map for the permit application requires the showing of pipelines and other proposed improvements. Those improvements are shown on the enclosed Figure 3. The project as now envisioned will consist of two wells constructed at River Mile 10.6, a transmission pipeline to Mohler, where a new 2 MG reservoir is to be constructed, and additional pipelines from the reservoir to Highway 101 and then to Wheeler and Manzanita. The routes of the proposed pipelines are somewhat different than previously shown, specifically the pipeline route to Manzanita. In addition, master meters and pressure regulating valves will be installed at each service point to each wholesale customer.

2. SURFACE WATER APPLICATION

The City of Wheeler also has a surface water application on file with the Water Resource Department. The City wishes to keep the surface water permit on file with the Water Resource Department until the groundwater permit is perfected. Further, there may be a time beyond the year 2050 when surface water withdrawals may be necessary. However, no request for action on the surface water permit is requested at this time.

Mr. Steven Brown, Manager
November 1, 1994
Page 5

3. PROJECT SCHEDULES

The Cities of Wheeler and Manzanita intend to undertake a public information campaign, beginning with a public hearing on November 30. The cities expect to request the Tillamook County Commissioners for a vote to be placed on the March or May ballots, 1995. Subject to the approval of the formation of a water authority and the election of the directors, the governing body will then seek long term financing for the project. It is anticipated that construction will begin sometime in 1996 and conclude prior to the spring and summer demands in 1997.

4. FUTURE CONCERNS

The various jurisdictions discussed above hold existing water rights on a number of small streams or springs and wells throughout the region. A summary of the existing water rights as we have been able to determine them, Table 3.2, is enclosed for your review. We also enclose a copy of Figure 3.1 from our previous studies which outlines the general locations of the existing water right diversions. As we discussed, these various existing water rights may be transferred to the future water authority, leased to the Fish & Wildlife Department and kept in trust for the future water rights on the Nehalem River, or held for future use by industry or other water users which may not be allowed water under the proposed groundwater application. For example, the City of Wheeler wishes to maintain its water rights on Vosburg Creek in order that future industries in Wheeler may use the City's permits to withdraw and treat water for industrial purposes. The City of Wheeler is the only community in the region that currently has lands zoned for industrial use. The other existing diversions throughout the region are for domestic use and are not bound for future requirements of industrial use.

Each of these issues could lead to considerable discussion. However, the City of Wheeler wishes to proceed with its current application without the burden of these other issues. If you do not concur in this matter, please let us know.

As our previous report outlines, future saturation populations for all communities under the original plan is about 47,000 people. Although this is a rough estimate, it is anticipated that saturation population will occur sometime during the Twenty-First Century, and the future water source should have the capacity to meet the potential demand of this projected population.

Mr. Steven Brown, Manager

November 1, 1994

Page 6

We trust the above information is sufficient for your use at this time. If you need additional information, please call me at 655-1342. As we discussed, we hope you can complete your technical review prior to the November 30 meeting.

Sincerely,

LEE ENGINEERING, INC.

F. Duane Lee

F. Duane Lee, P.E., W.R.E.

FDL:nj

Enclosures

cc: City of Wheeler

City of Manzanita

Mike Grimm - Oregon Health Department

Bill Campbell - Oregon Economic Development Department

Dr. Peter Scott - Linn Benton Community College





TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: G-13479
 (2) Review Date: 2/23/84

S Indicates information was completed or adequately addressed.
 U Indicates information is needed, or incomplete, or inadequately addressed
 N/A Indicates Not Applicable

SUMMARY		Free, Land Use, Written Av. ho
<u>U</u>	Completeness	FEES.
<u>U</u>	Land Use	100 to 150 ft
<u>U</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)	
<u>S</u>	Conflicts	EXISTING GW & SW MUNICIPAL RIGHTS
<u>S</u>	Water Availability	IN PROPOSED SERVICE AREA
		1007
		Below 100 ft 130

- (3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

- (4) N/A No oath is required because application was filed before June 5, 1992.

- (5) U Application fees:
- | | | |
|--|-----------|------------|
| Examination fee: | \$ 200.00 | 100 17 45 |
| Recording fee: | \$ 250.00 | 50 25 4 45 |
| TOTAL REQUIRED | \$ 450.00 | 50 X 3 |
| TOTAL SUBMITTED | \$ 200.00 | |
| AMOUNT DUE prior to issuance of permit | \$ 250.00 | |
| AMOUNT OVERPAID | \$ 0 | |
| refund due applicant | \$ 0 | |

- (6) S Proposed dates of beginning and completion of construction, and complete application of water.

- (7) S MAP: ☒ Prepared by a CWRE
☐ Exempt under OAR 690-14-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) N/A A written copy of the legal description of the property on which the water is to be used.
- (10) Y A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S MUNICIPAL use(s) is/are classified uses(s) under the North Coast Basin Program, OAR 690 - 501-001.
- (14) U The application, map and supporting data are complete and free of defects. FEES (RECORDING)

Land Use Compatibility:

- (15) As expressed by the Planning Department of TILLAMOOK COUNTY
- (16) U The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- (17) U The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) S A copy of the constructor's log, if available, for any well already constructed, ~~or required information~~ regarding actual or anticipated construction. PER APPLICATION
- (21) S The report from groundwater section has been received.

For reservoir applications:

- (22) N/A Plans, specifications and supporting information for the dam and impoundment area.

Water Watch

FACSIMILE TRANSMITTAL COVER SHEET

Date: 2-9-94

To: Water Rights Section, WRD

Fax: (503) 378-8130

From: L. Prestly

Fax number (503) 295-2791

Total Pages Being Sent, including this page: 18

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

Re: 613479 71633, 72244, 71513, 71448,
71141, 66743, 72092, 71127, R73787,
73676, 73677, 73680, 73681,
R73966, 72230, 72231, R72638,
R 72913, R72914, R73607, R73608,
R73609, 72282, 73094, 71917

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

Confirming call:

Initials _____ Date _____ Time _____ WRD contact _____

WaterWatch

Delivered via FAX and regular mail

February 9, 1995

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

Re: Objection to Technical Report for:
G13479, City of Wheeler, Municipal, 3.6 cfs, Nehalem
Columbia County, Nehalem River

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

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

◆ **The Water Availability Analysis in the Technical Report is Defective**

- The analysis failed to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource.

- The technical report proposes to allow use of water for municipal during a month (October) when the water availability analysis in the file shows that the source is overallocated. This is contrary to the water allocation policy which prohibits further overallocation of Oregon's water resources.

- There is one pending instream water right for the mainstem Nehalem that is senior to these applications. Failure to take the instream water right applications into account when doing the water availability analysis results in an overestimation of actual water availability. It also violates the Commission's direction to process water right applications in the order received.

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.

Page 2

♦ The Use as Proposed is Not in the Public Interest

The proposed uses fail to pass the public interest considerations in ORS 537.170, ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f).

1. The proposed use depletes flows needed to support numerous public instream uses, including fishery resources.

The groundwater staff has found that the proposed use will have the potential to cause substantial interference with surface waters. Moreover, staff did not suggest that conditioning could prevent this interference. Thus, as the surface waters of an already overappropriated stream will be depleted by the proposed use, this application is not in the public interest.

The Nehalem River system supports numerous instream uses. In particular, the Nehalem River system supports a variety of fish life including cutthroat trout, coho, fall chinook and chum salmon. Petitions have been filed requesting listing of coastal coho. Nehalem River summer chinook and coho are considered stocks of concern by the State of Oregon. *See ODFW Comments dated April 20, 1993 regarding application 73500*. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low flows in the winter adversely affect fish habitat by among other things exposing spawning gravel and reducing feeding and rearing areas in the river. ODFW has specifically identified water diversion as causing problems for fish passage and survival in the Nehalem River basin. *Id.* Moreover, DEQ has identified this reach of the Nehalem River as being impacted by low flows. *Id.* Thus, this groundwater withdrawal, which will effect streamflows, will negatively impact the public interest in the resource.

As the coastal coho is currently being petitioned for listing under the federal Endangered Species Act, it would behoove the Commission to consider the mandates of the Act now. The state and federal Endangered Species Acts place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival of recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food

Page 3

source of an endangered bird. Taking water from fish is at least as clear a causal connection.

2. Instream Water Rights

There are several existing instream water rights and one pending instream water right which protect flows in the Nehalem River for fish life and pollution abatement. These instream water rights are currently not being met during the summer and fall months. These certificates protect flows needed for fish life and pollution abatement in the Nehalem River system. Yet their purpose could be thwarted by the proposed use, thus the use is not in the public interest.

3. The proposed use will adversely affect the water quality needed to support instream uses.

Problems with water quality in the mainstem Nehalem River currently limit the production of native salmonids. The Nehalem River is listed by the DEQ as impacted by low dissolved oxygen in the water and by low flows.

When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

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The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring

Page 4

"proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); ORS 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the river. See also OAR 690-11-195(4)(c). Because the uses as proposed will cause water quality degradation, they are not in the public interest.

4. Measuring and Reporting

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both rate and duty of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

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

5. The Proposed Use is Contrary to Conservation Policy and the Conservation Conditions are Inadequate

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. To adequately protect the resource it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place prior to any approval of these proposed uses.

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WaterWatch

Delivered via FAX and regular mail

February 9, 1995

RECEIVED
FEB 14 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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

Re: Objection to Technical Report for:
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Columbia County, Nehalem River

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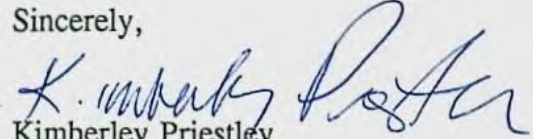
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Page 5

proposed condition should be amended to require periodic pump tests during the life of these permits and certificate. The condition should not, however limit the Director's ability to require pump tests. We suggest language that would require pump tests "annually or as deemed needed by the Director."

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Priestley", written over the printed name.

Kimberley Priestley
Legal/Policy Analyst

June 2, 1994

David Force, District Director
Farmers Home Administration
PO Box 469
Clackamas, OR 97015

Oregon

WATER
RESOURCES
DEPARTMENT

Dear Mr. Force:

Thank you for the opportunity to comment on the City of Wheeler Water System Improvements.

The City of Wheeler has two applications G-13479 and 73122 for permit to appropriate not to exceed 6.0 cubic feet per second of water either from 1) direct diversion from the Nehalem River; or 2) four wells adjacent to the river.

As of this date no determinations to approve or deny the applications have been made. There are concerns over whether or not water is available for additional appropriation above the needs of existing instream water rights and a pending instream water right request.

Notwithstanding the instream water right issues, there are additional issues surrounding the coho salmon and other aquatic life. These issues must be resolved before any permit may be issued in approval of the pending requests.

If you need additional information, please call Steve Brown of the Water Rights Division at 378-8455, ext. 262. Thank you.

Sincerely,



Bob Rice
Resource Management Division

cc: Files G-13479 and 73122



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

MEMORANDUM

Date: May 27, 1994

To: Bob Rice

From: Steve Brown

Subject: Applications G-13479 and 73122 - City of Wheeler

The City of Wheeler has two applications for permit to appropriate not to exceed 6.0 cubic feet per second of water either from 1) direct diversion from the Nehalem River; or 2) four wells adjacent to the river.

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Notwithstanding the instream water right issues, there are issues surrounding the coho salmon and other fish life. These issues must be resolved before any permit could be issued in approval of the pending requests.

WATER AVAILABILITY TABLE

613479 &
5 73122

Basin: North Coast

Water Availability Subbasin: 1000000000000000 (and Nested Subbasins)

Exceedance Level: 80

Time: 08:52

Date: 09/26/1994

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	1000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES

DETAILED REPORT ON WATER AVAILABILITY

Basin: North Coast

Stream: NEHALEM R

> NEHALEM BAY

Water Availability Subbasin: 1000000000000000

Exceedance Level: 80

Time: 08:52

Date: 09/26/1994

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Water Available 1/1/93	CU + Stor After 1/1/93	Net Minimum Flow	Instream Water Rights	Net Water Available
1	2580.00	10.00	2570.00	0.42	2570.00	270.00	2300.00
2	3120.00	10.00	3110.00	0.42	3110.00	270.00	2840.00
3	2600.00	10.00	2590.00	0.40	2590.00	270.00	2320.00
4	1820.00	10.00	1810.00	0.40	1810.00	270.00	1540.00
5	936.00	6.00	930.00	0.67	929.00	200.00	729.00
6	464.00	8.00	456.00	0.67	455.00	150.00	305.00
7	223.00	13.00	210.00	1.18	209.00	100.00	109.00
8	126.00	11.00	115.00	0.35	115.00	100.00	14.60
9	120.00	6.00	114.00	0.35	114.00	100.00	13.60
10	173.00	6.00	167.00	0.35	167.00	270.00	-103.00
11	1170.00	10.00	1160.00	0.37	1160.00	270.00	890.00
12	3070.00	10.00	3060.00	0.41	3060.00	270.00	2790.00
Stor	1940000	6590	1930000	358	1930000	152000	1780000

DETAILED REPORT OF ISWRs

Basin: North Coast

Stream: NEHALEM R

> NEHALEM BAY

Water Availability Subbasin: 1000000000000000

Time: 08:52

Date: 09/26/1994

-----ISWRs-----							
APP # :	36A	0	0	0	0	0	RESULTANT
STATUS: Certificate							
1	270.0	0.0	0.0	0.0	0.0	0.0	270.0 C
2	270.0	0.0	0.0	0.0	0.0	0.0	270.0 C
3	270.0	0.0	0.0	0.0	0.0	0.0	270.0 C
4	270.0	0.0	0.0	0.0	0.0	0.0	270.0 C
5	200.0	0.0	0.0	0.0	0.0	0.0	200.0 C
6	150.0	0.0	0.0	0.0	0.0	0.0	150.0 C
7	100.0	0.0	0.0	0.0	0.0	0.0	100.0 C
8	100.0	0.0	0.0	0.0	0.0	0.0	100.0 C
9	100.0	0.0	0.0	0.0	0.0	0.0	100.0 C
10	270.0	0.0	0.0	0.0	0.0	0.0	270.0 C
11	270.0	0.0	0.0	0.0	0.0	0.0	270.0 C
12	270.0	0.0	0.0	0.0	0.0	0.0	270.0 C

TO: Water Rights Section

10/7, 1993

FROM: Groundwater/Hydrology Section

Marc A Norton

Reviewer's Name

SUBJECT: Application G- 13479

1. PER THE Nehalem Basin rules, one or more of the proposed POA's is ~~is~~ within 1/4 mile of a surface water source (Nehalem River) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ☒ will, or have the potential for substantial interference with the nearest surface water
 - b. ☐ will not source, namely Nehalem River; or
 - c. ☐ will, if properly conditioned, adequately protect the surface water from interference:
 - i. ☐ The permit should contain condition #(s) _____;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below; or
 - d. ☐ will, with well reconstruction, adequately protect the surface water from substantial interference.
3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ☒ will, or likely be available in the amounts requested without injury to prior rights and/or
 - b. ☐ will not within the capacity of the resource; or
 - c. ☒ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. ☒ The permit should contain condition #(s) 4c;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below.
4.
 - a. ☐ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ☐ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ☐ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source

REMARKS:

The new well location does not change the conclusions of this review. MAN 8/7/95

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was, or constructed according to the standards in effect at the time of
 - b. ☐ was not original construction or most recent modification.
 - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1993.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 1993.

(Signature)

(WRF08M8\91

To: Duane Lee, Lee Engineering Inc.
From: Bill Fujii, Water Resources Department
Date: 8/11/95
Subj: ON HOLD STATUS FOR S-73122

As you are aware, I've used the land use forms submitted for S-73122 for G-13479. Since the land use forms are checked off for groundwater and the point of diversion is the same this information will serve as adequate confirmation. If you need to use the surface water application, you may need to have the local governments amend their documents to include the surface water, this could be taken care of now or when and if you need it.

Per our conversation on 8/10/95, this is a follow-up on the question of putting your application "on hold". I talked to Jake Szramek and he suggests the following: As a practical matter, the easiest thing to do is place a note in the file to hold processing until July of 1996. The deadline for SB 674 is August of 1996, so given the notice and other process issues the a month lead time will suffice.

If you find that you want to discontinue with this application - or -if it appears that you will need more time than July of 1996, there are some steps you can take, please give me a call.

I've placed a copy of this memo in file S-73122, unless we hear from you we will hold processing of this file until July of 1996.

cc:

S-73122
G-13479

TOWNSHIP 3N, RANGE 10W, W. M.SECTION 29

NE				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES										
Lot 1 2 3 4										
40 65 30 38 24 4 19 8 9										
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	14241	13425	CANCELLED
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	21322	17073	44775
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	22798	17947	CANCELLED
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	23417	18634	21684
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	25124	21913	21707
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	34804		WITHDRAWN
Municipal				Municipal				57745	43756	4
Municipal				Municipal				59448	45008	
0 ³ 2 ⁴ 7 ³ 5 ²				0 ³ 2 ⁴ 7 ³ 5 ²				69560	6-8853	63598
0 ³ 2 ⁴ 7 ³ 5 ²				0 ³ 2 ⁴ 7 ³ 5 ²				59811	44877	63599
Municipal				Municipal				73122		
Municipal				Municipal				6-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 3N, RANGE 10W, W. M.SECTION 32

NE				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES										
Lot 1 2 3 4										
19 6 9 24 2 24 3 21 3										
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	22798	17947	CANCELLED
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	23008	18105	CANCELLED
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	23417	18634	21684
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	25124	21913	21707
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	21322	17073	44775
Municipal				Municipal				57745	43756	4
Municipal				Municipal				59448	45008	
2 ⁵				2 ⁵				69560	6-8853	63598
2 ⁵				2 ⁵				59811	44877	63599
Park				Park				6-11535	6-10626	59009
Municipal				Municipal				73122		
Municipal				Municipal				6-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N RANGE 10 W W. M. Card #1 SECTION 32

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	6	SW	SE	NE	1	2	5	NE	3	4	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																		
Mun																2085	1081	936
																13701	9842	10117
																12283	8912	CANCELLED
																153	51	2386
																19521	9716	CANCELLED
																15525	11413	11264
																15889	11766	11645
																15529	11826	CANCELLED
																16024	11849	CANCELLED
																16670	12360	CANCELLED
																32194	25396	30421
																37408	27861	38987

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N RANGE 10 W W. M. Card #2 SECTION 32

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																33260	26296	30423
																46578	34498	47952
																51053	43858	
																R-41	C-781	49731
																G-9809	G-9365	
																61883	46245	
																73122		
																R-73342		
																G-13479		

TOWNSHIP 2 N RANGE 10 W W. M. CARD No 1 SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																		
																15	9	11
																Dom		
																13687	9839	10116
																15529	11826	CANCELLED
																Cancelled - sp. or Rec. Vol. 32 P. 437		
																15	9	11
																MUN		
																Mun		
																Mun		
																32194	25396	30421
																Mun		
																Mun		
																37408	27861	38987
																Mun		
																33260	26296	30423
																Mun		
																39829	29651	CANCELLED
																Dom		
																43757	32701	38837
																45299	33822	CANCELLED
																46578	34498	47952

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N RANGE 10 W W. M. CARD No. 2 SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																51053	43858	
																G-9809	G-9365	5
																61833	46245	
																73122		
																R-73342		
																G-13479		

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 4

SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 6	LOT 3	LOT 4	LOT 5	LOT 1	LOT 2	LOT 3	LOT 4			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES										
46 ³	27 ³	14 ²	21 ²	38 ¹	39 ²					
Dom Fish								14862	10849	13319
								21322	17073	44775
Municipal								59448	45008	
								G-10508		WITHDRAWN
								73122		
MUN								G-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 2

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
41 ⁰⁵	40 ¹⁵			43 ³		13 ³⁵				37 ²								
Dom																9908	6598	7933
Mig																9267	6176	5461
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	2754	1455	2440
Mun																52321	39355	
Dom																53399	40047	50629
Mun																59448	45008	
Mun																68450	49671	
																73122		
MUN																G-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 5

SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES										
34 ²	58 ²⁵	58 ²⁵	37 ²⁵	28 ¹⁵						
Municipal								21322	17073	44775
MUN								59448	45008	
Rte Rte Rte								G-11535	G-10626	59009
								73122		
MUN								G-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 3

SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES										
51 ¹²	86 ⁰	20 ¹²	21 ²²	23 ²²						
Mig								3246	1799	1967
Dom								2914	1582	2391
Mig								13991	10078	CANCELLED
Dom								18370	14077	
Mun								21399	16792	CANCELLED
Mun								52321	39355	
Mun								56936	42490	CANCELED
Mun								59448	45008	
Fish								60666	45451	CANCELED
Fish								63323	46362	
								73122		
MUN								G-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 1 N, RANGE 10 W, W. M. SECTION 6

LOT	LOT	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
1	2			
710	985			
Mun	Mun	16670	12360	
Mun	Mun	24798	19530	CANCELED
Mun	Mun	Trs. Sp. Or. Vol. 7	Page 276	
Mun	Mun	37408	27861	38987
Mun	Mun	51053	43858	
Mun	Mun	46578	34498	47952
Mun	Mun	G-9809	G-9365	5
Mun	Mun	61833	46245	
Mun	Mun	73122		
Mun	Mun	G-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 1 N, RANGE 10 W, W. M. SECTION 7

LOT	LOT	LOT	LOT	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
1	2	3	4			
1330	1405	1780	1532			
Mun	Mun	Mun	Mun	19467	15093	27233
Mun	Mun	Mun	Mun	Trs. Sp. Or. Vol. 7	Page 276	
Mun	Mun	Mun	Mun	53779	40382	CANCELED
Mun	Mun	Mun	Mun	G-7243	G-6737	47957
Mun	Mun	Mun	Mun	G-8854	G-8211	58982
Mun	Mun	Mun	Mun	51053	43858	63
Mun	Mun	Mun	Mun	G-9296	G-8613	6
Mun	Mun	Mun	Mun	73122		
Mun	Mun	Mun	Mun	G-13479		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 1 N, RANGE 10 W, W. M. Card #1 SECTION 5

NE	NW	SW	SE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
3	4	1	2			
3982	3981	2880	3420			
Mun	Mun	Mun	Mun	Domestic & Municipal	1785	925
Mun	Mun	Mun	Mun	15889	11766	11645
Mun	Mun	Mun	Mun	15529	11826	CANCELED
Mun	Mun	Mun	Mun	16670	12360	CANCELED
Mun	Mun	Mun	Mun	24798	19530	CANCELED
Mun	Mun	Mun	Mun	Trs. Sp. Or. Vol. 7	Page 276	49731
Mun	Mun	Mun	Mun	32194	25396	30921
Mun	Mun	Mun	Mun	37408	27861	38987
Mun	Mun	Mun	Mun	33260	26296	30923
Mun	Mun	Mun	Mun	46578	34498	47952
Mun	Mun	Mun	Mun	51053	43858	63
Mun	Mun	Mun	Mun	G-9296	G-8613	6

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 1 N, RANGE 10 W, W. M. Card #2 SECTION 5

NE	NW	SW	SE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
3	4	1	2			
3982	3981	2880	3420			
Mun	Mun	Mun	Mun	G-9809	G-9365	5
Mun	Mun	Mun	Mun	61833	46245	
Mun	Mun	Mun	Mun	73122		
Mun	Mun	Mun	Mun	G-13479		

Application No. G 13479State of Oregon
WATER RESOURCES DEPARTMENT**Application for a Permit to Appropriate Ground Water**Applicant(s) City of Wheeler
(Please print or type - use dark ink)Mailing Address: P.O. Box 177
Wheeler OR 97147 (503) 368-5767
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

- 1.
- THE DEVELOPMENT**
- (number of wells, tile lines, infiltration galleries, etc.):
-
- Four wells, each with a capacity of approximately 1.55 cfs (1 mgd).

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: Varies (150 feet to 500 feet)Elevation difference between streambed and development: Varies 20 to 40 feet

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 12" Depth in feet: 100 ft. +Type and size of well casing: 12" steel No. of feet: 40 to 60 feetEstimated depth to water: 20 to 40 feetType of access port or measuring device: 2" G.I.P.Wells to be drilled by: To be competitively bidAddress: N.A.

If the water well is flowing artesian, describe your water control and conservation works:

N.A.

- 2.
- TOTAL AMOUNT OF WATER**
- to be applied to beneficial use:
- 6.0
- cubic feet per second, OR
- 2,700
- gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each:

3. **INTENDED USE(s) OF WATER:** Municipal

If for more than one use, give the quantity of water from each source for each use; N/A

If for **DOMESTIC** use, state the number of households to be supplied; N/A

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

See Attachment 1

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; N/A

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation	<u>N/A</u>
Other (describe)	<u></u>
	<u></u>
	<u></u>

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

See Attachment 2

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin May 1994 (Phase I only)

Proposed date construction work will be completed October 1995 (Phase I only)

Proposed date water use will be completed Circa 2050

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract. See cover letter and Figure 1.

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

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

REMARKS: Lands to be served by the proposed regional water supply include all developable lands within Tillamook County between Barview on the south and Neahkahnie on the north, including the following existing private, state, and municipal water purveyors:

<u>1. Neahkahnie</u>	<u>6. Zaddack Creek</u>
<u>2. Manzanita</u>	<u>7. Wheeler</u>
<u>3. Nehalem Bay State Park</u>	<u>8. Brighton</u>
<u>4. Nehalem</u>	<u>9. Rockaway Beach</u>
<u>5. Tideland Water Corp.</u>	<u>10. Watseco/Barview</u>

See separate list for names and addresses of contact persons (Attachment 3).

NOTE: The associated w acknowledge keeping with the land-use,

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

r without waste. By law, the land use e land-use goals and any local use may not be allowed if it is not in ty planning agency can advise you about

J. Duane Lee
Signature of Applicant for City of Wheeler

July 29, 1993
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem,
Oregon, on the 29 day of July, 1993, at 3:40 o'clock, p. M.

APPLICATION NO: G13479

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G-13479

WATERWATCH

ODF&W - County: Tillamook

WATERMASTER #: 1

REGIONAL MANAGER: NW

CWRE: F. Duane Loo # 279

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES: see attached and

Steve Schneider

21081 Rive Rd NE

St Paul OR 97137

Tom Aschor

Coastal Resource Planner

Tillamook Co Dept of Comm Dev.

201 Laurel Ave, Tillamook OR

97141

CASEWORKER (initials/date)

MM 9/23/94

ORIGINAL TO APPLICANT 6/28/94

Application No. Permit No.

ATTACHMENT 3 CITY OF WHEELER WATER RIGHTS APPLICATION NORTH TILLAMOOK COUNTY REGIONAL WATER SUPPLY

copy
Land use form
to
list with cert.
1054 to all
except
Water Watchdog

<u>Water System</u>	<u>Technical Contact Person</u>	<u>Address</u> <u>Phone</u>
Manzanita	Randy Kugler	Manzanita P.O. Box C Manzanita, OR 97130 368-5343
Nehalem	Merlin Brown	City of Nehalem 35900 8th Street Nehalem, OR 97131 368-5627
Rockaway Beach	Jim Gohring	Rockaway Beach Public Works P.O. Box 5 Rockaway, OR 97136 355-2982
Wheeler	Gene Cox	City of Wheeler P.O. Box 177 Wheeler, OR 97147 368-5767
Zaddack Creek	Daryl Johnston	16115 Old Mohler Rd. Nehalem, OR 97131 368-5819
Brighton	Archie Buchanan	29285 Bayview Blvd. Rockaway, OR 97136 368-6683
Neah-Kah-Nie	Tom Bender 368-6294	Neah-Kah-Nie Water Dist. 12/8/94 P.O. Box 172 Manzanita, OR 97130 368-7309

P.O. returned this
TR to our office
-JLB

Application No. 613479
Permit No.

ATTACHMENT 3
CITY OF WHEELER
WATER RIGHTS APPLICATION
NORTH TILLAMOOK COUNTY
REGIONAL WATER SUPPLY

<u>Water System</u>	<u>Technical Contact Person</u>	<u>Address & Phone No.</u>
Manzanita	Randy Kugler	Manzanita City Hall P.O. Box C Manzanita, OR 97130 368-5343
Nehalem	Merlin Brown	City of Nehalem 35900 8th Street Nehalem, OR 97131 368-5627
Rockaway Beach	Jim Gohring	Rockaway Beach Public Works P.O. Box 5 Rockaway, OR 97136 355-2982
Wheeler	Gene Cox	City of Wheeler P.O. Box 177 Wheeler, OR 97147 368-5767
Zaddack Creek	Daryl Johnston	16115 Old Mohler Rd. Nehalem, OR 97131 368-5819
Brighton	Archie Buchanan	29285 Bayview Blvd. Rockaway, OR 97136 368-6683
Neah-Kah-Nie	Tom Bender 368-6294	Neah-Kah-Nie Water Dist. 12/8/94 P.O. Box 172 Manzanita, OR 97130 368-7309

F PO returned this
TR to our office
-JLB

Application No. 613479
Permit No.

ATTACHMENT 3 (Cont'd.)

<u>Water System</u>	<u>Technical Contact Person</u>	<u>Address & Phone No.</u>
Nehalem Bay State Park	Dennis Davidson	8300 3rd St. Neah-Kah-Nie City Nehalem, OR 97131 368-5943
Watseco-Barview	Clayton McCormick	Watseco-Barview Water Box 295 Rockaway, OR 97136 355-2556
Tideland Water Co-op	Jack Thayer	Tideland Water Co-op 14650 Tideland Road Nehalem, OR 97131 368-6908

WaterWatch

O F O R E G O N

Application No. 613479
Permit RECEIVED

JAN 21 1993

WATER RESOURCES DEPT.
SALEM, OREGON

January 18, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #73122, City of Wheeler
Nehalem R., Tillamook Co., Municipal Use

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 80% exceedence level?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

What efforts has the City of Wheeler made to adopt water conservation and curtailment plans? Has the City considered adopting a conservation based rate structure as a way to promote a water conservation ethic within the community? Does the City propose to develop this water right within a short period of time, or is this simply a way to reserve water for future needs? The City should be required to prove they are using existing supplies wisely before new water rights are granted.

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

MINIMUM FLOWS SORTED BY: BASIN, STREAM NAME, PRIORITY

BASIN	STREAM NAME	PRIORITY	UP	MI	DN	MI	MF	APP. #	CERT #	CNTY	COMMENTS
01	N FK NECANICUM R > NECANICUM R	11/30/1990	1.6	0.0	IS	70949			0	CLAT	
01	N FK NEHALEM R > NEHALEM R	5/ 9/1973	10.7	0.0	MF	28			59639	CLAT	
01	N FK NEHALEM R > NEHALEM R	5/ 9/1973	20.4	0.0	MF	29			59640	CLAT	
01	N FK NEHALEM R > NEHALEM R	11/30/1990	10.5	0.5	IS	70957			0	TILL	
01	N FK NEHALEM R > NEHALEM R	10/11/1991	20.4	10.7	IS	71930			0	CLAT	
01	N FK OF N FK TRASK R > N FK TRASK R	2/13/1991	0.0	0.0	IS	71246			0	WASH	
01	N FK TRASK R > TRASK R	5/ 9/1973	4.5	0.0	MF	30			59641	TILL	
01	N FK TRASK R > TRASK R	5/ 9/1973	10.1	0.0	MF	31			59642	TILL	
01	N FK TRASK R > TRASK R	2/13/1991	11.8	0.0	IS	71247			0	WASH	
01	N FK WILSON R > WILSON R	5/ 9/1973	1.0	0.0	MF	32			59643	TILL	
01	N FK WILSON R > WILSON R	2/13/1991	2.5	0.0	IS	71248			0	TILL	
01	NECANICUM R > PACIFIC OCEAN	5/ 9/1973	10.5	0.0	MF	33			59644	CLAT	
01	NECANICUM R > PACIFIC OCEAN	5/ 9/1973	17.8	0.0	MF	34			59645	CLAT	
01	NECANICUM R > PACIFIC OCEAN	11/30/1990	17.8	0.0	IS	70955			0	CLAT	
01	NEHALEM R > NEHALEM BAY	10/31/1967	13.3	0.0	MF	35			59684	TILL	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	22.3	0.0	MF	37			59646	TILL	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	34.8	0.0	MF	38			59647	CLAT	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	47.0	0.0	MF	39			59648	CLAT	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	63.7	0.0	MF	40			59649	COLU	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	90.7	0.0	MF	41			59650	COLU	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	104.0	0.0	MF	42			59651	COLU	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	13.3	0.0	MF	36			59752	TILL	
01	NEHALEM R > NEHALEM BAY	10/11/1991	110.4	104.0	IS	71038			0	WASH	
01	NESKOVIN CR > PACIFIC OCEAN	5/ 9/1973	2.9	0.0	MF	43			59652	TILL	
01	NESKOVIN CR > PACIFIC OCEAN	2/13/1991	0.0	0.0	IS	71241			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	9.8	0.0	MF	44			59653	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	15.5	0.0	MF	45			59654	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	24.4	0.0	MF	46			59655	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	32.9	0.0	MF	47			59656	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	38.5	0.0	MF	48			59657	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	15.5	0.0	IS	71242			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	29.8	15.5	IS	71243			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	30.5	29.8	IS	71244			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	0.0	0.0	IS	71249			0	YAMH	
01	NORTHROP CR > NEHALEM R	10/11/1991	0.0	0.0	IS	71225			0	CLAT	
01	OAK RANCH CR > NEHALEM R	10/11/1991	0.0	0.0	IS	71221			0	COLU	
01	PETERSON CR > MIAMI R	2/13/1991	2.0	0.0	IS	71250			0	TILL	
01	PETERSON CR > NEHALEM R	11/30/1990	2.0	0.0	IS	70958			0	TILL	
01	PLYMPTON CR > WESTPORT SL	5/ 9/1973	0.0	0.0	MF	49			59658	CLAT	
01	PLYMPTON CR > WESTPORT SL	11/30/1990	1.3	0.0	IS	70950			0	CLAT	
01	POWDER CR > NESTUCCA R	2/13/1991	2.2	0.0	IS	71221			0	TILL	
01	PROUTY CR > MIAMI R	2/13/1991	2.0	0.0	IS	71222			0	TILL	
01	QUARTZ CR > NEHALEM R	10/11/1991	2.0	0.0	IS	71229			0	CLAT	
01	ROCK CR > NEHALEM R	5/ 9/1973	10.2	0.0	MF	50			59659	COLU	
01	ROY CR > NEHALEM R	11/30/1990	0.0	0.0	IS	70951			0	TILL	
01	S FK KILCHIS R > KILCHIS R	2/13/1991	0.0	0.0	IS	71224			0	TILL	
01	S FK KLASKANINE R > KLASKANINE R	5/ 9/1973	0.0	0.0	MF	51			59660	CLAT	
01	S FK KLASKANINE R > KLASKANINE R	11/30/1990	6.0	0.0	IS	70959			0	CLAT	

Application No. C73479
Permit No.

Application No. 613479
Permit No. _____

STATE OF OREGON

COUNTY OF TILLAMOOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF WHEELER
P.O. BOX 177
WHEELER, OREGON 97147

503-368-5767

to use the waters of NEHALEM RIVER, a tributary of NEHALEM BAY, for MUNICIPAL USE.

This permit is issued approving Application 73122. The date of priority is DECEMBER 31, 1992. The use is limited to not more than 6.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 6, T 2 N, R 9 W, W.M.

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

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

SECTIONS 5, 6, 7, 8,
17, 18 & 20
TOWNSHIP 1 NORTH, RANGE 10 WEST, W.M.

SECTIONS 2, 3, 4, 5, 9,
17, 20, 29 & 32
TOWNSHIP 2 NORTH, RANGE 10 WEST, W.M.

SECTIONS 20, 23, 24, 26, 27,
28, 29, 32, 35 & 36
TOWNSHIP 3 NORTH, RANGE 10 WEST, W.M.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

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

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

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

PAGE TWO

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

Issued this date,.

Water Resources Department
Martha O. Pagel
Director

Application No. 613479
Permit No.

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

July 21, 1993

To: STEVE BROWN

From: KEN DOWDEN

Subject: CITY OF WHEELER

Per your request, I have completed the research and made copies of all rights of record within their proposed service area.

<u>PER#</u>	<u>CERT#</u>	<u>SOURCE</u>	<u>Q_{cfs}</u>	<u>USE</u>
51	2386	Rockaway Creek	5.0 cfs	DO
673	8480	Bob's Creek	2.0 cfs	MU
822	49731	Thompson Creek	5.0 cfs	MU
925	2201	Heitmiller Creek	2.5 cfs	DO/MU
1455	2440	W. Br. Gervais Creek	3.0 cfs	MU/GD
3156	2338	Smith's Creek	2.5 cfs	MU/PW
4147	7390	Cedar Creek	4.0 cfs	MU/IR
6623	5469	Unn Cr > Nehalem Bay	0.2 cfs	DO
9484	9728	Rock Creek	2.0 cfs	DO/IND
9842	10117	Unn str > Pacific Ocean	0.15 cfs	DO
10040	21423	Three Spr > Pacific Ocean	0.17 cfs	GD
11413	11264	Unn str > Pacific Ocean	0.395cfs	CM*
11766	11645	Unn Cr > Pacific Ocean	1.32 cfs	DO/MU
14438	21533	Unn spr > Pacific Ocean	0.08 cfs	ID
15093	27233	Cedar Creek	0.05 cfs	DI(24)
17073	44775	Beniteau Cr & Unn str	0.5 cfs	MU
17176	26097	McMillan Creek	0.26 cfs	MU
17904	23644	Unn str > Nehalem Bay	0.05 cfs	DI(15)
18634	21684	Lange Creek	0.50 cfs	MU
21913	21707	Classic Lake Cr. & res	2.6 cfs	MU
25396	30421	McMillan Creek	0.26 cfs	MU
26231	29451	Unn str > Pacific Ocean	0.01 cfs	DO(2)
26296	30423	McMillan Creek	0.50 cfs	MU
27215	33105	N. Br. McMillan Creek	0.02 cfs	GD
27861	38987	Heitmiller Creek	0.50 cfs	MU
34032		Pirate Springs	0.45 cfs	MU
34498	47952	Jetty Cr > Pacific Ocean	1.0 cfs	MU
35776	57165	Three Spr > Nehalem Bay	0.17 cfs	MU
39355		Vosburg Creek (West Br.)	4.0 cfs	MU

243756		W Fk Anderson Cr (Beniteau)	0.5	cfs	MU
43858		Kilchis R >Tillamook Bay	20.0	cfs	QM
45008		Coal Cr & W Br Coal Cr	4.0	cfs	MU
46245		Jetty Cr > Nehalem River	1.0	cfs	MU

GOUNDWATER RIGHTS

G- 8613		Well	0.44	cfs	QM
G- 9365		(2) Wells	0.78	cfs	MU
G-10626	59009	Well >Nehalem River Basin	0.06	cfs	CS

Application No. 6-13479
Permit No.

Application No. 73122
Permit No.

ATTACHMENT NO. 1

DEC 31 1992

ESTIMATED PEAK DEMAND FOR WATER RIGHTS PERMIT

WATER RESOURCES DEPT.
SALEM, OREGON

District	No. Services in 1992	Ave. Demand 1992 (GPD)	Demand per Service	Estimated Values for 2010			Estimated Values for 2050		
				Services	Average Demand (GPD)	Peak Demand (GPD)	Services	Average Demand (GPD)	Peak Demand (GPD)
Ne'ah-kah-nie	225	54,000	240	281	67,500	168,750	340	81,540	203,850
Manzanita	1002	162,300	162	1,253	202,875	507,187	1,513	245,073	612,682
Nehalem Bay (Park)	302	24,000	79	378	30,000	75,000	456	36,240	90,600
Nehalem	450	135,100	300	563	168,875	422,188	680	204,001	510,003
Tideland Wat. Corp	20	24,500	1,225	25	30,625	76,563	30	36,995	92,488
Zaddack Creek	10	2,400	240	13	3,000	7,500	15	3,624	9,060
Wheeler	175	73,560	420	219	91,950	229,875	264	111,076	277,689
Brighton	12	3,000	250	15	3,750	9,375	18	4,530	11,325
Rockaway Beach	1660	445,000	268	2,075	556,250	1,390,625	2,507	671,950	1,679,875
Watseco/Barview	129	24,945	193	161	31,181	77,953	195	37,667	94,167
TOTAL	3,985	948,805		4,981	1,186,006	2,965,016	6,017	1,432,696	3,581,739

SCB THURS EVE MEETING

no COPY of ALL WATER RIGHTS

MON.

WATER DIST.

Application No. C-13479
Permit No.

MINIMUM FLOWS SORTED BY: BASIN, STREAM NAME, PRIORITY

		PRIORITY	UP	MI	DN	MI	MF	APP. #	CERT #	CNTY	COMMENTS
01	N FK NECANICUM R > NECANICUM R	11/30/1990	1.6	0.0	IS	70949			0	CLAT	
01	N FK NEHALEM R > NEHALEM R	5/ 9/1973	20.4	0.0	MF	29			59640	CLAT	
01	N FK NEHALEM R > NEHALEM R	5/ 9/1973	10.7	0.0	MF	28			59639	CLAT	
01	N FK NEHALEM R > NEHALEM R	11/30/1990	10.5	0.5	IS	70957			0	TILL	
01	N FK NEHALEM R > NEHALEM R	10/11/1991	20.4	10.7	IS	71939			0	CLAT	
01	N FK OF N FK TRASK R > N FK TRASK R	2/13/1991	0.0	0.0	IS	71246			0	WASH	
01	N FK TRASK R > TRASK R	5/ 9/1973	10.1	0.0	MF	31			59642	TILL	
01	N FK TRASK R > TRASK R	5/ 9/1973	4.5	0.0	MF	30			59641	TILL	
01	N FK TRASK R > TRASK R	2/13/1991	11.8	0.0	IS	71247			0	WASH	
01	N FK WILSON R > WILSON R	5/ 9/1973	1.0	0.0	MF	32			59643	TILL	
01	N FK WILSON R > WILSON R	2/13/1991	2.5	0.0	IS	71248			0	TILL	
01	NECANICUM R > PACIFIC OCEAN	5/ 9/1973	17.8	0.0	MF	34			59645	CLAT	
01	NECANICUM R > PACIFIC OCEAN	5/ 9/1973	10.5	0.0	MF	33			59644	CLAT	
01	NECANICUM R > PACIFIC OCEAN	11/30/1990	17.8	0.0	IS	70955			0	CLAT	
01	NEHALEM R > NEHALEM BAY	10/31/1962	13.3	0.0	MF	35			59684	TILL	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	13.3	0.0	MF	36			59752	TILL	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	47.0	0.0	MF	39			59648	CLAT	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	22.3	0.0	MF	37			59646	TILL	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	104.9	0.0	MF	42			59651	COLU	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	90.7	0.0	MF	41			59650	COLU	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	34.8	0.0	MF	38			59647	CLAT	
01	NEHALEM R > NEHALEM BAY	5/ 9/1973	63.7	0.0	MF	40			59649	COLU	
01	NEHALEM R > NEHALEM BAY	10/11/1991	118.4	104.9	IS	71938			0	WASH	
01	NESKOWIN CR > PACIFIC OCEAN	5/ 9/1973	2.9	0.0	MF	43			59652	TILL	
01	NESKOWIN CR > PACIFIC OCEAN	2/13/1991	0.0	0.0	IS	71241			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	24.4	0.0	MF	46			59655	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	15.5	0.0	MF	45			59654	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	38.5	0.0	MF	48			59657	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	9.8	0.0	MF	44			59653	TILL	
01	NESTUCCA R > NESTUCCA BAY	5/ 9/1973	32.9	0.0	MF	47			59656	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	15.5	0.0	IS	71242			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	38.5	29.8	IS	71244			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	29.8	15.5	IS	71243			0	TILL	
01	NESTUCCA R > NESTUCCA BAY	2/13/1991	0.0	0.0	IS	71249			0	YAMH	
01	NIAGARA CR > NESTUCCA R	10/11/1991	0.0	0.0	IS	71925			0	CLAT	
01	NORTHROP CR > NEHALEM R	10/11/1991	0.0	0.0	IS	71921			0	COLU	
01	OAK RANCH CR > NEHALEM R	2/13/1991	2.0	0.0	IS	71250			0	TILL	
01	PETERSON CR > MIAMI R	11/30/1990	2.0	0.0	IS	70958			0	TILL	
01	PETERSON CR > NEHALEM R	5/ 9/1973	0.0	0.0	MF	49			59658	CLAT	
01	PLYMPTON CR > WESTPORT SL	11/30/1990	1.3	0.0	IS	70950			0	CLAT	
01	PLYMPTON CR > WESTPORT SL	2/13/1991	2.2	0.0	IS	71221			0	TILL	
01	POWDER CR > NESTUCCA R	2/13/1991	2.0	0.0	IS	71222			0	TILL	
01	PROUTY CR > MIAMI R	10/11/1991	2.0	0.0	IS	71929			0	CLAT	
01	QUARTZ CR > NEHALEM R	5/ 9/1973	10.2	0.0	MF	50			59659	COLU	
01	ROY CR > NEHALEM R	11/30/1990	0.0	0.0	IS	70951			0	TILL	
01	S FK KILCHIS R > KILCHIS R	2/13/1991	0.0	0.0	IS	71224			0	TILL	
01	S FK KLASKANINE R > KLASKANINE R	5/ 9/1973	0.0	0.0	MF	51			59660	CLAT	
01	S FK KLASKANINE R > KLASKANINE R	11/30/1990	6.0	0.0	IS	70959			0	CLAT	

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59684
59752

Application No. 6-13479
Permit No.

Application No. C-13479

Permit No.

Appendix F; Page 2

Appendix F; Table 1. Water Availability for selected locations in the North and Mid-coast basins.

Youngs River near mouth and at gage #14251500 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	202	227	182	104	50	24	11	6	8	30	161	277
Gaged 50% Ex. Flow	398	349	270	155	71	37	16	10	14	68	279	443
Instream Wat. Right	120	120	120	90	40	20	10	10	10	100	120	120
80% Ex. Flow W.A.	82	107	62	14	10	4	1	-4	-2	-70	41	157
50% Ex. Flow W.A.	278	229	150	65	31	17	6	-0	4	-32	159	323

S. Fk. Nacanicum R. near mouth and at gage #14299000 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	86	92	75	52	31	18	11	7	8	16	59	99
Gaged 50% Ex. Flow	176	172	132	91	52	30	17	13	14	35	120	191
Instream Wat. Right	50	50	50	50	40	20	5	5	5	40	50	50
80% Ex. Flow W.A.	36	42	25	2	-9	-2	6	2	3	-24	9	49
50% Ex. Flow W.A.	126	122	82	41	12	10	12	8	9	-5	70	141

Nehalem R. at gage #14301000 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1256	1393	1138	787	417	203	110	72	72	191	1056	1539
Gaged 50% Ex. Flow	2329	2104	1671	1067	553	287	144	98	119	412	1797	2575
Instream Wat. Right	270	270	270	270	200	150	90	90	90	270	270	270
80% Ex. Flow W.A.	986	1123	868	517	217	53	20	-18	-18	-79	786	1269
50% Ex. Flow W.A.	2059	1834	1401	797	353	137	54	8	29	142	1527	2305

Wilson River from Jordan Cr. downstream (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1256	1393	1138	787	417	203	110	72	72	191	1056	1539
Gaged 50% Ex. Flow	2329	2104	1671	1067	553	287	144	98	119	412	1797	2575
Instream Wat. Right	200	200	200	200	150	80	60	60	60	150	200	200
80% Ex. Flow W.A.	1056	1193	938	587	267	123	50	12	12	41	856	1339
50% Ex. Flow W.A.	2129	1904	1471	867	403	207	84	38	59	262	1597	2375

Trask R. at gage #14302500 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1041	1143	960	645	376	206	118	79	73	145	775	1192
Gaged 50% Ex. Flow	1899	1705	1400	870	479	275	146	98	105	295	1336	2031
Instream Wat. Right	270	270	270	270	270	150	85	85	85	220	270	270
80% Ex. Flow W.A.	771	873	690	375	106	56	33	-6	-12	-75	505	922
50% Ex. Flow W.A.	1629	1435	1130	600	209	125	61	13	20	75	1066	1761

Nestucca R. at gage #14303600 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1158	1258	1088	746	414	215	121	76	84	184	885	1405
Gaged 50% Ex. Flow	2164	1922	1588	1019	548	305	159	106	130	346	1549	2436
Instream Wat. Right	250	250	250	250	200	150	80	80	80	200	250	250
80% Ex. Flow W.A.	908	1008	838	496	214	65	41	-4	4	-16	635	1155
50% Ex. Flow W.A.	1914	1672	1338	769	348	155	79	26	50	146	1299	2186

I've got this on my screen - note different flows on report in file, and different flows on next page. File says don't use these #s.

Application No. C-13479

Permit No.

Nehalem River @ mouth (Cert. #59752)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Ex. Flow	2530	3020	2500	1750	913	464	223	132	131	186	1190	3080
IWR req. (Max. Value)	270	270	270	270	200	150	100	100	100	270	270	270
IWR req. (Min. Value)	270	270	270	270	200	150	100	100	100	200	270	270
Water Available 80%	2260	2750	2230	1480	713	314	123	32	31	-84	920	2810

-14

Nehalem River nr Foss, OR stn #14301000 (Cert #59684 and 59646)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow *	1880	2280	1890	1320	683	338	158	89.4	89.1	127	810	2170
IWR req. (Max. Value)	270	270	270	270	200	150	100	100	100	270	270	270
IWR req. (Min. Value)	270	270	270	270	200	150	100	100	100	200	270	270
Water Available 80%	1610	2010	1620	1050	483	188	58.0	-10.6	-10.9	-143	540	1900

* Superceeds data for gage #14301000 in Robison Report #1

All flows based on Cooper methodology.

Application No. 673479

Permit No.

Appendix F; Page 2

Appendix F; Table 1. Water Availability for selected locations in the North and Mid-coast basins.

Youngs River near mouth and at gage #14251500 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	202	227	182	104	50	24	11	6	8	30	161	277
Gaged 50% Ex. Flow	398	349	270	155	71	37	16	10	14	68	279	443
Instream Wat. Right	120	120	120	90	40	20	10	10	10	100	120	120
80% Ex. Flow W.A.	82	107	62	14	10	4	1	-4	-2	-70	41	157
50% Ex. Flow W.A.	278	229	150	65	31	17	6	-0	4	-32	159	323

S. Fk. Nacanicum R. near mouth and at gage #14299000 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	86	92	75	52	31	18	11	7	8	16	59	99
Gaged 50% Ex. Flow	176	172	132	91	52	30	17	13	14	35	120	191
Instream Wat. Right	50	50	50	50	40	20	5	5	5	40	50	50
80% Ex. Flow W.A.	36	42	25	2	-9	-2	6	2	3	-24	9	49
50% Ex. Flow W.A.	126	122	82	41	12	10	12	8	9	-5	70	141

Nehalem R. at gage #14301000 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1256	1393	1138	787	417	203	110	72	72	191	1056	1539
Gaged 50% Ex. Flow	2329	2104	1671	1067	553	287	144	98	119	412	1797	2575
Instream Wat. Right	270	270	270	270	200	150	90	90	90	270	270	270
80% Ex. Flow W.A.	986	1123	868	517	217	53	20	-18	-18	-79	786	1269
50% Ex. Flow W.A.	2059	1834	1401	797	353	137	54	8	29	142	1527	2305

error

Wilson River from Jordan Cr. downstream (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1256	1393	1138	787	417	203	110	72	72	191	1056	1539
Gaged 50% Ex. Flow	2329	2104	1671	1067	553	287	144	98	119	412	1797	2575
Instream Wat. Right	200	200	200	200	150	80	60	60	60	150	200	200
80% Ex. Flow W.A.	1056	1193	938	587	267	123	50	12	12	41	856	1339
50% Ex. Flow W.A.	2129	1904	1471	867	403	207	84	38	59	262	1597	2375

Trask R. at gage #14302500 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1041	1143	960	645	376	206	118	79	73	145	775	1192
Gaged 50% Ex. Flow	1899	1705	1400	870	479	275	146	98	105	295	1336	2031
Instream Wat. Right	270	270	270	270	270	150	85	85	85	220	270	270
80% Ex. Flow W.A.	771	873	690	375	106	56	33	-6	-12	-75	505	922
50% Ex. Flow W.A.	1629	1435	1130	600	209	125	61	13	20	75	1066	1761

Nestucca R. at gage #14303600 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1158	1258	1088	746	414	215	121	76	84	184	885	1405
Gaged 50% Ex. Flow	2164	1922	1588	1019	548	305	159	106	130	346	1549	2436
Instream Wat. Right	250	250	250	250	200	150	80	80	80	200	250	250
80% Ex. Flow W.A.	908	1008	838	496	214	65	41	-4	4	-16	635	1155
50% Ex. Flow W.A.	1914	1672	1338	769	348	155	79	26	50	146	1299	2186

Application No. 6-13479

Permit No.

Appendix B; Page 2

Appendix B; Table 1: The 80% and 50% annual exceedence probability mean monthly flows for selected streams in the North and Mid Coastal Basins.

Big Cr. nr. Knappa, OR #14248500 (ST)

Located in the NW quarter of sec. 29, town. 8n, and range 7w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	194.9	213.3	183.2	133.1	82.1	49.5	30.6	21.0	22.2	40.3	137.0	220.4
50% Exceed.	308.1	295.2	243.3	173.5	103.9	63.0	37.3	26.8	31.0	69.5	217.0	325.3

Youngs R. nr. Astoria, OR #14251500 (LT)

Located in the NW quarter of sec. 27, town. 7n, and range 9w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	201.5	226.6	181.8	104.2	49.6	23.6	10.8	6.2	8.0	29.5	160.6	276.5
50% Exceed.	397.6	348.6	269.6	154.9	70.6	37.3	16.2	9.8	14.3	68.1	279.3	442.6

N. Fk. Klaskanine R. nr Olney, OR #14252000 (ST)

Located in the NE quarter of sec. 29, town. 7n, and range 8w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	72.7	82.0	67.2	44.1	23.3	12.0	6.4	3.9	4.2	9.1	45.7	85.5
50% Exceed.	132.3	124.9	96.9	62.1	31.6	16.3	8.2	5.3	6.4	18.6	83.3	142.0

S. Fk. Necanicum R nr. Seaside, OR #14299000 (ST)

Located in the NW quarter of the NW quarter in sec. 29, town. 5n, and range 9w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	86.2	92.1	74.5	52.5	31.0	18.3	10.8	7.3	8.2	16.3	58.9	98.7
50% Exceed.	175.6	171.9	132.3	91.4	51.8	29.8	16.8	12.5	14.1	34.9	120.0	191.4

Rock Cr. nr. Keasey, OR #14300000 (ST)

Located in the NW quarter of sec. 7, town. 4n, and range 5w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	153.2	156.1	130.0	93.5	54.9	31.8	19.3	13.2	14.4	30.0	122.5	180.5
50% Exceed.	292.6	273.1	223.0	151.6	89.1	51.7	29.4	20.2	23.8	62.7	231.5	337.0

Nehalem R. nr. Foss, OR #14301000 (F)

Located in the NW quarter of sec. 35, town. 3n, and range 9w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	3071.2	3571.2	2854.7	1745.8	831.3	377.3	180.9	100.4	107.5	267.3	1780.3	3721.7
50% Exceed.	6018.7	5597.4	4194.6	2489.3	1130.5	522.8	233.6	138.3	174.3	602.5	3502.4	6510.8

Klichis R. nr. Bay City, OR #14301450 (ST)

Located in the SE quarter of the SW quarter of sec. 6, town. 1s, and range 9w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	507.3	500.9	423.0	312.4	199.5	127.5	81.7	59.3	66.7	129.0	417.2	598.5
50% Exceed.	1225.3	1153.8	953.0	669.3	417.7	255.3	156.9	113.9	130.5	323.0	998.9	1439.5

Wilson R. nr. Tillamook, OR #14301500 (F)

Located in the SW quarter of the SE quarter of sec. 8, town. 1s, and range 8w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	1256.2	1393.4	1137.8	786.7	417.2	203.3	110.5	71.6	72.4	191.4	1055.8	1538.8
50% Exceed.	2328.9	2104.0	1671.1	1067.2	552.9	286.6	143.9	97.7	119.2	411.6	1797.5	2575.3

Trask R. nr. Tillamook, OR #14302500 (LT)

Located in the NW quarter of the NW quarter of sec. 31, town. 1s, and range 8w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	1041.3	1142.5	960.2	644.6	375.6	205.7	118.4	78.6	72.8	145.4	775.0	1192.4
50% Exceed.	1898.9	1704.6	1399.6	870.1	478.9	275.4	146.4	98.2	105.2	295.1	1336.4	2031.5

Tillamook R. nr. Tillamook, OR #14302700 (ST)

Located in the SE quarter of the SE quarter of sec. 7, town. 2s, and range 9w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	138.6	136.4	114.8	84.5	53.9	34.5	22.0	16.0	18.1	35.2	113.8	164.5
50% Exceed.	359.0	337.8	277.9	194.0	120.6	73.2	44.9	32.6	37.3	94.0	292.3	425.4

Nestucca R. nr. McMinnville, OR #14303000 (LT)

Located in the east half of sec. 8, town. 3s, and range 6w.

Flows	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Exceed.	51.2	61.4	45.5	33.8	16.7	7.6	3.7	1.9	1.8	3.7	27.3	48.3
50% Exceed.	99.0	89.3	72.3	48.3	23.2	10.6	4.8	2.7	2.7	8.1	53.8	97.1

Nehalem River @ mouth (Cert. #59752)

Application No. 673479
Permit No.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Ex. Flow	2530	3020	2500	1750	913	464	223	132	131	186	1190	3080
IWR req. (Max. Value)	270	270	270	270	200	150	100	100	100	270	270	270
IWR req. (Min. Value)	270	270	270	270	200	150	100	100	100	200	270	270
Water Available 80%	2260	2750	2230	1480	713	314	123	32	31	-84	920	2810

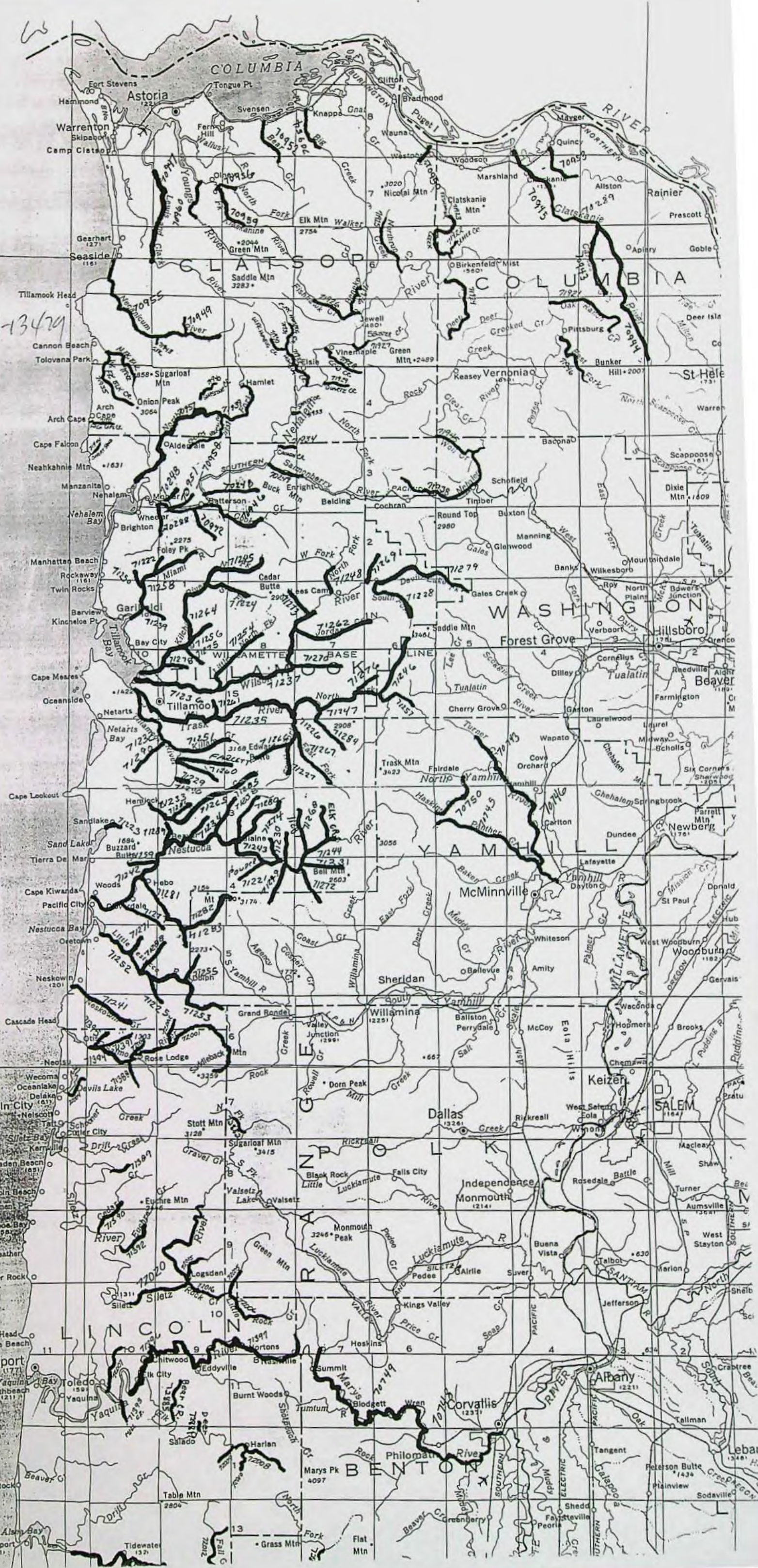
Nehalem River nr Foss, OR stn #14301000 (Cert #59684 and 59646)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow *	1880	2280	1890	1320	683	338	158	89.4	89.1	127	810	2170
IWR req. (Max. Value)	270	270	270	270	200	150	100	100	100	270	270	270
IWR req. (Min. Value)	270	270	270	270	200	150	100	100	100	200	270	270
Water Available 80%	1610	2010	1620	1050	483	188	58.0	-10.6	-10.9	-143	540	1900

* Superceeds data for gage #14301000 in Robison Report #1

All flows based on Cooper methodology.

Application No. C-13474
Permit No.



N
A
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O
C
E

Minimum Flows / Instream Water Rights

in the County of
A right to use the waters of
in basin
for the purpose of

WASH
NEHALEM R & NEHALEM BAY
01
ANADROMOUS AND RESIDENT FISH REARING

for flows NEHALEM RIVER FROM THE HEADWATERS AT RIVER MILE 119.4 (NWSN,
SECTION 22, TOWNSHIP 3N, RANGE 4E W40); TO ROBINSON CREEK AT
RIVER MILE 104.9 (SESE, SECTION 3, TOWNSHIP 3N, RANGE 5E W40)

The date of priority is

10/11/1991

Oct 1	40.0	cfs
Dec 1	20.0	
May 1	20.0	
Jun 1	10.0	
Jul 1	5.0	

Conditions:

Application No. 673479
Permit No.

Basin NEHALEM BAY & TRIS
Certificate:

Vol 2 Dist 01
Application: 19 71938

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of NEHALEM RIVER, a tributary of NEHALEM BAY, in the NORTH COAST BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE NEHALEM RIVER AND ITS TRIBUTARIES ABOVE USGS GAGE 14-3010 (NW 1/4, SECTION 35, T 3 N, R 9 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

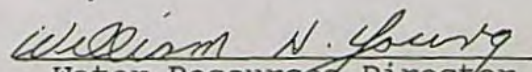
The date of priority is OCTOBER 31, 1962.

The right is limited to not more than 100 cubic feet per second throughout the year.

Application No. C-13479
Permit No.

This instream water right shall not affect domestic or livestock uses or waters to be legally stored or legally released from storage.

Witness the signature of the Water Resources Director affixed this 1st day of February, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates number 59684.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of NEHALEM RIVER, a tributary of NEHALEM BAY, in the NORTH COAST BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE NEHALEM RIVER AND ITS TRIBUTARIES FROM THE CONFLUENCE OF COOK CREEK (SW 1/4, SECTION 35, T 3 N, R 9 W, W.M.) TO THE MOUTH OF THE NEHALEM RIVER.

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MAY 9, 1973.

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

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 30	200
OCT 1 - OCT 30	270
MAY 1 - MAY 31	200
JUN 1 - JUN 30	150
JUL 1 - SEP 30	100
Aug	150

Application No. C-13479
Permit No.

This instream water right shall not affect the use of water for human consumption, livestock consumption or the use of waters legally released from storage.

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

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates number 59752.

Application No. 613474
Permit No.

Minimum Flows / Instream Water Rights

in the County of CLAT
A right to use the waters of NEHALEM R & NEHALEM BAY
in basin 01
for the purpose of SUPPORTING AQUATIC LIFE

for flows FROM THE CONFLUENCE OF HUMBUG CREEK (NW1/4, SEC. 8, T 4N,
R 7W, W3), TO THE CONFLUENCE OF THE SALMONDERRY RIVER (SW1/4,
SEC. 10, T 7N, R 8W, W3).

The date of priority is 5/ 9/1973

Oct 1	150.0	cfs
Oct 16	200.0	
Nov 1	250.0	
May 1	200.0	
Jun 1	130.0	
Jul 1	70.0	

Conditions:

This instream water right shall not affect the use of water
for human consumption, livestock consumption or the use of
waters legally released from storage.

Basin NEHALEM BAY & TRIC
Certificate: 59647

Vol 2 Dist 01
Application: MF 38

Minimum Flows / Instream Water Rights

in the County of
A right to use the waters of
in basin
for the purpose of

TILL
MEHALEM & MEHALEM WAY
01
SUPPORTING AQUATIC LIFE

for flows FROM THE CONFLUENCE OF SALMONCREEK RIVER (SW1/4, SEC. 10,
T 34, N 30, W 40), TO THE CONFLUENCE OF COOK CREEK (SW1/4,
SEC. 25, T 34, N 30, W 40).

The date of priority is

5/ 9/1973

Oct 1	200.0	cfs
Oct 15	270.0	
May 1	200.0	
Jun 1	150.0	
Jul 1	90.0	

Conditions:

This instream water right shall not affect the use of water
for human consumption, livestock consumption or the use of
waters legally released from storage.

Basin MEHALEM WAY & TRIP
Certificate: 59646

Vol 2 List 01
Application: "F" 37

Application No. 673474
Permit No.

Minimum Flows / Instream Water Rights

in the County of
a right to use the waters of
in basin
for the purpose of

COLU
NEHALEM & NEHALEM RAY
01
SUPPORTING AQUATIC LIFE

for flows FROM THE CONFLUENCE OF DEEP CREEK (NE1/4, SEC. 30, T 6N,
R 5W, W4), TO THE CONFLUENCE OF WALKER CREEK (NW1/4, SEC. 12,
T 5N, R 7W, W4).

The date of priority is

5/ 9/1973

Oct 1	100.0	cfs
Oct 16	140.0	
Nov 1	160.0	
May 1	110.0	
Jun 1	50.0	
Jul 1	30.0	

Conditions:

This instream water right shall not affect the use of water
for human consumption, livestock consumption or the use of
waters legally released from storage.

Basin NEHALEM RAY & TRIP
Certificate: 59649

Vol 2 Dist 01
Application: NF 40

Application No. G-13479
Permit No.

Application No. 6-13479
Permit No.

Minimum Flows / Instream Water Rights

in the County of
A right to use the waters of
in basin
for the purpose of

CLAT
NEHALEM R > NEHALEM BAY
01
SUPPORTING AQUATIC LIFE

for flows FROM THE CONFLUENCE OF WALKER CREEK (NW1/4, SEC. 12, T 5N,
R 7W, WW), TO THE CONFLUENCE OF HUMBURG CREEK (NW1/4, SEC. 8,
T 4N, R 7W, WW).

The date of priority is

5/ 9/1973

Oct 1	100.0	cfs
Oct 16	180.0	
Nov 1	200.0	
May 1	150.0	
Jun 1	100.0	
Jul 1	50.0	

Conditions:

This instream water right shall not affect the use of water
for human consumption, livestock consumption or the use of
waters legally released from storage.

Basin NEHALEM RAY & TRIO
Certificate: 59648

Vol 2 Dist 01
Application: MF 39

Minimum Flows / Instream Water Rights

in the County of
A right to use the waters of
in basin
for the purpose of

COLU
NEHALEM R & NEHALEM FAY
01
SUPPORTING AQUATIC LIFE

for flows FROM THE CONFLUENCE OF ROBINSON CREEK (SE1/4, SEC. 3, T
4S, R4E), TO THE CONFLUENCE OF ROCK CREEK (SW1/4, SEC.
T 4S, R 4E, WM).

The date of priority is

5/ 9/1973

Oct 1	20.0	cfs
Oct 1 st	40.0	
Jan 1	30.0	
May 1	20.0	
Jun 1	10.0	
Jul 1	5.0	

Conditions:

This instream water right shall not affect the use of water
for human consumption, livestock consumption or the use of
waters legally released from storage.

Basin NEHALEM RAY & TRIB
Certificate: 59651

Vol 2 Dist 01
Application: MF

Application No. C73479
Permit No.

Minimum Flows / Instream Water Rights

in the County of
A right to use the waters of
in basin
for the purpose of

COLU
NEHALEN & NEPALEN BAY
01
SUPPORTING AQUATIC LIFE

for flows FROM THE CONFLUENCE OF ROCK CREEK (SW1/4, SEC. 4, T. 4N,
R. 4W, S4), TO THE CONFLUENCE OF DEEP CREEK (NE1/4, SEC. 30, T.
4N, R. 4W).

The date of priority is

5/ 9/1973

Oct 1	60.0	cfs
Oct 15	120.0	
May 1	80.0	
Jun 1	40.0	
Jul 1	20.0	

Conditions:

This instream water right shall not affect the use of water
for human consumption, livestock consumption or the use of
waters legally released from storage.

Basin NEPALEN BAY & TSL
Certificate: 59650

Vol 2 Dist 01
Application: MF 41

Application No. C13474
Permit No.

Application No. C 73479

Permit No.

Appendix F; Page 2

Appendix F; Table 1. Water Availability for selected locations in the North and Mid-coast basins.

Youngs River near mouth and at gage #14251500 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	202	227	182	104	50	24	11	6	8	30	161	277
Gaged 50% Ex. Flow	398	349	270	155	71	37	16	10	14	68	279	443
Instream Wat. Right	120	120	120	90	40	20	10	10	10	100	120	120
80% Ex. Flow W.A.	82	107	62	14	10	4	1	-4	-2	-70	41	157
50% Ex. Flow W.A.	278	229	150	65	31	17	6	-0	4	-32	159	323

S. Fk. Nacanicum R. near mouth and at gage #14299000 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	86	92	75	52	31	18	11	7	8	16	59	99
Gaged 50% Ex. Flow	176	172	132	91	52	30	17	13	14	35	120	191
Instream Wat. Right	50	50	50	50	40	20	5	5	5	40	50	50
80% Ex. Flow W.A.	36	42	25	2	-9	-2	6	2	3	-24	9	49
50% Ex. Flow W.A.	126	122	82	41	12	10	12	8	9	-5	70	141

Nehalem R. at gage #14301000 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1256	1393	1138	787	417	203	110	72	72	191	1056	1539
Gaged 50% Ex. Flow	2329	2104	1671	1067	553	287	144	98	119	412	1797	2575
Instream Wat. Right	270	270	270	270	200	150	90	90	90	270	270	270
80% Ex. Flow W.A.	986	1123	868	517	217	53	20	-18	-18	-79	786	1269
50% Ex. Flow W.A.	2059	1834	1401	797	353	137	54	8	29	142	1527	2305

Wilson River from Jordan Cr. downstream (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1256	1393	1138	787	417	203	110	72	72	191	1056	1539
Gaged 50% Ex. Flow	2329	2104	1671	1067	553	287	144	98	119	412	1797	2575
Instream Wat. Right	200	200	200	200	150	80	60	60	60	150	200	200
80% Ex. Flow W.A.	1056	1193	938	587	267	123	50	12	12	41	856	1339
50% Ex. Flow W.A.	2129	1904	1471	867	403	207	84	38	59	262	1597	2375

Trask R. at gage #14302500 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1041	1143	960	645	376	206	118	79	73	145	775	1192
Gaged 50% Ex. Flow	1899	1705	1400	870	479	275	146	98	105	295	1336	2031
Instream Wat. Right	270	270	270	270	270	150	85	85	85	220	270	270
80% Ex. Flow W.A.	771	873	690	375	106	56	33	-6	-12	-75	505	922
50% Ex. Flow W.A.	1629	1435	1130	600	209	125	61	13	20	75	1066	1761

Nestucca R. at gage #14303600 (Cert)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gaged 80% Ex. Flow	1158	1258	1088	746	414	215	121	76	84	184	885	1405
Gaged 50% Ex. Flow	2164	1922	1588	1019	548	305	159	106	130	346	1549	2436
Instream Wat. Right	250	250	250	250	200	150	80	80	80	200	250	250
80% Ex. Flow W.A.	908	1008	838	496	214	65	41	-4	4	-16	635	1155
50% Ex. Flow W.A.	1914	1672	1338	769	348	155	79	26	50	146	1299	2186

Application No. 613474

Permit No.

Instream Water Rights

in the County of
A right to use the waters of
in basin
for the purpose of

TILL
NEHALEM R. & NEHALEM BAY
01
SUPPORTING AQUATIC LIFE

for flows in the NEHALEM RIVER AND ITS TRIBUTARIES FROM THE CONFLUENCE
OF COOK CREEK (SW1/4, SEC. 35, T. 34, R. 94, W1), TO THE MOUTH OF
THE NEHALEM RIVER.

The date of priority is

5/ 9/1973

Oct 1	200.0	cfs
Oct 16	270.0	
May 1	200.0	
Jun 1	150.0	
Jul 1	100.0	

Conditions:

This instream water right shall not affect the use of water for
human consumption, livestock consumption or the use of waters
legally released from storage.

The flows listed above include flows established by earlier
water instream water rights

Comments: SLD

Basin NEHALEM RAY & TRIB

Certificate: 59752

Vol 2

Dist 01

/application: MF

36

Minimum Flows / Instream Water Rights

in the County of
A right to use the waters of
in basin
for the purpose of

TILL
NEHALEM R & NEHALEM RAY
01
SUPPORTING AQUATIC LIFE

for flows IN THE NEHALEM RIVER AND ITS TRIBUTARIES ABOVE USGS GAGE
14-7010 (NW1/4, SEC. 35, T 3N, R 9W, W2).

The date of priority is

10/31/1962

Oct 1 100.0 cfs

Conditions:

This instream water right shall not affect domestic
or livestock uses or waters to be legally stored or legally
released from storage.

Basin NEHALEM RAY & TRIE
Certificate: 59684

Vol 2 Dist 01
Application: MF 35

Application No. C73479
Permit No.

Application No. C-13479
Permit No.
LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

December 30, 1992

Project No. 1307.40

Water Resource Department
Applications and Permits Section
3850 Portland Rd. NE
Salem, OR 97310

Application No. 73122
Permit No.

RECEIVED

DEC 31 1992

WATER RESOURCES DEPT.
SALEM, OREGON

RE: North Tillamook County Regional Water Supply -
Surface Water Permit Application

Gentlemen:

Lee Engineering, Inc. is in the process of preparing an engineering report to develop a regional water supply for the North Tillamook County area beginning on the south at Watseco-Barview and continuing north along the coast to Neahkahnie. Currently, 10 existing water purveyors, including state, municipal and private water companies, are participating in the preparation of the study and the ultimate development of the regional water supply.

The City of Wheeler has been selected by the committee representing the various participants to file an application for water rights on the Nehalem River to secure those waters for possible future appropriation as a regional water source. The application, together with an accompanying map and attachments, is enclosed. Also enclosed is a check in the amount of ~~\$550 covering the~~ \$200 application fee, ~~\$100 for the first cfs of the application, and \$50 each for the other five cfs outlined in the application.~~ *slw*

No formal agency has currently been organized to file the application. It is anticipated that ultimately the various jurisdictions will operate under an inter-governmental agreement, water authority, or other acceptable water supply jurisdiction. In any event, the waters are to be used for municipal purposes, and will in part replace existing water diversions.

The application does not currently contain a legal description outlining all property involved in the proposed development. Rather, the map outlines those areas currently allowed for development under the various cities and/or county Comprehensive Plans. Two exceptions are the areas referred to as Tidewater and Zaddack Creek. These areas currently serve primarily dairies. Water to these areas either is now drawn from small drainages in the Coast Range, or, in the case of Tidewater, takes its water from the City of Nehalem.

Except for the limited supply of water from Jetty Creek, currently serving Rockaway Beach, none of the other existing sources meet

Water Resource Department
December 31, 1992
Page 2

state or federal water quality standards for domestic water supplies. One of the purposes of the regional study is to outline the cost of the continued development of existing supplies on small drainages with the cost associated with a regional water supply. In order to develop a priority date for appropriation of surface water as early as possible, the Technical Committee has instructed us to file this application for waters on the Nehalem River.

We anticipate the completion of the technical studies sometime in January. Upon acceptance of the report by the Technical Committee and its various jurisdictions, a copy of that report will be transmitted to you for your review.

Obviously, many concerns need to be addressed as to the nature of the proposed water supply. For example, it is not yet known whether or not wells or a Ranney Collector can be developed to meet the demands of the system. If these features work, there may be no need for full treatment and withdrawal of surface waters. However, because of the close proximity of the proposed water supply development to the Nehalem River, there is no question that water will be drawn from the river. A site has been selected which is surrounded on three sides by the Nehalem River. The site is also upstream of existing tidewater, but far enough downstream so as to have minimum impact on the aquatic system in the river during low stream flow periods.

Thank you for receiving this application. We will continue to communicate with you as additional details are developed.

Sincerely,

LEE ENGINEERING, INC.



F. Duane Lee, P.E., WRE

FDL:nj

Enclosures

cc: City of Wheeler

Application No. 673479

Permit No.

Application No. G 9809 Permit No. G 9365

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

RECEIVED JUN 10 1981
WATER RESOURCES DEPT
SALEM, OREGON
RECEIVED JUN 27 1980
WATER RESOURCES DEPT
SALEM, OREGON

I, CITY OF ROCKAWAY

(Name of Applicant)

of P.O. BOX 35

(Mailing Address)

ROCKAWAY

(City)

State of OREGON, 97136 Phone No. 355-2291 do hereby

(Zip Code)

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of TWO WELLS FOR MUNICIPAL WATER SUPPLY

(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 12 INCHES and an estimated depth of 50 feet.

2. The well or other source is to be located #1 103 ft. North and 214 ft. East

(N. or S.)

(E. or W.)

from the N.E. corner of Lot 8, Blk. 35, 7th Addition to Nedonna; #2 is located

(Public Land Survey Corner)

103 ft. North, 16 ft. East, from the N.E. corner of Lot 8, Blk. 32, 7th Addition to Nedonna

(If there is more than one well, each must be described)

being within the #1 S.W. 1/4 of the S.E. 1/4 of

#2 SE

S.W.

Sec. 17, Tp. 2N, R. 10W, W.M., in the county of Tillamook

[well #1 is 2376'W, 53'N; well #2 is 2725'W, 53'N, of Sect. Cor. 16, 17, 20, 21.]

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List 1/4 of Section	List use and/or number of acres to be irrigated
1N	10W	6	All	Municipal water
1N	10W	5	W 1/2	"
1N	10W	5	N.W. 1/4 of N.E. 1/4	"
2N	10W	32	W 1/2 of E 1/2	"
2N	10W	32	W 1/2	"
2N	10W	29	W 1/2 of NW 1/4 of NE 1/4	"
2N	10W	29	W 1/2 of N.E. 1/4 of SE 1/4	"
2N	10W	29	W 1/2 of SE 1/4	"
2N	10W	29	SW 1/4 of SE 1/4 of NE 1/4	"
2N	10W	29	SW 1/4 of NE 1/4	"
2N	10W	29	W 1/2	"
2N	10W	20	W 1/2	"
2N	10W	20	W 1/2 of NW 1/4 of SE 1/4	"
2N	10W	20	W 1/2 of NE 1/4	"

4. It is estimated that 30 feet of the well will require Steel well casing.

(Kind)

5. Depth to water table is estimated #1=6' Well drilled by R.J. Strasser Drilling Co.

#2=2'

6. The amount of water which the applicant intends to apply to beneficial use is cubic feet
#1=175 gpm
per second or #2=175 gpm gallons per minute.

7. The use to which the water is to be applied is Municipal Water Supply, City of Rockaway

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

N.A.

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

Well #1 = 6 ft. Well #2 = 4 ft.

10.

DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Proposed completed wells shall connect to City's existing Jetty Creek intake
site via proposed 430 LF of 4" Ø pipe for #2, 70 LF of 4" Ø pipe for #1, which
combine to 6" for 220 LF to Jetty Creek site. Both wells will have a 5 stage
vertical turbine pump with 40' line shaft driven by a 7½ HP, 3Ø VHS motor.
Both sites will have wood frame pump houses and site fencing.

11. Construction work will begin on or before 1/1/80 wells and system

12. Construction work will be completed on or before 9/1/80 wells, beyond yr. 2020 system

13. The water will be completely applied to the proposed use on or before 8/1/80 beyond yr. 2020

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right Jetty Creek, Rock Creek

Application No. G 9809

Permit No. G 9365

Permit to appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.78 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from two wells, being 0.39 cfs from each well.

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

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed acre feet per acre for each acre irrigated during the irrigation season of each year;

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

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is June 10, 1981

Actual construction work shall begin on or before July 27, 1982 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1982

Complete application of the water to the proposed use shall be made on or before October 1, 1983

WITNESS my hand this 27th day of July, 1981

James E. Larson
Water Resources Director

24/3

Remarks: see attached sheet for population served and estimated future requirements.

Gregory Stelker
City Recorder - Mgr.

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before.....May 4....., 1981.....

WITNESS my hand this...4..... day of...March....., 1981.....

James E. Sexson..... Water Resources Director

By *Wayne J. Overcash*

Wayne J. Overcash

RECEIVED

JUN 10 1981
WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

27

day of

June

1980

at 8:00 o'clock

-A.M.

Application No.

G-9809

Permit No.

G 9365

C 2302

Application No. G-13474

Permit No.

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON STATE PARKS DIVISION
525 TRADE STREET SE
SALEM, OREGON 97310

confirms the right to use the waters of A WELL in the NEHALEM RIVER BASIN for the purpose of PARK USE IN NEHALEM BAY STATE PARK (POTABLE WATER IN CAMPGROUNDS).

The right has been perfected under Permit G-10626. The date of priority is JUNE 5, 1986. The right is limited to not more than 0.06 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 NE 1/4, SECTION 32, T 3 N, R 10 W, W.M.;
600 FEET NORTH & 2380 FEET WEST FROM THE E1/4 CORNER SECTION 32.

The right 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, and to which such right is appurtenant, is as follows:

LOT 3 (NE 1/4 SW 1/4)
LOT 4 (SE 1/4 SW 1/4)
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SECTION 32
TOWNSHIP 3 NORTH, RANGE 10 WEST, W.M.

LOT 2 (NW 1/4 NE 1/4)
LOT 3 (SW 1/4 NE 1/4)
LOT 4 (NE 1/4 SW 1/4)
LOT 4 (NW 1/4 SE 1/4)
SECTION 5
TOWNSHIP 2 NORTH, RANGE 10 WEST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director,
affixed this date DECEMBER 29, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 59009

G-11535.VG

WaterWatch

O F O R E G O N

RECEIVED

AUG 10 1993

WATER RESOURCES DEPT.
SALEM, OREGON

August 9, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #G13479, City of Wheeler
Nehalem R. Basin, Tillamook Co., Municipal Use

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

What water conservation measures has the City of Wheeler implemented to reduce the demand for water? Has the City considered adopting a conservation based rate structure as a way to encourage a water conservation ethic within the community? Wouldn't it make sense to spread out available supplies through an aggressive program of water conservation rather than to expand the capacity of the City's water sources?

Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

Jim Myron

bc:

RECEIVED

OCT 12 1993

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s 613479, _____, _____, _____, _____

Send to: TOM ASCHER, COASTAL RESOURCE PLANNER
TILLAMOOK COUNTY DEPT. OF COMMUNITY DEVELOPMENT
201 CANNON AVE, TILLAMOOK, OR 97141

Please include specific comments or concerns. Use additional sheets if necessary.

WE ARE TRYING TO INVENTORY WATER RIGHTS OF
WATER PROVIDERS IN TILLAMOOK COUNTY.

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the AUG/ 4/1993 Public Notice.

RECEIVED

AUG - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s G-13476, G-13477, G-13478, G-13479, _____

Send to:

Steve Schneider
21881 River Rd NE
St. Paul, OR 97137

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the AUG/ 4/1993 Public Notice.

Application No. 613479
Permit No.



STATE OF OREGON

TILLAMOOK COUNTY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 61833 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to City of Rockaway, PO Box 35, Rockaway, Oregon 97136, phone 355-2291, for the use of the waters of Jetty Creek, a tributary of Nehalem River, for the PURPOSE of municipal use; that the PRIORITY OF THE RIGHT dates from June 24, 1981, and is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.0 cubic foot per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users.

The POINT OF DIVERSION is to be LOCATED: 1,662 feet North and 312 feet West from the Southeast Corner of Section 17, being within the NE 1/4 SE 1/4 of Section 17, Township 2 North, Range 10 West, WM, in the County of Tillamook.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 1 North	Range 10 West, WM	Section 5	NW 1/4	NE 1/4	Municipal
			NE 1/4	NW 1/4	
			NW 1/4	NW 1/4	
			SW 1/4	NW 1/4	
			SE 1/4	NW 1/4	
			NW 1/4	SW 1/4	
			NE 1/4	SW 1/4	
			NW 1/4	SE 1/4	
			SW 1/4	SE 1/4	
			SE 1/4	SW 1/4	
		Section 6	SW 1/4	SW 1/4	
			SE 1/4	NE 1/4	
			NE 1/4	SE 1/4	
			SE 1/4	SE 1/4	
Township 2 North	Range 10 West, WM	Section 20	NW 1/4	NE 1/4	
			NE 1/4	NW 1/4	
			SW 1/4	NE 1/4	
			SE 1/4	NW 1/4	
			NW 1/4	SE 1/4	
			NE 1/4	SW 1/4	
			NW 1/4	SW 1/4	
			SW 1/4	SE 1/4	
			SE 1/4	SW 1/4	
			SW 1/4	SW 1/4	
		Section 29	NW 1/4	NE 1/4	
			NE 1/4	NW 1/4	
			NW 1/4	NW 1/4	
			SE 1/4	NE 1/4	
			SW 1/4	NE 1/4	
			SE 1/4	NW 1/4	
			SW 1/4	NW 1/4	
			NE 1/4	SE 1/4	
			NW 1/4	SE 1/4	

Section 29	NE 1/4	SW 1/4
	NW 1/4	SW 1/4
	SE 1/4	SE 1/4
	SW 1/4	SE 1/4
	SE 1/4	SW 1/4
	SW 1/4	SW 1/4
Section 32	NW 1/4	NE 1/4
	NE 1/4	NW 1/4
	NW 1/4	NW 1/4
	SW 1/4	NE 1/4
	SE 1/4	NW 1/4
	SW 1/4	NW 1/4
	NW 1/4	SE 1/4
	NE 1/4	SW 1/4
	NW 1/4	SW 1/4
	SW 1/4	SE 1/4
SE 1/4	SW 1/4	
SW 1/4	SW 1/4	

Actual construction work shall begin on or before March 2, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1983. Extended to October 1, 1988
Extended to October 1, 1988

Complete application of the water to the proposed use shall be made on or before October 1, 1984. Extended to October 1, 1988 Extended to October 1, 1988

WITNESS my hand this 2nd day of March, 1982.

/s/ JAMES E. SEXSON
WATER RESOURCES DIRECTOR

APPLICATION 61833

PERMIT 46245

Application No. C13479
Permit No.

Application No. G-9296 Permit No. G 8613

STATE OF OREGON WATER RESOURCES DEPARTMENT
Application for a Permit to Appropriate Ground Water
JUN 28 1979

WATER RESOURCES DEPT
SALEM, OREGON

I, Watseco-Barview Water District
(Name of Applicant)
of P.O. Box 295, Rockway
(Mailing Address) (City)
State of Oregon, 97136 Phone No. 503/355-2666
(Zip Code) do hereby
make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of One shallow dune well having 6 casings
(Give number of wells, tile lines, infiltration galleries, etc.)
having a diameter of 2" and an estimated depth of 18 feet.

2. The well or other source is to be located 25 ft. South and 565 ft. West
(N. or S.) (E. or W.)
from the E. 1/4 corner of Sec. 18 T. 10 N. R. 10 W. M., in the county of Tillamook.
(Public Land Survey Corner)

(If there is more than one well, each must be described)
being within the N.E. 1/4 of the S.E. 1/4 of
Sec. 18 T. 1 N. R. 10 W. M., in the county of Tillamook.

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
1 N	10 W	5	S 1/2 SW 1/4	Quasi-Municipal ✓
		7	NE 1/4 NE 1/4 S 1/2 NE 1/4 SE 1/4	" " ✓
		8	NE 1/4 NW 1/4 W 1/4	" " ✓
		17	W 1/2 NW 1/4 SW 1/4	" " ✓
		18	E 1/2 SE 1/4 NW 1/4 NE 1/4 SW 1/4	" " ✓
		20	NW 1/4 NE 1/4 NE 1/4 NW 1/4	" " ✓

4. It is estimated that 16 feet of the well will require PVC casing.
(Kind)

5. Depth to water table is estimated 4 Well drilled by Water District
(Feet)

6. The amount of water which the applicant intends to apply to beneficial use is 224 cubic feet per second or 200 gallons per minute.

7. The use to which the water is to be applied is Quasi-Municipal

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

N/A

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

Dune well - no drainage ditch in the area.

10.

DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Transmission system 10,300 LF 8" Pipe

Distribution system 6,800 LF 8" Pipe

300,000 Gallions Concrete Reservoirs

Well house with 200 gpm pump

Total Dynamic Head 180 feet

Duplex pumps in line centrifugal

Motor 15HP

11. Construction work will begin on or before August 1, 1979

12. Construction work will be completed on or before March 1, 1979

13. The water will be completely applied to the proposed use on or before March 1, 1979

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right. None, this is the only source for the water district.

Application No.

G-95296

Permit No.

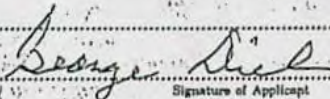
G 8613

19813

Remarks.....

The well site is on the Barview County Park.

The property is owned by Tillamook County


Signature of Applicant

George Diel, President
Watseco-Barview Water District

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

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

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

Water Resources Director

By.....

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

28th day of June, 1929, at 8:00 o'clock
A.M.

Application No. G-9296 Permit No. G 8613

G 8613

Permit to appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 200 gallons per minute ~~xxxxxxx~~ measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well.

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

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed acre feet per acre for each acre irrigated during the irrigation season of each year;

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

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

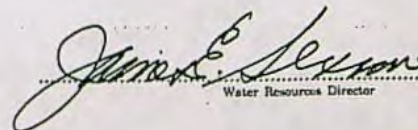
The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is June 28, 1979

Actual construction work shall begin on or before August 31, 1980 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980

Complete application of the water to the proposed use shall be made on or before October 1, 1981

WITNESS my hand this 31st day of August, 19 79


Water Resources Director

24x A

462 (1991)

4. The amount of water which the applicant intends to apply to beneficial use is 30 cfs Total
cubic feet per second. 75 cfs from DIV #1 1.5 cfs from DIV #1
75 cfs from DIV #2 1.5 cfs from DIV #3
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is Municipality and growth areas

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

4 ft high Reif. Conc. Diversion dams with 8 ft wide center flashboard openings
comp. sluiceways. First stage construction, Div #1 10" pipeline approx 0.88 miles to
a 12" pipeline 2.33 mi. along Anderson Rd. & North Fork Rd. @ McDonald Rd., to
connect to existing Nehalem main @ North Fork Rd. & McDonald Rd. Next stage
Div #2, 12" inch pipeline approx 1.5 miles to connect diversions to Nehalem Reservoir,
(starting @ Mc Donald Rd. ; Div #2 will req. 1.2 mi. of 8" pipe to connect to system)
also pipeline link to Manzanita, if desired at that time. Third stage, DIV #3 with
connecting 10 inch pipeline 0.7 mi. to main pipelines. Also pipeline 2 mi. (88")
to Wheeler if desired at that time. Transmission after stage 1 to be raw water,
chlorinated before distribution by each City.

If for domestic use state number of families to be supplied

7. Construction work will begin on or before Oct. 1, 1981

8. Construction work will be completed on or before Oct. 1, 1982

9. The water will be completely applied to the proposed use on or before Oct. 1, 1983

RECEIVED

Application No.

59448

Permit No.

45008

Handforth & Larson

Civil Engineering & Surveying

P. O. BOX 219

MANZANITA, OREGON 97130

(503) 368-5394

December 21, 1979

Revised February 13, 1980

LEGAL DESCRIPTION

City of Nehalem Place of Use Description

T3N9W:

All of Section 6; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 7; S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 7; S $\frac{1}{2}$ Section 7; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 18; N 300 ft. of SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18; SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8.

T2N R10W:

E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, all of Section 12; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 11; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11; all of Section 13; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14; SE $\frac{1}{4}$ Section 14; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; all of Section 20; SW $\frac{1}{4}$ Section 21; S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 21; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; all of Section 23; W $\frac{1}{2}$ Section 24; W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24; W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24; W 400 ft. of the N 900 ft. of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24; W $\frac{1}{2}$ Section 25; W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25; all of Section 26; all of Section 27; all of Section 28; all of Section 29; all of Section 32; all of Section 33; all of Section 34; W $\frac{1}{2}$ Section 35; W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35; W $\frac{1}{2}$ Section 36; SE $\frac{1}{4}$ Section 36; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36.

T2N R10W:

W 270 ft. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2; S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2; W 270 ft. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2; SW $\frac{1}{4}$ Section 2; S. E. $\frac{1}{4}$ Section 3; N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3; Section 4; Section 9; & Section 5 SW $\frac{1}{4}$ Section 2 which lies in the Plat of Wheeler; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2; SE $\frac{1}{4}$ Section 3; N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3; All of Section 5, all of Section 8.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPT. 23, 1977
COLIN H. HANDFORTH
1205

Application No. 59448
Permit No. 45008

Remarks: Present estimated population of Nehalem (year round) is 1488 (inc. entire service area) Design Pop for yr 2000 is 2860. Estimated pop. for entire place of use, which includes all North County pop. centers from Wheeler to County line, is about 10,000. The proposed first stage of construction should meet Nehalem's needs until 2000. There is a possibility

that stages 1 & 2 will be combined in a project joined in with Manzanita as an alternate first stage project. Coal Creek is the only stream reasonably close to these communities with sufficient flow for such a project. Both cities are close to the capacities of their present respective supplies. In addition to domestic use allowance for projected population, some water is allowed in projected need figures for industrial use in the community.

See will be submitted for the engineering study as per noted.

S.T. Fagereng
Recorder-City of Nehalem
P.O. Box 143
Nehalem, Ore. 97131

CITY OF NEHALEM

Signature of Applicant

City Recorder

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before February 5, 1980
March 31st 1980

WITNESS my hand this 4th day of December, 1979
30th January 1980

JAMES E. SEXSON Water Resources Director

By Wayne J. Overcash

RECEIVED

DEC 24 1979

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT

SALEM, OREGON

DEC 24 1980

RECEIVED

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 22nd day of October, 1979, at 8:00 o'clock A.M.

Application No. 59448

Permit No. 45008

Permit to appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 4.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from West Branch Coal Creek, an unnamed stream and Coal Creek; being 1.5 cfs from West Branch Coal Creek; 1.0 cfs from an unnamed stream and 1.5 cfs from Coal Creek.

The use to which this water is to be applied is municipal, and is subject to the terms of an Agreement between the Oregon State Department of Fish and Wildlife and City of Nehalem recorded in Volume 7, pages 751-752, Miscellaneous Records of the Water Resources Department, and by reference made a part of this permit.

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

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

The priority date of this permit is October 22, 1979

Actual construction work shall begin on or before September 19, 1981 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1982

Complete application of the water to the proposed use shall be made on or before October 1, 1983

WITNESS my hand this 19th day of September, 1980

Water Resources Director

Remarks: Present estimated population of Nehalem (year round) is 1488 (inc. entire service area) Design Pop for yr 2000 is 2860. Estimated pop. for entire place of use, which includes all North County pop. centers from Wheeler to County line, is about 10,000. The proposed first stage of construction should meet Nehalem's needs until 2000. There is a possibility that stages 1 & 2 will be combined in a project joined in with Manzanita as an alternate first stage project. Coal Creek is the only stream reasonably close to these communities with sufficient flow for such a project. Both cities are close to the capacities of their present respective supplies. In addition to domestic use allowance for projected population, some water is allowed in projected need figures for industrial use in the community.

It will be submitted for the engineering study as completed.

S.T. Fagereng
Recorder-City of Nehalem
P.O. Box 143
Nehalem, Ore. 97131

CITY OF NEHALEM

Signature of Applicant

S.T. Fagereng

City Recorder

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or beforeFebruary 5....., 19.....80.....
March 31st 1980

WITNESS my hand this4th..... day ofDecember....., 19.....79.....
30th January 1980

JAMES E. SEXSON Water Resources Director

By Wayne J. Overcash

RECEIVED

DEC 24 1979

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

MAR 21 1980

RECEIVED

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the22nd..... day ofOctober....., 19.....79....., at8:00..... o'clock
.....A.M.

Application No. 59448

Permit No. 45008

Application No. C73479 Permit No.

Application No. 51053

Permit No.

43858

RECEIVED

JAN 23 1979

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface WATER RESOURCES DEPT
SALEM, OREGON

I, Bay City, Oregon

(Name of Applicant)

of City Hall

(Mailing Address)

Bay City

(City)

State of Oregon

97107

Phone No.

377-2288

do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Kilchis River

, a tributary of Tillamook Bay

2. The point of diversion is to be located 819.65 ft. N and 3895.03 ft. E

(N. or S.)

(E. or W.)

from the SW Section corner of Sec. 32, TS 1N, R9S, WM. (present well)

(Public Land Survey Corner)

plus all that portion of the Southwest quarter of Section 33 and the

(If there is more than one point of diversion, each must be described)

Southeast quarter of Section 32, Township 1 North, Range 9 West of the

Willamette Meridian, Tillamook County, Oregon, which lies South and East of the centerline of the Kilchis River and North of Old Whitney Co. Railroad Right of Way.

being within the 1/4 of the 1/4 of the

Sec. 32 & 33 Tp. 1 N R. 9W, W. M., in the county of Tillamook

See Exhibit A & B

(N. or S.)

(E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation. See Exhibit C

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
1 North	9 West	31	A11	A11
1 North	9 West	32	South 1/2	A11
1 North	9 West	33	S 1/2 & NE 1/4	A11
1 North	9 West	34	W 1/2	A11
1 South	9 West	6	A11	A11
1 South	9 West	5	N 1/2 & SW 1/4	A11
1 South	9 West	4	N 1/2	A11
1 South	9 West	7	A11	A11
1 South	9 West	8	W 1/2	A11
1 South	9 West	15	W 1/2	A11

4. The amount of water which the applicant intends to apply to beneficial use is 20

cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is quasi municipal

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system. --

The system as proposed now (decision to be made by February 1, 1979 on exact configuration) will include 2-3 wells within the Kilchis River property of Bay City (See Exhibit A) necessary controls: an 18 - inch transmission line to the Rosedale School and two 10-inch lines off the 18-inch line to the City of Bay City and to the Tillamook Creamery; two major reservoirs and one high service reservoirs, and miscellaneous distribution system. An Economic Development Administration Grant of \$582,000 has been tentatively earmarked for this upcoming construction season with the remaining cost of a total construction of \$2.2 million to be made up by local share and hopefully a 1979-80 Farmers Home Administration Grant. The City of Tillamook will decide by February 1, 1979, on whether they will participate in the regional water system, which may change the size of line from Rosedale School to the Creamery. As previously indicated one well (Exhibit A) has already been drilled for use.

If for domestic use state number of families to be supplied 2500 (1978) 4000 (2000 estimated)

7. Construction work will begin on or before August, 1979 (one well already completed)

8. Construction work will be completed on or before December, 1980

9. The water will be completely applied to the proposed use on or before December, 1980

Application No. 51053

Permit No. 43858

"EXHIBIT C" Application No. 5/053
Permit No. 43858

Township	Range	Section	List $\frac{1}{2}$ of Section	List use and/or number of acres to be irrigated
1 South	9 West	16	All	All
1 South	9 West	17	All	All
1 South	9 West	18	All	All
1 South	9 West	19	All	All
1 South	9 West	20	All	All
1 South	9 West	21	All	All
1 South	9 West	22	S $\frac{1}{2}$ and NW $\frac{1}{4}$	All
1 South	9 West	23	S $\frac{1}{2}$	All
1 South	9 West	26	All	All
1 South	9 West	27	All	All
1 South	9 West	28	All	All
1 South	9 West	29	All	All
1 South	9 West	30	E $\frac{1}{2}$	All
1 South	9 West	31	NE $\frac{1}{4}$	All
1 South	9 West	32	N $\frac{1}{2}$	All
1 South	9 West	33	N $\frac{1}{2}$	All
1 South	9 West	34	N $\frac{1}{2}$	All
1 South	9 West	35	N $\frac{1}{2}$	All
1 North	10 West	6	E $\frac{1}{2}$	All
1 North	10 West	5	All	All
1 North	10 West	7	E $\frac{1}{2}$	All
1 North	10 West	8	All	All
1 North	10 West	13	SW $\frac{1}{4}$	All
1 North	10 West	14	S $\frac{1}{2}$	All
1 North	10 West	15	S $\frac{1}{2}$	All

(CONTINUED)

Township	Range	Section	List $\frac{1}{2}$ of Section	List use and/or number of Acres to be irrigated
1 North	10 West	16	S $\frac{1}{2}$	All
1 North	10 West	17	All	All
1 North	10 West	18	E $\frac{1}{2}$	All
1 North	10 West	20	All	All
1 North	10 West	21	All	All
1 North	10 West	22	All	All
1 North	10 West	23	W $\frac{1}{2}$	All
1 North	10 West	26	W $\frac{1}{2}$	All
1 North	10 West	27	All	All
1 North	10 West	34	All	All
1 North	10 West	35	All	All
1 North	10 West	<u>36</u>	All	All
1 South	10 West	1	All	All
1 South	10 West	2	All	All
1 South	10 West	3	E $\frac{1}{2}$	All
1 South	10 West	11	All	All
1 South	10 West	12	All	All
1 South	10 West	13	All	All
1 South	10 West	14	All	All
1 South	10 West	15	SE $\frac{1}{4}$	All
1 South	10 West	18	All	All
1 South	10 West	22	All	All
1 South	10 West	23	All	All
1 South	10 West	24	All	All
2 North	10 West	29	All	All
2 North	10 West	30	All	All

(CONTINUED)

"EXHIBIT C"
(CONTINUED)

Application No. 51053
Permit No. 43858

Township	Range	Section	List $\frac{1}{2}$ $\frac{1}{2}$ of Section	List use and/or number of Acres to be irrigated
2 North	10 West	31	All	All
2 North	10 West	32	All	All

Remarks: Bay City, Kilchis River Water District, Juno Water Company, Northwood Water District, Latimer Road Water Association, Tillamook Creamery, Wilson River Water District (Garibaldi, Barview, Twin Rocks, Rockaway - future possibilities). Fairview Water District and the City of Tillamook all need or will need additional source of supply and/or upgrading by treatment. Public agencies have stressed the elimination of small systems and to solve water needs on an area wide basis some of these systems have been contacted and have actively worked towards obtaining water from this source of M. S. Antung City Engineer
Signature of Applicant
supply. Authorized Agent of City

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

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

WITNESS my hand this day of, 19.....
..... Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 10th day of August, 1973, at 10:35 o'clock A.M.

Application No. 51053

Permit No. 43858

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same *SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD* and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 20.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Kilchis River.

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

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

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

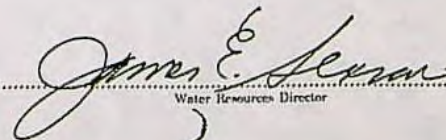
The priority date of this permit is August 10, 1973

Actual construction work shall begin on or before March 2, 1980 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980.
Extended to Oct. 1985 Extended to October 1, 1990, 10-1-95

Complete application of the water to the proposed use shall be made on or before October 1, 1981.
Extended to Oct. 1985 Extended to October 1, 1990, 10-1-95

WITNESS my hand this 2nd day of March, 1979


Water Resources Director

Application No. C-13479
Permit No.

Application No. 57745

Permit No. 43756

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

RECEIVED

DEC 15 1978

WATER RESOURCES DEPT.
SALEM, OREGON

I, City of Manzanita

(Name of Applicant)

of P.O. Box C, Manzanita

(Mailing Address)

(City)

State of Oregon, 97130 Phone No. 368-5343

(Zip Code)

do hereby make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is West Fork, Anderson Creek aka Beniteau Cr.

a tributary of N. Fork, Nehalem River
91.99 ft S14°-44-W, 207.49 ft. S30°45'E, 207.49ft. S75-11 W

2. The point of diversion is to be located 322.84 ft. S52°34'W and 238.78 ft. N66°-26' (N. or S.) and 85.61ft N89°-48' (W. or N.)

from the 1/4 corner of common to Sections 10 & 15, T3N, R10W, W.M. (Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the NE 1/4 of the NW 1/4 of Sec. 15, Tp. 3N, R. 10W, W. M., in the county of Tillamook (N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
3N	10W	29	Entire Sec. to Ocean	474) not irrigated;
3N	10W	32	Entire Sec to Ocean	429) comprises urban service
3N	10W	28	SW 1/4	134) area City of
3N	10W	33	NW 1/4 NW 1/4 NE 1/4 NW 1/4 SW 1/4	141) Manzanita
			NW 1/4 plus Ptn SE 1/4	
			NW 1/4	

4. The amount of water which the applicant intends to apply to beneficial use is0.5.....
cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied isMunicipal.....

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Reinf. Cons. Diversion Dam 8' high 45' long @top, 15 ft long at bottom with
timber flashboards 8' long; 6" pipeline 1377 ft long connecting to existing
8" supply line to City just below existing main diversion dam.

If for domestic use state number of families to be supplied

7. Construction work will begin on or before.....August 1, 1979.....

8. Construction work will be completed on or before.....October 1, 1979.....

9. The water will be completely applied to the proposed use on or before.....July 1985.....

Application No.57745.....

Permit No.43756.....

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same *SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD* and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed0.5..... cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from West Fork Anderson Creek.

The use to which this water is to be applied is.....Municipal.....

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

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

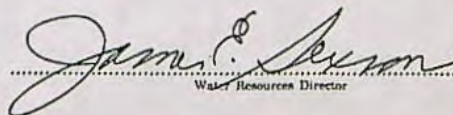
The priority date of this permit is.....December 15, 1978.....

Actual construction work shall begin on or before.....January 10, 1980..... and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980.....

Extended to October 1, 1988 Extended to October 1, 1991
Complete application of the water to the proposed use shall be made on or before October 1, 1981.....

Extended to October 1, 1988 Extended to October 1, 1993
WITNESS my hand this10th..... day of.....January....., 1979.....


Water Resources Director

Remarks:.....

.....
.....
.....
.....
.....
.....
.....

City of Marion
Signature of Applicant
by Howard Wilson City Manager

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

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

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

..... Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the
4th day of August, 1978, at 8 o'clock
A.M.

Application No. 57745

Permit No. 43756

Application No. 673479
Permit No.

STATE OF OREGON

COUNTY OF

TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF ROCKAWAY

of P.O. Box 35, Rockaway, State of Oregon, 97136, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Jetty Creek

a tributary of Pacific Ocean for the purpose of municipal

under Permit No. 34498 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 December 8, 1969 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 1.0 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 Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 17, T. 2 N., R. 10 W., W. M., 1700 feet North and 300 feet West from the SE Corner, Section 17

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:

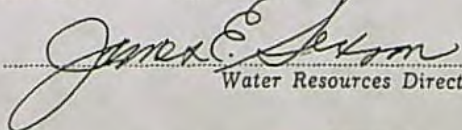
NE $\frac{1}{4}$ SE $\frac{1}{4}$
S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 17
N $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
E $\frac{1}{2}$ NW $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
W $\frac{1}{2}$
Section 29

NW $\frac{1}{4}$ NW $\frac{1}{4}$
S $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$
W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 32
T. 2 N., R. 10 W., W. M.
W $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$
Section 5
All
Section 6
T. 1 N., R. 10 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. April 30, 1979


Water Resources Director

Application No. C-13479
Permit No.

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

NEAH-KAH-NIE WATER DISTRICT
of PO BOX 172 MANZANITA, OR 97130
has a right to the use of the waters of THREE SPRINGS, TRIBUTARY OF
NEHALEM BAY
for the purpose of MUNICIPAL USE.

The right to the use of these waters has been perfected
under Permit 35776. The date of priority is DECEMBER 7, 1970.
The right is limited to not more than 0.17 CUBIC FOOT PER SECOND,
BEING 0.01 CFS FROM SPRING #1, 0.01 CFS FROM SPRING #2, AND 0.15 CFS
FROM SPRING #3
or its equivalent in case of rotation, measured at the point of
diversion from the source. The point of diversion is located as
follows:

(point 1) NW 1/4 NE 1/4, Section 20, T 03 N, R 10 W, WM;
200 FEET SOUTH & 600 FEET EAST FROM N 1/4 CORNER SECTION 20
(point 2) NW 1/4 NE 1/4, Section 20, T 03 N, R 10 W, WM;
550 FEET SOUTH & 50 FEET EAST FROM N 1/4 CORNER SECTION 20
(point 3) SE 1/4 NW 1/4, Section 20, T 03 N, R 10 W, WM;
1650 FEET SOUTH & 200 FEET WEST FROM N 1/4 CORNER SECTION 20

The right 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, and to
which such right is appurtenant, is as follows:

	1/4 1/4	LOT	SECTION	TOWNSHIP	RANGE,	WM
MUNICIPAL	NE NE	1	19	03 N	10 W	
MUNICIPAL	SW NE		19	03 N	10 W	
MUNICIPAL	SE NE		19	03 N	10 W	
MUNICIPAL	SW NE		20	03 N	10 W	
MUNICIPAL	NE NW		20	03 N	10 W	
MUNICIPAL	NW NW	1	20	03 N	10 W	
MUNICIPAL	SW NW	2	20	03 N	10 W	
MUNICIPAL	SE NW		20	03 N	10 W	
MUNICIPAL	NE SW	3	20	03 N	10 W	
MUNICIPAL	NW SW	3	20	03 N	10 W	
MUNICIPAL	SW SW	4	20	03 N	10 W	
MUNICIPAL	SE SW	4	20	03 N	10 W	
MUNICIPAL	NE SE		20	03 N	10 W	
MUNICIPAL	NW SE		20	03 N	10 W	
MUNICIPAL	SW SE		20	03 N	10 W	
MUNICIPAL	SE SE		20	03 N	10 W	

The right to the use of the water for the above purpose is
restricted to beneficial use on the lands or place of use described.
The right is subject to minimum flows established by the Water
Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,
affixed this date, MAY 10, 1988

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 57165
47767

BASIN 01 VOL 2 NEHALEM BAY & TRIB MISC DIST 1

RECEIVED

AUG 15 1974

STATE ENGINEER
SALEM, OREGON

Application No. 613479

Permit No. 39355

Permit No.

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, City of Wheeler (Name of applicant)
of P.O. Box 177, Wheeler, Oregon 97147 (Mailing address),
State of Oregon, do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation June 4, 1913

1. The source of the proposed appropriation is Vosburg Creek (West Branch) and City (Name of stream)
Holding Reservoir No. 1, a tributary of Nehalem River and Bay

2. The amount of water which the applicant intends to apply to beneficial use is 4
cubic feet per second. (If water is to be used from more than one source, give quantity from each)

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

4. The point of diversion is located 1284 ft. S and 800 ft. W from the SW
corner of Section 2, Township 2N, Range 10 West of W.M. (N. or S.) (E. or W.)
(Section or subdivision)

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

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

being within the NE 1/4 of the NE 1/4 of Sec. 10, Tp. 2N
(Give smallest legal subdivision) (N. or S.)
R. 10W, W. M., in the county of Tillamook (E. or W.)

5. The Main pipeline (Main ditch, canal or pipe line) to be 3500 Ft. (Miles or feet)
in length, terminating in the SW 1/4 of the SE 1/4 of Sec. 3, Tp. 2N
(Smallest legal subdivision) (N. or S.)
R. 10W, W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

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

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

(c) If water is to be pumped give general description
(Size and type of pump)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

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

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

Canal System or Pipe Line—

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

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

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
2N	10W	2	SW $\frac{1}{4}$ and the NW $\frac{1}{4}$	
2N	10W	3	SW $\frac{1}{4}$ and the SE $\frac{1}{4}$	
2N	10W	2	NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	
2N	10W	2	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	
2N	10W	2	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	
2N	10W	2	NE $\frac{1}{4}$ SW $\frac{1}{4}$	
2N	10W	3	NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
2N	10W	3	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	
2N	10W	3	NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	
2N	10W	10	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

Power or Mining Purposes—

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

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

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

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

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

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

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

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

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

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

(i) The nature of the mines to be served

Municipal or Domestic Supply—

10. (a) To supply the city of Wheeler, Oregon
Tillamook County, having a present population of 265
(Name of)
and an estimated population of 525 in 1995.

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

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

11. Estimated cost of proposed works, \$.....
12. Construction work will begin on or before Has been started
13. Construction work will be completed on or before October 1, 1980
14. The water will be completely applied to the proposed use on or before October 1, 1981

Vincent L. Staher Mayor
(Signature of applicant)
John C. Schwartzman Recorder

Remarks:

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

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

In order to retain its priority, this application must be returned to the State Engineer, with correc-

tions on or before December 9, 1974
February 14 75

WITNESS my hand this 9th day of October, 1974
17th December 74

CHRIS L. WHEELER

STATE ENGINEER

By Wayne J. Overcash
Wayne J. Overcash ASSISTANT

RECEIVED
FEB 5 1975
STATE ENGINEER
SALEM, OREGON

RECEIVED
DEC 6 1974
STATE ENGINEER
SALEM, OREGON

PERMIT

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

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

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

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

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

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

The priority date of this permit is August 15, 1974

Actual construction work shall begin on or before January 28, 1977 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1977.

Extended to Oct. 1, 1982 Extended to October 1987 Extended to October 1, 1990, 10-1-95

Complete application of the water to the proposed use shall be made on or before October 1, 1978.

Extended to Oct. 1, 1982 Extended to October 1987 Extended to October 1, 1990, 10-1-95

WITNESS my hand this 28th day of January 19 76.

James E. Shan
WATER RESOURCES DIRECTOR

STATE ENGINEER

Application No. 52321
Permit No. 39355

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 15th day of August,
1974, at 11:15 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. of
Permits on page 39355

STATE ENGINEER

Drainage Basin No. 1 page 12H

Fees

Application No. 6-13479
Permit No.

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That ROCKAWAY BEACH COMPANY
of Bay City, State of Oregon, 97107, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the
waters of Rockaway Creek, ~~tributary to~~
for the purpose of Domestic use

under Permit No. 51 of the State Engineer, and that said right to
the use of said waters has been perfected in accordance with the laws of Oregon and
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered
of record in the Record of Proceedings of said Board, at Salem, in Volume 1,
at page 329, on the 28th day of July, 1919; that the priority of
the right hereby confirmed dates from June 28, 1909; 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 5.00 cubic feet per second.

A description of the lands under such right, and to which the water hereby
confirmed is appurtenant, or, if for other purposes, the place where such water is put
to beneficial use, is as follows: Rockaway Beach in Tillamook County, Oregon.

~~The right to the use of the water confirmed hereby is limited to the~~
~~lands and place of use herein described.~~

Rights to the use of water for power purposes are limited to a period of forty
years from the date of priority of the right, as herein set forth, subject to a preference
right of renewal under the laws existing at the date of the expiration of the right for
power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE
WATER BOARD affixed this 1st day
of August, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, Page 2388

STATE OF OREGON

COUNTY OF

TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MATT MORONEY

of Rockaway, State of Oregon 97136, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Thompson Creek

a tributary of Pacific Ocean for the purpose of
municipal use

under Permit No. 822 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
August 16, 1911

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
0.50 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 SW 1/4 SE 1/4, Section 29, T2N, R10W, W.M.,
N 17 chains and E 19 chains from S 1/4 corner of Section 29.

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:

SEE NEXT PAGE

SW 1/4
Section 32
Township 2 North, Range 10 West, W.M.
NW 1/4
Section 5
Township 1 North, Range 10 West, W.M.

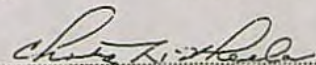
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 781, Volume 1, State Record of Water Right Certificates NOT modified by the provisions of an order of the Water Resources Director entered on December 12, 1951, approving transfer application No. R-41, and NOT canceled by an order of the Water Resources Director entered on July 21, 1980.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 28, 1980



Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49731

Superseded by
Cert. No. 49131

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That MATT MORONEY

of Rockaway, State of Oregon 97136, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Thompson Creek, a tributary of Pacific Ocean

and municipal use, for the purpose of the irrigation of 35 acres of land, under Permit No. 822 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 168, on the 18th day of November, 1914; that the priority of the right hereby confirmed dates from August 16, 1911; 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 0.94 cubic foot per second, or its equivalent in case of rotation.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

15 acres in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$; 9 acres in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$; and 11 acres in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$; of Section Twenty-nine (29), Township Two (2) North Range Ten (10) West of Willamette Meridian.

The use for irrigation purposes shall be limited to one-eightieth of one cubic foot per second for each acre irrigated, and such use shall conform to any reasonable rotation system ordered by the proper state officer.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Cancelled - sp. or Rec. Vol. 33 P. 427

Witness the seal and signature of the STATE WATER BOARD affixed this 16th day of December, 1914.

(SEAL OF STATE WATER BOARD)

STATE WATER BOARD

By JOHN H. LEWIS
State Engineer, President

Attest: M. F. MERS
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, Page 781

BEFORE THE ST

Till:

IN THE MATTER OF THE APPLICATION
OF THE CITY OF ROCKAWAY, OREGON
FOR THE APPROVAL OF A CHANGE IN
USE AND PLACE OF USE OF WATER
FROM THOMPSON CREEK. -----

On August 6, 1951, the
application for the approval of
water from Thompson Creek, pursuant to the provisions of Section 116-606,
O. C. L. A.

Certificate of water right issued to Matt Moroney and recorded
at Page 781, Volume 1, State Record of Water Right Certificates, confirms
a right to the use of 0.94 cubic foot per second of the waters of Thomp-
son Creek for municipal use and the irrigation of 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$,
9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 11 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township
2 North, Range 10 West, W. M., with a date of priority of August 16, 1911.

The City of Rockaway proposes to change the use of water from
irrigation purposes to that of municipal purposes for use within the cor-
porate limits of the City of Rockaway and surrounding territory.

Notice by publication as provided by Section 116-606, O. C. L. A.,
was given in the Tillamook County News, a newspaper of general circulation
in Tillamook County, for a period of three weeks, being the issues of Sep-
tember 20, 27, and October 4, 1951. Time fixed for hearing upon such
application as stated in the notice, namely: November 15, 1951, was not
less than thirty days after the last publication of said notice.

Copy of the notice was also mailed to Mr. Barney Herziger,
Trustee, District to be formed, Manhattan Beach, Oregon, who had filed

SP. OK. 11.10.26
CITY of Rockaway

Application No. 6-13479
Permit No.

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF ROCKAWAY, OREGON)
FOR THE APPROVAL OF A CHANGE IN)
USE AND PLACE OF USE OF WATER)
FROM THOMPSON CREEK. -----)

ORDER

APPROVING APPLICATION

On August 6, 1951, the City of Rockaway, Oregon, filed an application for the approval of a change in use and place of use of water from Thompson Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right issued to Matt Moroney and recorded at Page 781, Volume 1, State Record of Water Right Certificates, confirms a right to the use of 0.94 cubic foot per second of the waters of Thompson Creek for municipal use and the irrigation of 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 11 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 2 North, Range 10 West, W. M., with a date of priority of August 16, 1911.

The City of Rockaway proposes to change the use of water from irrigation purposes to that of municipal purposes for use within the corporate limits of the City of Rockaway and surrounding territory.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Tillamook County News, a newspaper of general circulation in Tillamook County, for a period of three weeks, being the issues of September 20, 27, and October 4, 1951. Time fixed for hearing upon such application as stated in the notice, namely: November 15, 1951, was not less than thirty days after the last publication of said notice.

Copy of the notice was also mailed to Mr. Barney Herziger, Trustee, District to be formed, Manhattan Beach, Oregon, who had filed

an application for a permit to appropriate water from Thompson Creek.

No objections having been filed and it appearing that the proposed change in use and place of use of water from Thompson Creek may be made without injury to existing rights, the application should be approved.

NOW THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water be and the same hereby is approved, and that the water right hereinbefore described as appurtenant to 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 11 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 2 North, Range 10 West, W. M., be severed therefrom and simultaneously and without loss of priority, transferred to the corporate limits of the City of Rockaway, Oregon, and surrounding territory for municipal purposes.

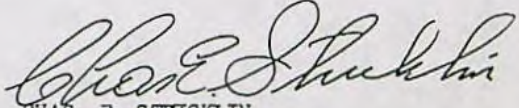
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1956 or such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof of application of water to beneficial use within the corporate limits of the City of Rockaway, Oregon, and surrounding territory, a certificate of water right shall be issued to said city and the certificate of water right heretofor issued to Matt Moroney and recorded at Page 781, Volume 1, State Record of Water Right Certificates, shall be cancelled.

Dated at Salem, Oregon, this 12th day of December, 1951.

Noted on Cert. 781

Trsf. R-41


CHAS. E. STRICKLIN
State Engineer

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

This is to Certify, That City of Nehalem 97131

of Nehalem, 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
Bob's Creek

a tributary of Municipal for the purpose of

under Permit No. 673 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 March 9, 1911

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
2.0 cubic feet per second;

The point of diversion is located in the SE 1/4 of Section 16, Township 3N, Range 10W, W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

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

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (if for irrigation or any other purpose), is as follows: In Town of Nehalem,
Section 27, Township 3 North, Range 10 West of the Willamette Meridian in Tillamook
County, Oregon.

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

After the expiration of fifty years from the date of this certificate or on the expiration of
any federal power license issued in connection with this right, and after not less than two years
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
the right to take over the dams, plants and other structures and all appurtenances thereto which have
been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon
condition that before taking possession the State or municipality shall pay not to exceed the fair
value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and
dependable property of the holder of this certificate, not taken over, as may be caused by the
severance therefrom of the property taken in accordance with the provisions of section 5728,
Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 24th day
of February, 1930

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8480

Application No. 613474
Permit No.

STATE OF OREGON

WATER DIVISION No. 1 COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That F. L. SAPPINGTON

of Tillamook, State of Oregon, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the
waters of Heitmiller Creek, a tributary of Clear Lake
, for the purpose of domestic, including municipal supply

under Permit No. 925 of the State Engineer, and that said right to
the use of said waters has been perfected in accordance with the laws of Oregon and
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered
of record in the Record of Proceedings of said Board, at Salem, in Volume 1,
at page 311, on the 2nd day of December, 1918; that the priority of
the right hereby confirmed dates from October 18, 1911; 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 2.50 cubic feet per second.

A description of the lands under such right, and to which the water hereby
confirmed is appurtenant, or, if for other purposes, the place where such water is put
to beneficial use, is as follows: Rose City Beach, Twin Rocks Beach, Tillamook
Beach and Elmore Park, in Tillamook County, Oregon.

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

Rights to the use of water for power purposes are limited to a period of forty
years from the date of priority of the right, as herein set forth, subject to a preference
right of renewal under the laws existing at the date of the expiration of the right for
power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 3rd day
of February, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, Page 2201.

Application No. C-13479
Permit No.

Application No. C 13479
Permit No.

STATE OF OREGON.

Water Division No. 1.

County of Tillamook.

CERTIFICATE OF WATER RIGHT

(For rights perfected under original or secondary permits)

97147
THIS IS TO CERTIFY, That THE CITY OF WHEELER of Wheeler, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of West Branch of Gervais Creek, a tributary of Nehalem Bay, for the purpose of municipal supply, including domestic and general water system under Permit No. 1455 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 340, on the 19th day of November, 1919; that the priority of the right hereby confirmed dates from January 24, 1913; 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 3. cubic feet per second.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: The City of Wheeler, in Tillamook County, Oregon.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes as hereby confirmed and limited.

WITNESS the seal and signature of the STATE
WATER BOARD, affixed this 4th day
December, 1919.

STATE WATER BOARD

• (SEAL OF STATE WATER BOARD)

By Percy A. Cupper,
State Engineer, President.

Attest... R. W. Potter.....
Secretary.

Recorded in State Record of Water Right Certificates, Volume 3, Page 2440.

STATE OF OREGON

WATER DIVISION NO.

1

COUNTY OF

TILLAMOOK

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That LLOYD C. SMITH

of Bar View, State of Oregon, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the
waters of Smith's Creek, a tributary of Pacific Ocean

, for the purpose of municipal supply and electric power
under Permit No. 3156 of the State Engineer, and that said right to
the use of said waters has been perfected in accordance with the laws of Oregon and
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 320, on the 15th day of May, 1919; that the priority of

the right hereby confirmed dates from September 5, 1916; 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 2.50 cubic feet per second.

A description of the lands under such right, and to which the water hereby
confirmed is appurtenant, or, if for other purposes, the place where such water is put
to beneficial use, is as follows: The Southwest quarter of Section Seventeen,
Township One North, Range Ten West of Willamette Meridian, in Tillamook County,
Oregon

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

Rights to the use of water for power purposes are limited to a period of forty
years from the date of priority of the right, as herein set forth, subject to a preference
right of renewal under the laws existing at the date of the expiration of the right for
power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 4th day

of June, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, Page 2338

Application No. C 73477

Permit No.
STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

Partially
Assigned see
Miss. Rec Vol 2 p 453
Lois Watt's interest

This is to Certify, That **George Watt, Lois Watt & John O. Boxerorth**

of **Brighton**, 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
Cedar Creek

a tributary of **---** for the purpose of **Municipal & Irrigation**
under Permit No. **4147** 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 **June 21, 1919;**

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
4.0 cubic feet per second;

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

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

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use),
is as follows:

**4 acres in the SW 1/4, Section Eight (8), Township One North,
Range Ten West of the Willamette Meridian, in Tillamook County, Oregon.**

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

Rights to the use of water for power purposes are limited to a period of forty years from
the date of priority of the right, as herein set forth, subject to a preference right of renewal under
the laws existing at the date of the expiration of the right for power purposes, as hereby con-
firmed and limited.

WITNESS the signature of the State Engineer,

affixed this **28th** day
of **October**, 192 **7.**

RHEA LUPER,

State Engineer.

Recorded in State Record of Water Right Certificates, Volume

7

, page

7390

VOR

Application No. 613479
Permit No.

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This is to Certify, That Golden West Dairy Farm
of Nehalem, State of Oregon 97/31, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
An Unnamed Creek
a tributary of Nehalem Bay for the purpose of Domestic
under Permit No. 6623 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 November 24, 1924;

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
0.2 cubic foot per second;

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

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

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (or, if for other purposes, the place where the water is put to beneficial
use), is as follows: Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-seven (27), Township
Three North, Range Ten West of the Willamette Meridian, and other places on the
Golden West Dairy Farm, being in Tillamook County, Oregon.

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

Rights to the use of water for power purposes are limited to a period of forty years from
the date of priority of the right, as herein set forth, subject to a preference right of renewal under
the laws existing at the date of the expiration of the right for power purposes, as hereby con-
firmed and limited.

WITNESS the signature of the State Engineer,

affixed this 1st day

of September, 1925.

Rhea Luper,

State Engineer.

Application No. C-13479
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE WATT

of Rockaway, 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
Rock Creek
a tributary of Pacific Ocean for the purpose of
Domestic and for washing rock in quarry
under Permit No. 9484 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 January 14, 1930;

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
2.0 cubic feet per second.

on line between NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$
The point of diversion is located ~~1/4~~ of Section 8, Township 1 N, Range 10 W, W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

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

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (if for irrigation, or any other purpose), is as follows: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 8, Township 1 North, Range 10 West, Willamette Meridian, in Tillamook
County, Oregon.

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

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

WITNESS the signature of the State Engineer,

affixed this 20th day
of July, 1932

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 9728.

Application No. 673499
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That - F. FINNEY, GEORGE SUTHERLAND and
BERT REYNOLDS 77/36
of Rockaway, 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
Unnamed stream
a tributary of Pacific Ocean for the purpose of
Domestic
under Permit No. 9842 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 August 29, 1930;

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
0.15 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 2 N, Range 10 W, W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

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

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

PLACE OF USE:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3),
SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4),
NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 32,
Township 2 North, Range 10 West, W. M.

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

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

WITNESS the signature of the State Engineer,
28th
affixed this day
of July, 1933

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume

9

, page

10117

VOR

Application No. C-13479
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That NEAH-KAH-NIE WATER COMPANY

of Waldo Bennett, Box 208, Manzanita, State of Oregon 97130, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Three Spring, being 0.01 cfs each from Nos. 1 and 2 and 0.15 cfs from No. 3 a tributary of Pacific Ocean for the purpose of Domestic, including irrigation of garden for group of houses under Permit No. 10040 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 30, 1929

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 0.17 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 #1 and 2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, #3 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 3 North, Range 10 West, W. M.

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:

Lot #1 - (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
S $\frac{1}{2}$ NE $\frac{1}{4}$
Section 19
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$
W $\frac{1}{2}$
Section 20
Township 3 North, Range 10 West

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 8th day of August, 1916

LEWIS A. STANLEY

State Engineer

To Appropriate the Public Waters of the State of Oregon

I, Neahkahnne Water District

(Name of applicant)

of P. O. Box 172, Manzanita

(Mailing address)

State of Oregon

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

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

1. The source of the proposed appropriation is Pirate Springs

(Name of stream)

, a tributary of

2. The amount of water which the applicant intends to apply to beneficial use is 0.45

cubic feet per second.

(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is municipal supply

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 1500 [±] ft. S and 0 ft. from the Common

(N. or S.)

(E. or W.)

corner of Sections 17, 18, 19 and 20

(Section or subdivision)

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

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

being within the SW 1/4 of NW 1/4 of Sec. 20, Tp. 3N

(Give smallest legal subdivision)

(N. or S.)

R. 10, W. M., in the county of Tillamook

(E. or W.)

5. The Pipe line to be 20 feet

(Main ditch, canal or pipe line)

(Miles or feet)

in length, terminating in the of Sec. , Tp. ,

(Smallest legal subdivision)

(N. or S.)

R. , W. M., the proposed location being shown throughout on the accompanying map.

(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom

feet; material to be used and character of construction

(Loose rock, concrete, masonry,

10' x 10' x 6' concrete sump to be constructed.

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate

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

none required

(c) If water is to be pumped give general description 1 - 2.0 h.p. turbine

(Size and type of pump)

type electric pump - 45 g.p.m. @ 140 ft. T.D.H. ±

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

1 - 7.5 h.p. turbine type electric pump - 160 gpm @ 160 ft. TDH ±

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

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

Application No. C-13479
Permit No.

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) none required feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

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

(c) Length of pipe, 30 ± ft.; size at intake, 6 in.; size at 30 ft. from intake 4 in.; size at place of use 4 in.; difference in elevation between intake and place of use, 40 ft. to 130 ft. Is grade uniform? no Estimated capacity, 0.45 sec. ft.

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

Township North or South	Range E. or W. of Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
T3N	R 10 W	19	NE 1/4 of NE 1/4	
"	"	19	SE 1/4 of NE 1/4	
"	"	20	SW 1/4 of NE 1/4	
"	"	20	NE 1/4 of NW 1/4	
"	"	20	NW 1/4 of NW 1/4	
"	"	20	SW 1/4 of NW 1/4	
"	"	20	SE 1/4 of NW 1/4	
"	"	20	NE 1/4 of SW 1/4	
"	"	20	NW 1/4 of SW 1/4	
"	"	20	SW 1/4 of SW 1/4	
"	"	20	SE 1/4 of SW 1/4	
"	"	20	NE 1/4 of SE 1/4	
"	"	20	NW 1/4 of SE 1/4	
"	"	20	SW 1/4 of SE 1/4	
"	"	20	SE 1/4 of SE 1/4	

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

Power or Mining Purposes—

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

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

(c) Total fall to be utilized feet.

(Head)

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

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

(Legal subdivision)

Tp. , R. , W. M.

(No. N. or S.)

(No. E. or W.)

(f) Is water to be returned to any stream?

(Yes or No)

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

 , Sec. , Tp. , R. , W. M.

(No. N. or S.)

(No. E. or W.)

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

(i) The nature of the mines to be served

10. (a) To supply the city of Neahkahnie Water District

Tillamook County, having a present population of 340
(Name of)

and an estimated population of 680 in 1989

(b) If for domestic use state number of families to be supplied 110 present
220 future

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

11. Estimated cost of proposed works, \$ 17,000.00

12. Construction work will begin on or before April, 1969

13. Construction work will be completed on or before October, 1969

14. The water will be completely applied to the proposed use on or before January 1970

Willis F. Perley
Neahkahnie Water District

(Signature of applicant)

Willis F. Perley, Engineer

Remarks: The proposed work will consist of the construction
of a water pumping station which will be connected
to the existing water distribution system of the
Neahkahnie Water District.

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

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

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before April 21st, 1969.

WITNESS my hand this 21st day of February, 1969.

RECEIVED
MAR 13 1969
STATE ENGINEER
SALEM, OREGON

CHRIS L. WHEELER

STATE ENGINEER

Larry X. Jebeusek
ASSISTANT

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.45 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Pirate Springs

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

Extended to Oct. 1 1973
Extended to Oct. 1 1974
and shall
Extended to Oct.
Extended to Oct. 1 11
Extended to Oct. 1 1977
Extended to Oct. 1 1977
1, 1977
Extended to Oct. 1 1977
Extended to Oct. 1 1977
Extended to Oct. 1979

Basin No. 1 page 69

Application No. C-13479
Permit No.

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **F. FINNEY, GEO. SUTHERLAND and BERT REYNOLDS** of **Rockaway** State of **Oregon** 97136, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Unnamed stream** a tributary of Pacific Ocean, for the purposes of commercial, fire protection, auto camp, service station, natatorium, meat market, ice plant, pool room and cottages under Permit No. 11413 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 September 13, 1934; 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 0.395 cubic foot per second measured at the point of diversion from the stream.

The point of diversion is located in the NE 1/4, Section 32, Township 2 North, Range 10 West, W. M. or its equivalent in case of rotation.

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:

PLACE OF USE:

Government Lot 4 (SE 1/4 SW 1/4), Section 32, Township 2 North, Range 10 West, W. M.

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

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

WITNESS the signature of the State Engineer, affixed this 10th day of October, 1935.

CHAS. E. SPRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 11284

Application No. C73429
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **SUNSET WATER COMPANY**

of the County of Tillamook, 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 Unnamed creek tributary of the Pacific Ocean for the purpose of Domestic and municipal supply under Permit No. 11766 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 June 24, 1935;

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 1.32 cubic feet per second measured at the point of diversion from the stream,

The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 2 North, Range 10 West, W. M.

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:

PLACE OF USE:

Lots 2, 3, 4 and 5,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 32,
Township 2 North, Range 10 West, W. M.

Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 5,
Township 1 North, Range 10 West, W. M.

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

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

WITNESS the signature of the State Engineer, affixed

this 7th day of December, 1936.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 116457

Application No. C73479
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN SCHIBEL & KATHRYN SCHIBEL
of Pittock Block, Portland, 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
an unnamed spring a tributary of Pacific Ocean for the purpose of
irrigation and domestic for two families
under Permit No. 11438 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 June 18, 1940
; 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
0.04 cubic foot per second, being 0.02 cubic foot per second for irrigation and
0.02 cubic foot per second for domestic

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the Gov. Lot #2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 20, Township 3
North, Range 10 West, W.M.

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:

Domestic and 1.8 acre in the SE $\frac{1}{4}$ Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Domestic in the NE $\frac{1}{4}$ Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 20
Township 3 North, Range 10 West, W.M.

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 8th day of August, 1956.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21533

VOR

Application No. C-13471
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That P. F., WINONA and PAUL F. HATCH
97136
of Route 1, Box 330, Rockaway, 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
Cedar Creek
a tributary of Pacific Ocean for the purpose of
domestic use 24 families, including the irrigation of lawns and gardens not
exceeding $\frac{1}{2}$ acre in area,
under Permit No. 15093 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 August 16, 1941,

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
0.05 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 $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 1 North, Range 10
West, W.M.

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:

Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 7
Township 1 North, Range 10 West, W.M.

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, affirmed

this date. July 11, 1960

LEWIS A. STANLEY

State Engineer

Application No. C-13429
Permit No.

STATE OF OREGON

COUNTY OF

TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

CITY OF MANZANITA

of Manzanita, State of Oregon, 97130, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Beniteau Creek and an unnamed stream

a tributary of North Fork Nehalem River
municipal

for the purpose of

under Permit No. 17073 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 December 10, 1945 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 0.5 cubic foot per second, being 0.25 c.f.s. from each source

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T. 3 N., R. 10 W., W. M., 200 feet South and 3400 feet East; 300 feet South and 3100 feet East, both from the SW Corner, Section 10

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:

All	N $\frac{1}{2}$ NW $\frac{1}{4}$
Section 29	Section 4
NE $\frac{1}{4}$	N $\frac{1}{2}$ NE $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$	Section 5
Section 32	T. 2 N., R. 10 W., W. M.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	
S $\frac{1}{2}$ NW $\frac{1}{4}$	
SW $\frac{1}{4}$	
Section 33	
T. 3 N., R. 10 W., W. M.	

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 12, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 44775

Application No. C-13479
Permit No.

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF ROCKAWAY

of Rockaway, State of Oregon⁹⁷¹³⁶, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of McMillan Creek a tributary of Nehalem Bay (river) for the purpose of municipal (all of the purposes for which water could be used in a city under a right initiated for municipal use) under Permit No. 17176 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 July 31, 1946,

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 0.26 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 2 North, Range 10 West, W.M.

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:

SW $\frac{1}{4}$ NE $\frac{1}{4}$
Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 20

Township 2 North, Range 10 West, W.M.

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 date. AUGUST 13 1959

.....LEWIS A. STANLEY.....
State Engineer

Application No. C-13429
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. T. EDWARDS

97304

of 370 Magnolia, Salem, 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 an unnamed stream

a tributary of Mohalem Bay for the purpose of supplemental domestic use 15 families, including irrigation of not to exceed $\frac{1}{2}$ acre domestic lawns and gardens, for each family under Permit No. 17904 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 August 14, 1946

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 0.05 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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 2 North, Range 10 West, W.M.

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:

Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)

Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section 9

Township 2 North, Range 10 West, W.M.

Description within Brighton Beach:

Block 98, Lots 25, 27, 28, 31, 32; Block 97, Lots 5, 6, 17, 18, 19, 20, 21, 22, 23, 52, 56, 57; Block 98, Lots 10, 11; Block 97, Lots 24, 33, 38, 39; Block 96, Lots 10, 11, 21, 22, 31, 35, 38; Block 81, Lots 13, 14

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 3rd day of February, 1958

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 23644.

Application No. C-13479
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF MANZANITA

of Manzanita, 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
Lange Creek
a tributary of Nehalem Bay for the purpose of
municipal
under Permit No. 18634 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 September 14, 1948

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
0.50 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 3 North, Range 10
West, W.M.

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:

S $\frac{1}{2}$ NE $\frac{1}{4}$
Lot #2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot #3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Lot #4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
SE $\frac{1}{4}$

Section 29

N $\frac{1}{2}$ NE $\frac{1}{4}$
Lot #1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)

Section 32

Township 3 North, Range 10 West, W.M.

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 21st day of September, 1956.

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 21684

Application No. 613479
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF MANZANITA

of Manzanita, State of Oregon 97130, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Classic Lake Creek and Lange Creek & reservoir constructed under App. No. R-26028,
Permit No. R-1455 for the purpose of
Nehalem River

Municipal Permit No. 21913 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 August 14, 1950

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
1.3 cubic feet per second, being 0.433 c.f.s. from Lange Creek and 0.867 c.f.s.
from Classic Lake Creek,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16 on Classic Lake Creek, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21 on Lange Creek, Township 3 North, Range 10 West, W. M.

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 $\frac{1}{4}$ NE $\frac{1}{4}$
Lot #2 - (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot #3 - (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Lot #4 - (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
SE $\frac{1}{4}$
Section 29
N $\frac{1}{2}$ NE $\frac{1}{4}$
Lot #1 - (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 32
Township 3 North, Range 10 West, W. M.

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 28th day of November, 1956

LEWIS A. STANLEY State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 21707.

VOR

Application No. C-13479
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF ROCKAWAY 97136
of Rockaway, 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
McMillan Creek
a tributary of Nehalem River for the purpose of
municipal use
under Permit No. 25396 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 March 17, 1958

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
0.26 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 S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 2 N., R. 10 W., W.M.

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:

W $\frac{1}{2}$
Section 5
T. 1 N., R. 10 W., W.M.
SW $\frac{1}{4}$ NE $\frac{1}{4}$
Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
W $\frac{1}{2}$
Section 29
W $\frac{1}{2}$
Section 32
T. 2 N., R. 10 W., W.M.

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 date. DECEMBER 3 1962

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 27, page 30421

Application No. 6-13429
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHASE E. DAVIDSON 64456

of R. R. # 2, Grant City, State of Missouri, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream

a tributary of Pacific Ocean for the purpose of domestic use of two families

under Permit No. 26231 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 June 17, 1959

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 0.01 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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T. 2 N., R. 10 W., W. M.

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:

Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 9
T. 2 N., R. 10 W., W.M.

Land on which water is to be used is part of that described as follows:

(Lot 25, Block 98 and Lot 9, Block 97 - Brighton Beach, Oregon)

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 date. FEBRUARY 16 1962

LEWIS A. STANLEY

State Engineer

Application No. 6-13477
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF ROCKAWAY 9713:
of Rockaway, 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
McMillan Creek
a tributary of Nehalem River for the purpose of
municipal use
under Permit No. 26296 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 July 30, 1959

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
0.50 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 2 N., R. 10 W., W.M.

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:

W $\frac{1}{2}$
Section 5
T. 1 N., R. 10 W., W.M.
SW $\frac{1}{4}$ NE $\frac{1}{4}$
Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
W $\frac{1}{2}$
Section 29
W $\frac{1}{2}$
Section 32
T. 2 N., R. 10 W., W.M.

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 date. DECEMBER 3 1962

CHRIS L. WHEAT
State Engineer

Application No. *C-13479*
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. ROBERT RILEY

of 10231 Roeding Road, Denair, State of California, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Branch McMillan Creek

a tributary of Nehalem River
group domestic

for the purpose of

under Permit No. 27215 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 February 23, 1961

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 0.02 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 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T. 2 N., R. 10 W., W. M. Diversion point located 1110 feet East and 1720 feet North from the S.E. corner, Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 20.

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:

Domestic Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
Domestic Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 20
T. 2 N., R. 10 W., W. M.

Land on which water is to be used is further described as follows:

Lots 2 and 7, Block 8; Lots 4 and 12, Block 9; Lots 1 and 4, Block 12; Lot 2, Block 13; Lot 12, Block 14. All within First, Second and Third Additions to Nedonna.

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 date. April 8, 1966

CHRIS L. WHEELER

State Engineer

Application No. 613479
Permit No.

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF ROCKAWAY, A Municipal Corporation
of Rockaway, 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
Heitmiller Creek

a tributary of Pacific Ocean for the purpose of
municipal

under Permit No. 27861 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 February 16, 1962

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
0.50 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T. 1 N., R. 10 W., W. M.,
North 70 deg. 31' East, 4270 feet from SW Corner, Section 5.

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:

W $\frac{1}{2}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5
E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 6
T. 1 N., R. 10 W., W. M.
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 20
SW $\frac{1}{4}$ NE $\frac{1}{4}$
W $\frac{1}{2}$
Section 29
W $\frac{1}{2}$
W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 32
T. 2 N., R. 10 W., W. M.

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 date. February 28, 1973

CHRIS L. WHEELER

State Engineer

TOWNSHIP 3N RANGE 10W W. M.

SECTION 31

NE				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE			
Lot 1 Lot 2 Lot 3 Lot 4				Lot 1 Lot 2 Lot 3 Lot 4						
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES						
40 30 32 24 19 89										
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	14241	13425	CANCELLED
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	21322	17073	44775
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	22798	17941	CANCELLED
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	23417	18634	21684
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	25124	21913	21707
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	34804		WITHDRAWN
Municipal								57745	43756	9
Municipal								59448	45008	
0 ³ 2 ⁴ 7 ³ 5 ²				0 ³ 2 ⁴ 7 ³ 5 ²				69560	6-8853	63598
0 ³ 2 ⁴ 7 ³ 5 ²				0 ³ 2 ⁴ 7 ³ 5 ²				59811	44877	63599
m w w								73122		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 3N RANGE 10W W. M.

SECTION 32

NE				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE			
Lot 1 Lot 2 Lot 3 Lot 4				Lot 1 Lot 2 Lot 3 Lot 4						
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES						
19 6 24 2 24 2 21 3										
Mun	Mun							22798	17941	CANCELLED
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	23008	18105	CANCELLED
Mun	Mun							23417	18634	21684
								25124	21913	21707
								21322	17073	44775
Municipal								57745	43756	9
Municipal								59448	45008	
2 ⁵				2 ⁵				69560	6-8853	63598
2 ⁵				2 ⁵				59811	44877	63599
Park				Park				6-11535	6-10626	59009
m w w								73122		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 3N RANGE 10W W. M.

SECTION 35

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Lot 1 Lot 2 Lot 3 Lot 4				Lot 1 Lot 2 Lot 3 Lot 4				Lot 1 Lot 2 Lot 3 Lot 4				Lot 1 Lot 2 Lot 3 Lot 4						
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES						
35 15 10 2 3 25 4 30				35 15 10 2 3 25 4 30				35 15 10 2 3 25 4 30				35 15 10 2 3 25 4 30						
Dom																9842	6804	7116
Power																24890	19682	21548
210																29079	22867	27059
40																6445	4032	30044
10																57189	42985	
Dom																59448	45008	
Stock																61868	46250	59108
Dom																63180		REJECT
Dom																73122		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 3N RANGE 10W W. M.

Card #1

SECTION 36

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE				NW				SW				SE						
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES						
Dom																9842	6804	7116
																1801	936	1641
																13991	10076	CANCELLED
																14339	10368	9558
																23391	18465	21465
																39338	29354	38279
																45729	34139	CANCELLED
																49453	36096	44423
																49445	36335	CANCELLED
																49958	31638	53828
																49977	37425	43323
																49978	37426	CANCELED

(SEE BACK OF CARD FOR PLAT OF SECTION)

Application No. C13474
Permit No.

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES						
																49979	37427	
																50110	37951	54199
																57189	42985	53965
																57461	43292	51292
																59448	45008	54280
																60071	45088	

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES						
																69978	51239	
																73122		

48-12921-480

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 2

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4			
41 ⁰⁵	40 ¹⁵	43 ³	13 ²⁵															
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
Dom																9908	6598	7933
Mig																9267	6176	5461
Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	Mun	2754	1455	2440
Mun				Mun				Mun				Mun				52321	39355	
Dom				Dom				Dom				Dom				53399	40047	50629
Mun				Mun				Mun				Mun				59448	45008	
IND																68450	49671	
																73122		

(SEE BACK OF CARD FOR PLAT OF SECTION)

Application No. C-13479
Permit No.

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 3

SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES										
51 ¹⁰ 26 ⁰ 20 ¹⁰ 21 ²⁰				23 ²⁰ 15 ⁵³						
				Mig				3246	1799	1967
				Dom				2914	1582	2391
				Mig				13991	10076	CANCELLED
				Dom				18310	14017	
				Mun				21399	16792	CANCELLED
Mun				Mun				52321	39355	
Mun				Mun				56936	42490	CANCELED
Mun				Mun				59448	45008	
Fish				Fish				60666	43451	CANCELED
Fish				Fish				63323	46362	
								73122		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 4

SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES										
46 ³ 27 ³ 14 ³ 21 ⁵				38 ¹ 39 ⁵						
Dom				Fish				14862	10849	13319
Municipal				Municipal				21322	17073	44775
Municipal				Municipal				59448	45008	
Municipal				Municipal				610508		WITHDRAWN
								73122		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 2 N, RANGE 10 W, W. M. SECTION 5

SW					APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 5			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES							
34 ² 58 ²⁵ 58 ²⁵ 37 ⁵⁵ 28 ¹⁵							
Municipal					21322	17073	44775
Municipal					59448	45008	
Park Park Park					611535	610626	59009
Municipal					73122		

(SEE BACK OF CARD FOR PLAT OF SECTION)

Application No. C 72479
Permit No.

[illegible]

(SEE BACK OF CARD FOR PLAT OF SECTION)

(SEE BACK OF CARD FOR TEXT OF SECTION)

TOWNSHIP 2 N RANGE 10 W W. M. Card #2 SECTION 32

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																33260	26296	30423
																46578	34498	47952
																51053	43858	
																R-41	C-781	49731
																G-9809	G-9365	5
																61883	46245	
																73122		
																R-73342		

TOWNSHIP 1 N, RANGE 10 W, W. M. SECTION 17

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				20 ⁰⁰ 28 ⁰⁰				22 ⁰⁰ 38 ⁰⁰										
												(Municipal & Power)	5141	3156	2338			
												Dom	4023	2306	2744			
												Dom	18938	14594	14318			
												Dom	27041	21279	20947			
												Dom	27049	21286	20948			
												Dom	38671	28777	33290			
												Dom	55575	41652	50634			
												Municipal	51053	43858	63			
												Quasi-Municipal	6-9296	6-8613	6			
												Municipal	73122					

(SEE BACK OF CARD FOR PLAT OF SECTION)

Application No. 6-13479
Permit No.

TOWNSHIP 1 N, RANGE 10 W, W. M. SECTION 18

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				81 ⁰⁰ 23 ⁰⁰ 18 ⁰⁰														
												Municipal	19467	15093				
												Quasi-Municipal	6-7243	6-6737	47257			
												Municipal	51053	43858	63			
												Quasi-Municipal	6-9296	6-8613	6			
												Municipal	73122					

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 1 N, RANGE 10 W, W. M. SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				34 ⁰⁰ 74 ⁰⁰ 48 ⁰⁰ 76 ⁰⁰														
												Dom	8834	5780	7394			
												Dom	18978	14573	15116			
												Dom	20801	16278	20895			
												Dom	27049	21286	20948			
												Dom	38671	28777	1			
												Municipal	51053	43858	63			
												Quasi-Municipal	6-9296	6-8613	6			
												Municipal	73122					

(SEE BACK OF CARD FOR PLAT OF SECTION)

Application No. C-13479
Permit No.

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

July 29, 1993

Project No. 1307.40

Mr. Steve Brown, Manager
Water Rights Division
Water Resource Department
3850 Portland Rd. NE
Salem, OR 97310

RE: North Tillamook County Regional Water Supply -
Ground Water Permit Application

Dear Mr. Brown:

Lee Engineering, Inc. has recently completed an engineering report that recommends the development of a Regional Water Supply for the North Tillamook County area, beginning on the south at Watseco-Barview and continuing north along the coast to Neahkahnie. Currently, 10 existing water purveyors, including state, municipal and private water companies, have participated in the preparation of the study and are in the process of attempting to put together a necessary organizational structure for the development of the Regional Water Supply. As you and I discussed in the meeting in Wheeler on Thursday, July 22, the previous application submitted on behalf of the region was a surface water permit. You recommended that the City of Wheeler, on behalf of the future regional water purveyor, submit an additional application for ground water development. We are not certain at this time whether the water supply will be a ground water system with a series of wells, or a surface water withdrawal from the Nehalem River.

At the meeting on July 22, you told the Water Resource Committee for the North Tillamook County region that waters would be available from the Nehalem River, even though the Nehalem River minimum stream flow criteria may not be met. It is our understanding that the Water Resource Department has adopted the policy that it is in the public interest that water purveyors coordinate water service planning and consolidate and regionalize water service to preserve and protect adequate safe water drinking supplies for human consumption. The Water Resource Department further promotes and fosters coordinated water service planning and the consolidation and regionalization of water services.

We further understand that the minimum stream flow criteria allows for beneficial public uses. Along with this issue may be criteria for implementation of certain conservation measures and other conditions to minimize the impact on aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological issues. It is also our understanding that you will be able to finalize

Application No. 613479
Permit No.

Mr. Steve Brown
July 29, 1993
Page 2

processing of our application(s) within 60 to 75 days, once final organizational details are presented to you.

The City of Wheeler has been selected by the Water Resource Committee representing the various participants to file an application for ground water rights on the Nehalem River for future appropriation as a regional water source. The application, together with an accompanying map and attachments, is enclosed. Also enclosed is a check in the amount of \$200 for the application fee.

No formal agency has currently been organized to file the application. It is anticipated that ultimately the various jurisdictions will operate under an Intergovernmental Agreement, Water Authority, or other acceptable water supply jurisdiction. In any event, the waters are to be used for municipal purposes, and will in part replace existing water diversions.

The application does not currently contain a legal description outlining all property involved in the proposed development. Rather, the map outlines those areas currently allowed for development under the various cities and/or County Comprehensive Plans. Two exceptions are the areas referred to as Tidewater and Zaddack Creek. These areas currently serve primarily dairies. Water to these areas either is now drawn from small drainages in the Coast Range, or, in the case of Tidewater, takes its water from the City of Nehalem.

Except for the limited supply of water from Jetty Creek, currently serving Rockaway Beach, none of the other existing sources meet state or federal water quality standards for domestic water supplies. One of the purposes of the regional study is to outline the cost of the continued development of existing supplies on small drainages with the cost associated with a regional water supply. In order to develop a priority date for appropriation of ground water as early as possible, the Technical Committee has instructed us to file this application for waters on the Nehalem River.

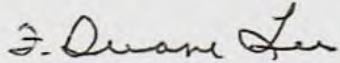
Obviously, many concerns need to be addressed as to the nature of the proposed water supply. For example, it is not yet known whether or not wells or a Ranney Collector can be developed to meet the demands of the system. If these features work, there may be no need for full treatment and withdrawal of surface waters. However, because of the close proximity of the proposed water supply development to the Nehalem River, there is no question that water will be drawn from the river. A site has been selected which is surrounded on three sides by the Nehalem River. The site is also upstream of existing tidewater, but far enough downstream so as to have minimum impact on the fish and wildlife and on the aquatic system in the river during low stream flow periods.

Mr. Steve Brown
July 29, 1993
Page 3

Thank you for receiving this application. We will continue to communicate with you as additional details are developed.

Sincerely,

LEE ENGINEERING, INC.

A handwritten signature in cursive script, appearing to read "F. Duane Lee".

F. Duane Lee, P.E., WRE

FDL:nj

Enclosures

cc: City of Wheeler



LINN-BENTON
COMMUNITY
COLLEGE

Application No. 6-17474
Permit No.

TO; North Tillamook County Water Resources
Steering Committee

FROM: Pete Scott

DATE: June 29, 1993

Meeting reminder - July 22, 1993
7:00pm
Wheeler City Hall

Agenda:

1. Approval of 4/22/93 minutes
2. City Council/District Board concerns and issues -
Randy Kugler
3. Review financial report - Gene Cox
4. Review organizational structure for future activities -
Randy Kugler
5. Review arrangement for engineering services
6. RDA-FmHA process - Dave Wilson

sm

Name: CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147

County: TILLAMOOK
Status: NON-CANCELLED
Certificate type:
Certificate date: 12/31/1992

Application: S 73122
Permit: 0
Certificate: 0
Supersedes certificate:

Related documents:
Remarks:

Source: NEHALEM RIVER, A TRIBUTARY OF NEHALEM BAY

Purposes: MUNICIPAL USE

Rates: 5.0 CUBIC FEET PER SECOND

Priority:

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
NEHALEM R - NEHALEM BAY	MU	P	12/31/1992	6.00000CFS	2 N 9 W 6 NENE		V

Points of appropriation:	Use	P/S	Location	D/C/LOT	Acres	Status
=====						
MU	P	1	N 0 W 5 ALL			V
MU	P	1	N 10 W 6 ALL			V
MU	P	1	N 10 W 7 ALL			V
MU	P	1	N 10 W 8 ALL			V
MU	P	1	N 10 W 17 ALL			V
MU	P	1	N 10 W 18 ALL			V
MU	P	1	N 10 W 20 ALL			V
MU	P	2	N 10 W 2 ALL			V
MU	P	2	N 10 W 3 ALL			V
MU	P	2	N 10 W 4 ALL			V
MU	P	2	N 10 W 5 ALL			V
MU	P	2	N 10 W 9 ALL			V
MU	P	2	N 10 W 17 ALL			V
MU	P	2	N 10 W 20 ALL			V
MU	P	2	N 10 W 29 ALL			V
MU	P	2	N 10 W 32 ALL			V
MU	P	3	N 10 W 20 ALL			V
MU	P	3	N 10 W 23 ALL			V
MU	P	3	N 10 W 24 ALL			V
MU	P	3	N 10 W 25 ALL			V
MU	P	3	N 10 W 27 ALL			V
MU	P	3	N 10 W 28 ALL			V
MU	P	3	N 10 W 29 ALL			V
MU	P	3	N 10 W 32 ALL			V
MU	P	3	N 10 W 35 ALL			V
MU	P	3	N 10 W 36 ALL			V

Application No. C-13479
Permit No.

ATTACHMENT NO. 1

ESTIMATED PEAK DEMAND FOR WATER RIGHTS PERMIT

District	No. Services in 1992	Ave. Demand 1992 (GPD)	Demand per Service	Estimated Values for 2010			Estimated Values for 2050		
				Services	Average Demand (GPD)	Peak Demand (GPD)	Services	Average Demand (GPD)	Peak Demand (GPD)
Ne'ah-kah-nie	225	54,000	240	281	67,500	168,750	340	81,540	203,850
Manzanita	1002	162,300	162	1,253	202,875	507,187	1,513	245,073	612,682
Nehalem Bay (Park)	302	24,000	79	378	30,000	75,000	456	36,240	90,600
Nehalem	450	135,100	300	563	168,875	422,188	680	204,001	510,003
Tideland Wat. Corp	20	24,500	1,225	25	30,625	76,563	30	36,995	92,488
Zaddack Creek	10	2,400	240	13	3,000	7,500	15	3,624	9,060
Wheeler	175	73,560	420	219	91,950	229,875	264	111,076	277,689
Brighton	12	3,000	250	15	3,750	9,375	18	4,530	11,325
Rockaway Beach	1660	445,000	268	2,075	556,250	1,390,625	2,507	671,950	1,679,875
Watseco/Barview	129	24,945	193	161	31,181	77,953	195	37,667	94,167
TOTAL	3,985	948,805		4,981	1,186,006	2,965,016	6,017	1,432,696	3,581,739

Application No. 6-13479
Permit No.

Application No. 6-13479
Permit No.

ATTACHMENT 2

Proposed improvements include a supply, treatment, storage, pumping and transmission pipeline to serve existing and future domestic water users in the ares of North Tillamook County.

Water is to be withdrawn from the lower Nehalem River (R.M. 9 to 9.5 approximately) via a screened intake, Ranney Collector or shallow wells. Treatment may include chemical addition, flocculation, sedimentation, filtration, and/or disinfection. Storage will be in a 3 MG concrete or steel tank. Pumping will increase the hydraulic head to about elevation 350 ft. using three or more vertical turbine pumps with a total connectual horsepower of 350. A 16" diameter pipeline will be built from the source to Hwy 101 and Hwy 53. An 8" pipe will traverse north along Hwy 101 to Nehalem and Manzanita. A 12" pipe will traverse south to Wheeler; an 8" pipe will continue south along Hwy 101 to Rockaway Beach.

Application No. 613479
Permit No.

ATTACHMENT 3
CITY OF WHEELER
WATER RIGHTS APPLICATION
NORTH TILLAMOOK COUNTY
REGIONAL WATER SUPPLY

<u>Water System</u>	<u>Technical Contact Person</u>	<u>Address & Phone No.</u>
Manzanita	Randy Kugler	Manzanita City Hall P.O. Box C Manzanita, OR 97130 368-5343
Nehalem	Merlin Brown	City of Nehalem 35900 8th Street Nehalem, OR 97131 368-5627
Rockaway Beach	Jim Gohring	Rockaway Beach Public Works P.O. Box 5 Rockaway, OR 97136 355-2982
Wheeler	Gene Cox	City of Wheeler P.O. Box 177 Wheeler, OR 97147 368-5767
Zaddack Creek	Daryl Johnston	16115 Old Mohler Rd. Nehalem, OR 97131 368-5819
Brighton	Archie Buchanan	29285 Bayview Blvd. Rockaway, OR 97136 368-6683
Neah-Kah-Nie	Tom Bender 368-6294	Neah-Kah-Nie Water Dist. P.O. Box 172 Manzanita, OR 97130 368-7309

Application No. G13479
Permit No.

ATTACHMENT 3 (Cont'd.)

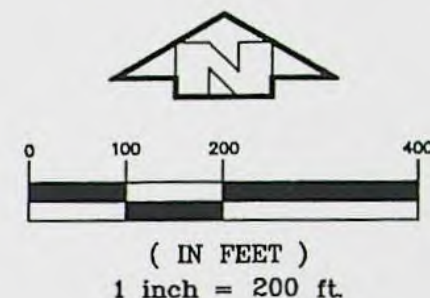
<u>Water System</u>	<u>Technical Contact Person</u>	<u>Address & Phone No.</u>
Nehalem Bay State Park	Dennis Davidson	8300 3rd St. Neah-Kah-Nie City Nehalem, OR 97131 368-5943
Watseco-Barview	Clayton McCormick	Watseco-Barview Water Box 295 Rockaway, OR 97136 355-2556
Tideland Water Co-op	Jack Thayer	Tideland Water Co-op 14650 Tideland Road Nehalem, OR 97131 368-6908

RECEIVED

NOV 03 1994
WATER RESOURCES DEPT
SALEM, OREGON

31 32 N 89°51'17.00" E 2676.90' N 1/4 (FD.) S 89°55'06.00" E 2690.00' 32 33

T.2N., R.9W., SECTION 5

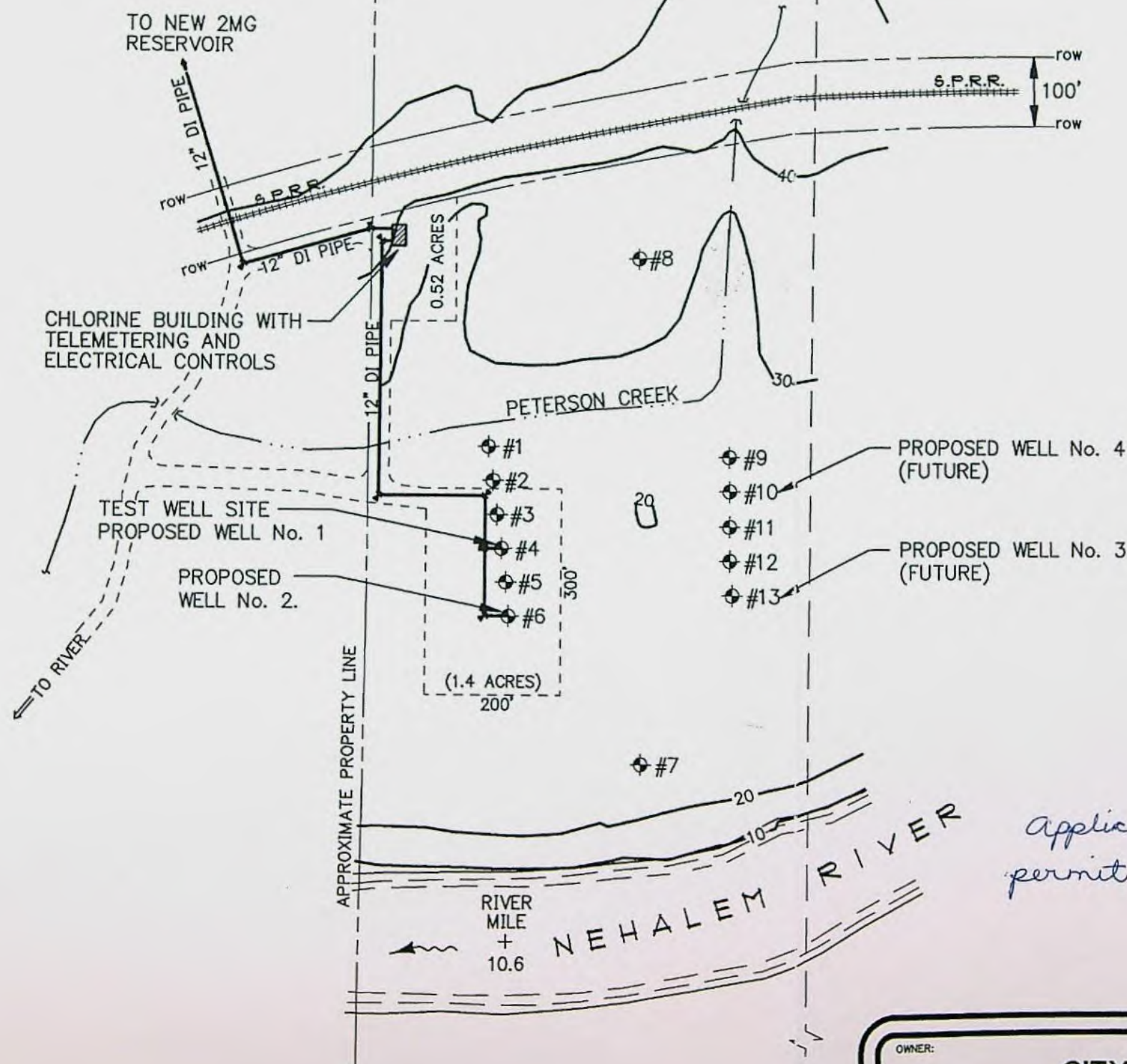


THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF POINT(S) OF DIVERSION AND PLACE(S) OF USE OF THE WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OF THE PROPERTIES ILLUSTRATED HEREIN.

WELL SITE LOCATIONS

WELL DISTANCE IN FEET FROM SECTION CORNER OF SECTIONS 5, 6, 31, AND 32. BASIS OF BEARING IS N 89°51'17" E.

WELL No.	NORTH	EAST
1 (#4)	989.22	2204.31
2 (#6)	1087.73	2214.81
3 (#13)	1055.75	2547.09
4 (#10)	905.91	2543.69



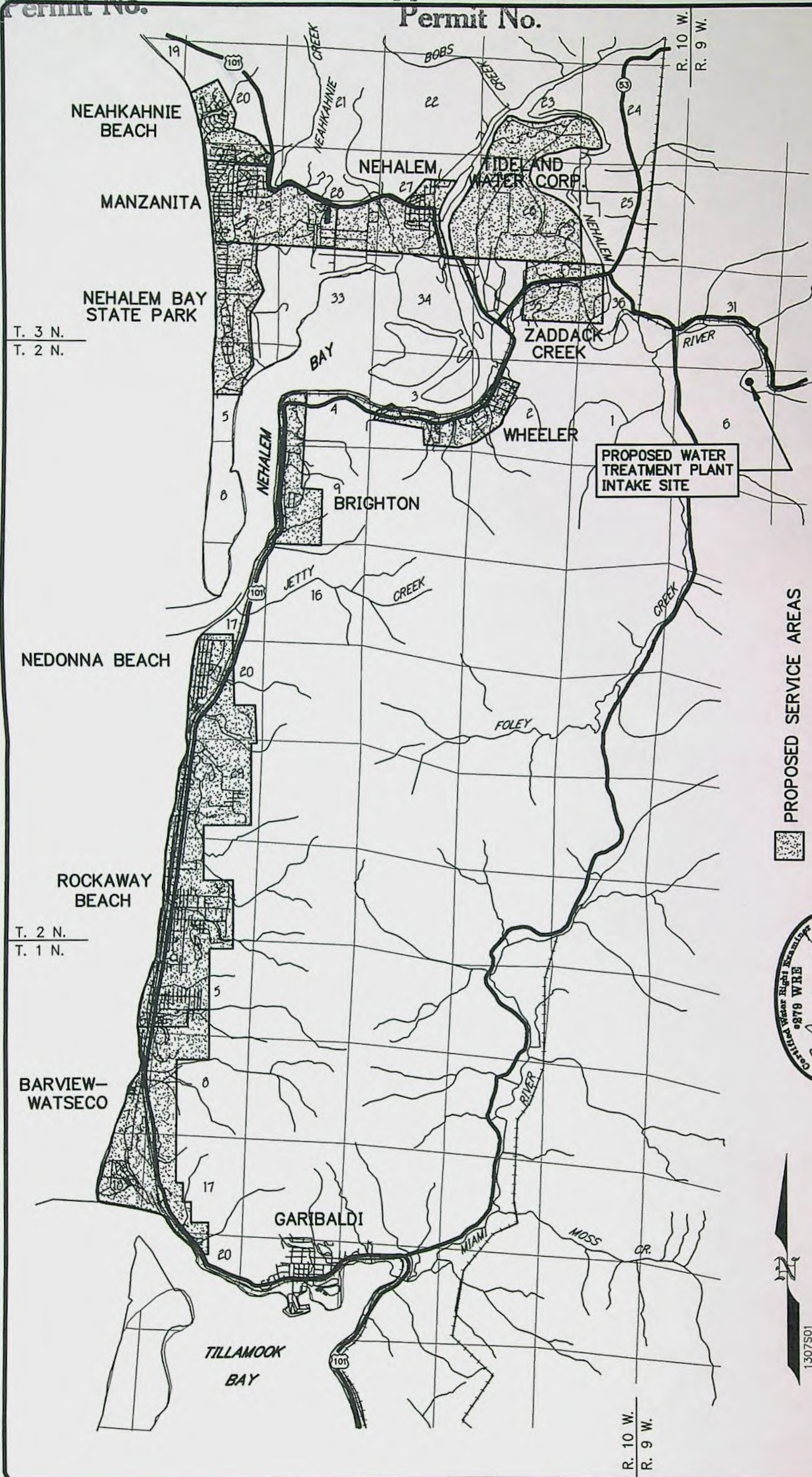
Application G13479
permit # G12196



OWNER:	CITY OF WHEELER	LEE ENGINEERING, INC. 1300 JOHN ADAMS ST. OREGON CITY, OR, 97045
DWG TITLE:	GROUND WATER APPLICATION G-13479 WELL LOCATIONS	DATE: 10/31/94 FILE NO: 1384S01
		REVISED:
		FIGURE 1

Application No. 6-13479
Permit No.

Application No. 73122
Permit No.



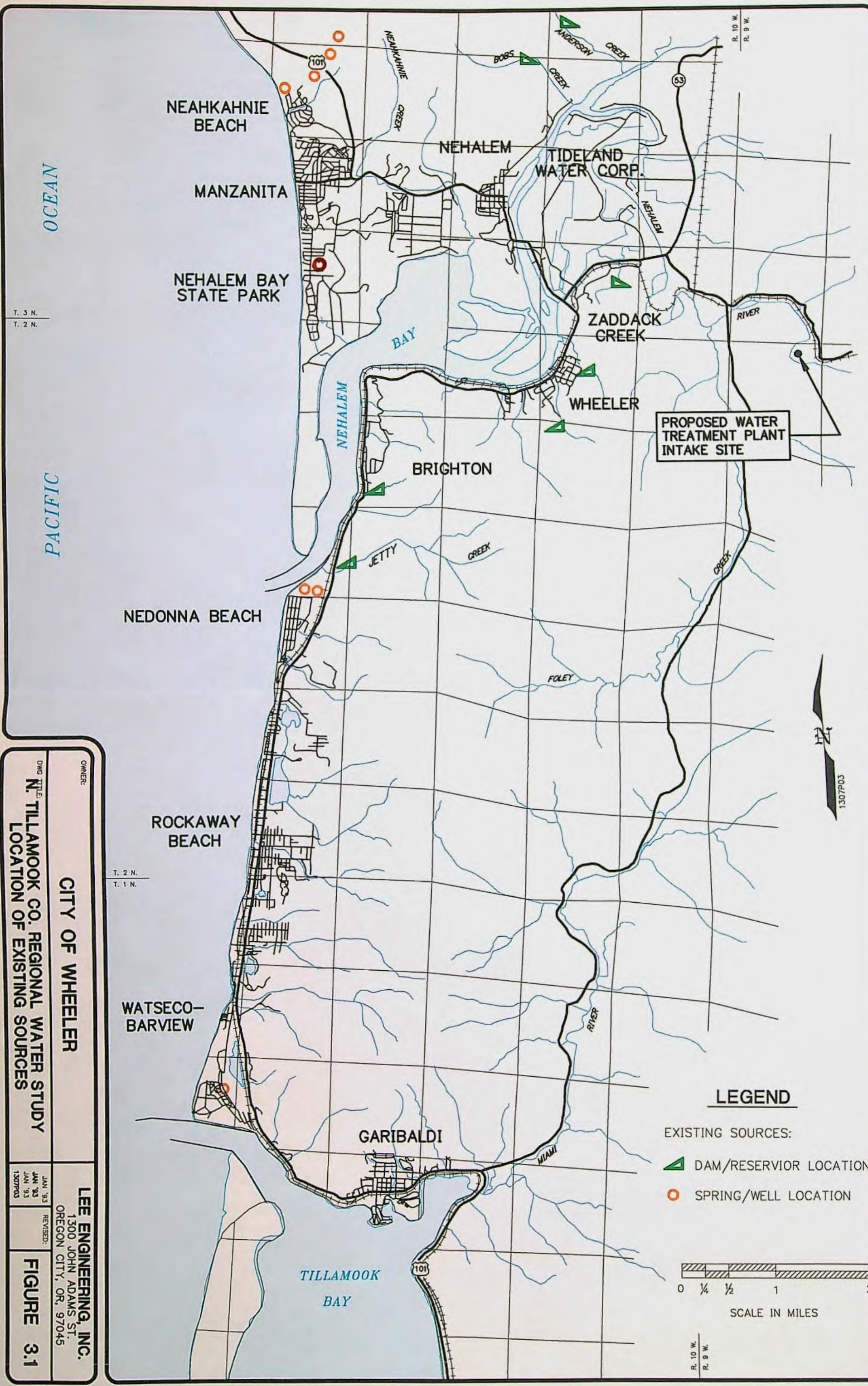
PROPOSED SERVICE AREAS



RECEIVED
DEC 31 1992
WATER RESOURCES DEPT
SALEM, OREGON



CITY OF WHEELER		LEE ENGINEERING, INC. 1300 JOHN ADAMS ST. OREGON CITY, OR, 97045
N. TILLAMOOK CO. REGIONAL WATER STUDY AREAS INCLUDED IN WATER RIGHTS APPLICATION		DWG NO. 1
OWNER:	DATE: 12/29/92 FILE NO: 1307S01	REVISED:



OWNER:
CITY OF WHEELER

DWG. NO.:
N. TILLAMOOK CO. REGIONAL WATER STUDY

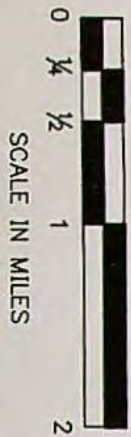
DATE:
JAN '93

REVISION:
1307P03

LEE ENGINEERING, INC.
1300 JOHN ADAMS ST.
OREGON CITY, OR, 97045

FIGURE 3.1

R. 10 W.
R. 9 W.



T. 3 N.
T. 2 N.

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF POINT(S) OF DIVERSION AND PLACE(S) OF USE OF THE WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OF THE PROPERTIES ILLUSTRATED HEREIN.



PROPOSED SERVICE AREAS



Application No. C-13479
Permit No.

CITY OF WHEELER

DWG. TITLE: N. TILLAMOOK CO. REGIONAL WATER STUDY
AREAS INCLUDED IN WATER RIGHTS APPLICATION

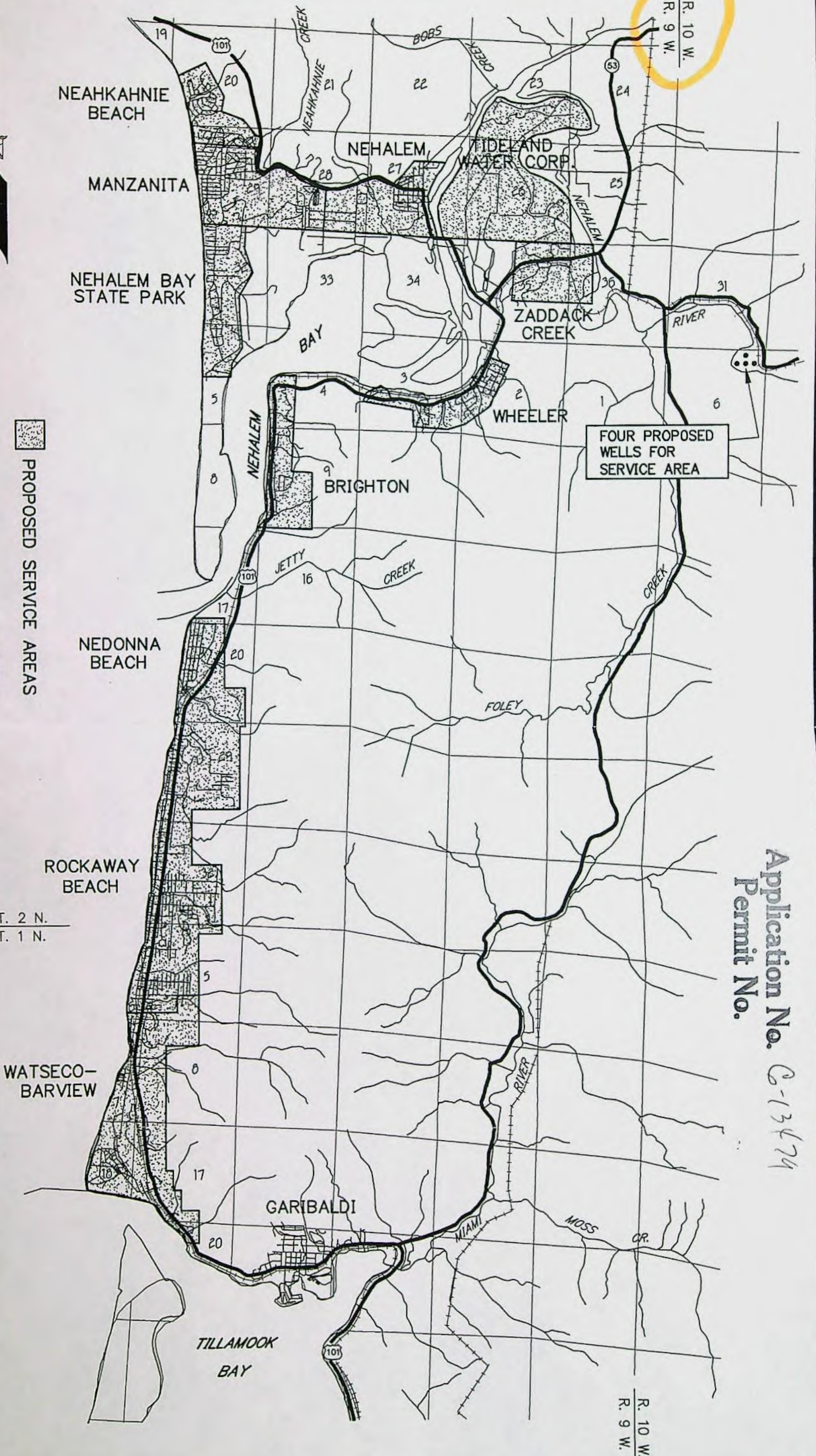
LEE ENGINEERING, INC.
1300 JOHN ADAMS ST.
OREGON CITY, OR, 97045

DATE: 12/29/92
FILE NO: 1307503

REVISED:

FIGURE 1

Application No. C-13474
Permit No.

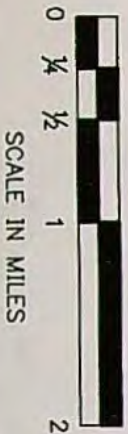


PROPOSED SERVICE AREAS

T. 2 N.
T. 1 N.

R. 10 W.
R. 9 W.

R. 10 W.
R. 9 W.



SCALE IN MILES

T. 3 N.
T. 2 N.

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF POINT(S) OF DIVERSION AND PLACE(S) OF USE OF THE WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OF THE PROPERTIES ILLUSTRATED HEREIN.



CITY OF WHEELER

OWNER:
N. TILLAMOOK CO. REGIONAL WATER STUDY
AREAS INCLUDED IN WATER RIGHTS APPLICATION

LEE ENGINEERING, INC.
1300 JOHN ADAMS ST.
OREGON CITY, OR, 97045

DATE: 12/29/92
FILE NO: 1307503

REVISED:

FIGURE 1

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # 13479

WATERMASTER # 18

REGIONAL MANAGER: NW

ODF&W - County: ~~Grays~~ Tillamook

CWRE (if agent): Duane Lee, Lee Engineering

DEQ ☒

OTHER STATE AGENCY IF NECESSARY: Todd Graeff, NPDN

DIVISION 33 LIST: ☐ COLUMBIA RIVER INTERTRIBAL
(CHECK ONLY IF APPLICABLE) ☐ NORTHWEST POWER PLAN

POWER BUILDER UPDATER: ☒ FRONT COUNTER ☒

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUEST
LETTER):

WaterWatch

SAVE PFO TO: M:\T\PFO\DONE\ (APPLICATION #)

CASEWORKER'S NAME Bill Fujii 8/10

M:\T\PFO\CHKOFF.PPR

*Wells were moved
from RM 9.1 to
RM 10.6*

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # 13479

WATERMASTER # 18

REGIONAL MANAGER: NW

ODF&W - County: ~~Essex~~ Tillamook

CWRE (if agent): Duane Lee, Lee Engineering

DEQ ☒

OTHER STATE AGENCY IF NECESSARY: Todd Graeff, OPRD

DIVISION 33 LIST: ☐ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) ☐ NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; ☒ FRONT COUNTER ☒

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

WaterWatch

SAVE PFO TO: M:\T\PFO\DONE\ (APPLICATION #)

CASEWORKER'S NAME Bill Fujii 8/10

ORIGINAL TO APPLICANT 8/11/95

M:\T\PFO\CHKOFF.PPR

Application No. 6-13179
Permit No.

Application No. 73122

DEC 8 1992

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) City of Wheeler

(Please print or type - use dark ink)

Mailing Address: P.O. Box 177

Wheeler

City

OR

State

97147

Zip

(503)

368-5767

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Nehalem River,
a tributary of Nehalem Bay.

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 6.0 cubic feet per second, OR 2,700 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: N/A

3. **INTENDED USE(s) OF WATER:** Municipal

If for more than one use, give the quantity of water from each source for each use; N/A

If for **DOMESTIC** use, state the number of households to be supplied; N/A

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; N/A

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation

N/A

Other (describe)

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

Proposed improvements include a supply, treatment, storage, pumping and transmission pipeline to serve existing and future domestic water users in the areas of North Tillamook County.

Water is to be withdrawn from the lower Nehalem River (R.M. 9 to 9.5 approximately) via a screened intake, Ranney Collector or shallow wells.

Treatment may include chemical addition, flocculation, sedimentation, filtration, and/or disinfection. Storage will be in a 3 MG concrete or steel tank. Pumping will increase the hydraulic head to about elevation 350 ft. using three or more vertical turbine pumps with a total connectural horsepower of 350. A 16" diameter pipeline will be built from the source to Hwy 101 and Hwy 53. An 8" pipe will traverse north along Hwy 101 to Nehalem and Manzanita. A 12" pipe will traverse south to Wheeler; an 8" pipe will continue south along Hwy 101 to Rockaway Beach.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin May 1994

Proposed date construction work will be completed October 1995

Proposed date water use will be completed Circa 2050

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

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

 Applicant X CWRE Other (Identify in REMARKS section)

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

REMARKS: Lands to be served by the proposed regional water supply include all developable lands within Tillamook County between Barview on the south and Neahkanie on the north, including the following existing private, state, and municipal water purveyors:

- | | |
|---------------------------|---------------------|
| 1. Neahkahnie | 6. Zaddack Creek |
| 2. Manzanita | 7. Wheeler |
| 3. Nehalem Bay State Park | 8. Brighton |
| 4. Nehalem | 9. Rockaway Beach |
| 5. Tideland Water Corp. | 10. Watseco/Barview |

See separate list for names and addresses of contact persons (Attachment 2).

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

F. Duane Lee
Signature F. Duane Lee, P.E., C.W.R.E.

12/30/92
Date

Signature

Date

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

F. Duane Lee
Signature of Applicant *Agent*

12/31/92
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 31st day of December, 1992, at 8:00 o'clock, A M.

APPLICATION NO: 73122

PERMIT NO: _____

TABLE 3.2
NORTH TILLAMOOK COUNTY
REGIONAL WATER MASTER PLAN
SUMMARY OF EXISTING WATER RIGHTS

Jurisdiction and Source	Permit Date	Water Rights cfs.	Totals cfs.
Neahkahnie Water District			
1. Spring 1	12/7/70	0.01	
2. Spring 2	12/7/70	0.01	
3. Spring 3	12/7/70	0.15	
4. Pirate Spring	12/9/68	0.45	
			<hr/>
			0.62
5. Spring 1	4/7/92	0.06	
6. Spring 2	4/7/92	0.06	
7. Spring 3	4/7/92	0.20	
			<hr/>
			0.32
Neahkahnie Water Co.			
1. Spring 1	4/30/29	0.01	
2. Spring 2	4/30/29	0.01	
3. Spring 3	4/30/29	0.15	
			<hr/>
			0.17
Manzanita			
1. W. Fork Anderson Creek	12/15/78	0.50	
2. Middle Fork Anderson Creek	12/10/45	0.50	
3. N. Fork Anderson Creek	12/10/45	0.50	
4. Neahkahnie Creek	8/14/50	0.87	
5. Alder Creek	9/14/48	0.50	
			<hr/>
			2.87
Nehalem Bay State Park			
1. Well	6/5/86	0.06	
			<hr/>
			0.06

NORTH TILLAMOOK COUNTY REGIONAL WATER MASTER PLAN

SUMMARY OF EXISTING WATER RIGHTS (Continued)

Jurisdiction and Source	Permit Date	Water Rights cfs.	Totals cfs.
Nehalem			
1. Bob's Creek		2.0	
2. Coal Creek, West Branch	10/22/79	1.5	
3. Coal Creek, Main Branch	10/22/79	1.5	
			<hr/> 5.0
Tidewater - None			
Zaddack Creek - None			
Wheeler			
1. Jarvis Creek	1/24/13	3.00	
2. Jarvis Creek	3/14/30	0.28	
3. Vosberg	8/15/74	4.00	
			<hr/> 7.28
Brighton			
1. W. T. Edwards - Unnamed creek	8/14/46	0.05	
			<hr/> 0.05
Rockaway Beach			
1. Heitmiller Creek	2/16/62	0.50	
2. Heitmiller Creek	10/18/11	2.50	
3. Jetty Creek	12/8/69	1.00	
4. Jetty Creek	6/24/81	1.00	
5. Well No. 1	6/10/81	0.39	
6. Well No. 2	6/10/81	0.39	
7. McMillian Creek	3/17/58	0.26	
8. McMillian Creek	7/31/46	0.26	
9. McMillian Creek	7/30/59	0.50	
			<hr/> 6.80
Watseco-Barview - None			

January 8, 1992

RECEIVED

NOV 07 1994

WATER
SALEM, OREGON

Mayor Robert Turner
City of Wheeler
PO BOX 177
Wheeler, OR 97147

DEPARTMENT OF
HUMAN
RESOURCES

HEALTH DIVISION

Mayor Robert Turner;

As you know, the federal Surface Water Treatment Rule requires filtration of most public drinking water supplies using surface water sources. This rule is a part of the Amendments to federal Safe Drinking Water Act which were enacted by Congress in 1986. In its role as the primacy agency for drinking water quality in Oregon, the Health Division adopted these new federal requirements for surface water treatment and they took effect January 1, 1991.

In 1989 and 1990, the Health Division held numerous meetings and workshops with public works personnel, water system operators, city councils, and others around the state to introduce the water systems to the requirements of the rule. These include filtration of surface water supplies, meeting disinfection requirements, tightening of performance standards for those systems which currently filter surface water, and the criteria to remain unfiltered for those water systems which do not filter. The Health Division recommended that water system managers seek the services of an engineer to look at the impacts of the rule, alternative solutions, and costs for their system. Alternative solutions include filtration, development of groundwater sources if available, or connecting to another system.

During this same time period, the Health Division reviewed the Oregon public water systems and inventory data and determined which community water systems use unfiltered surface water sources in whole or in part and which are open to the surface runoff. There are about fifty community water systems that meet these conditions and they are shown on the attached list. Your community water system has been identified as one of the fifty.

While there is much work to be done to install filtration or alternate water sources, significant progress has already been made by many water systems. The attachment shows a list of the general steps necessary to complete a major water project, such as filtration, and also shows how many of the fifty unfiltered community systems have completed each step. Three water systems have made the necessary demonstration to remain unfiltered.

Barbara Roberts
Governor

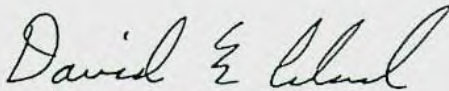


1400 SW 5th Avenue
Portland, OR 97201
(503) 229-5599 Emergency
(503) 252-7978 TDD
Emergency
24-26 (Rev. 1-91)

As of January 1, 1992, each community water system using a surface water source for drinking water must meet the requirements of the rule, either by filtering the water, or by demonstrating that the water system meets the criteria to remain unfiltered as outlined in the rule. All systems not meeting these requirements must install filtration or obtain an alternate water source by June 29, 1993. The Division is issuing an Administrative Order to each system containing a schedule for achieving compliance with these requirements.

An Order for your water system is attached. Please read the enclosed Administrative Order pertaining to your water system carefully because it contains information on interim operations and procedures for obtaining extensions to the June 29, 1993 deadline. If you have any questions, please contact Chris Hughes, Field Services Manager, or Mike Grimm at 229-6307 in Portland.

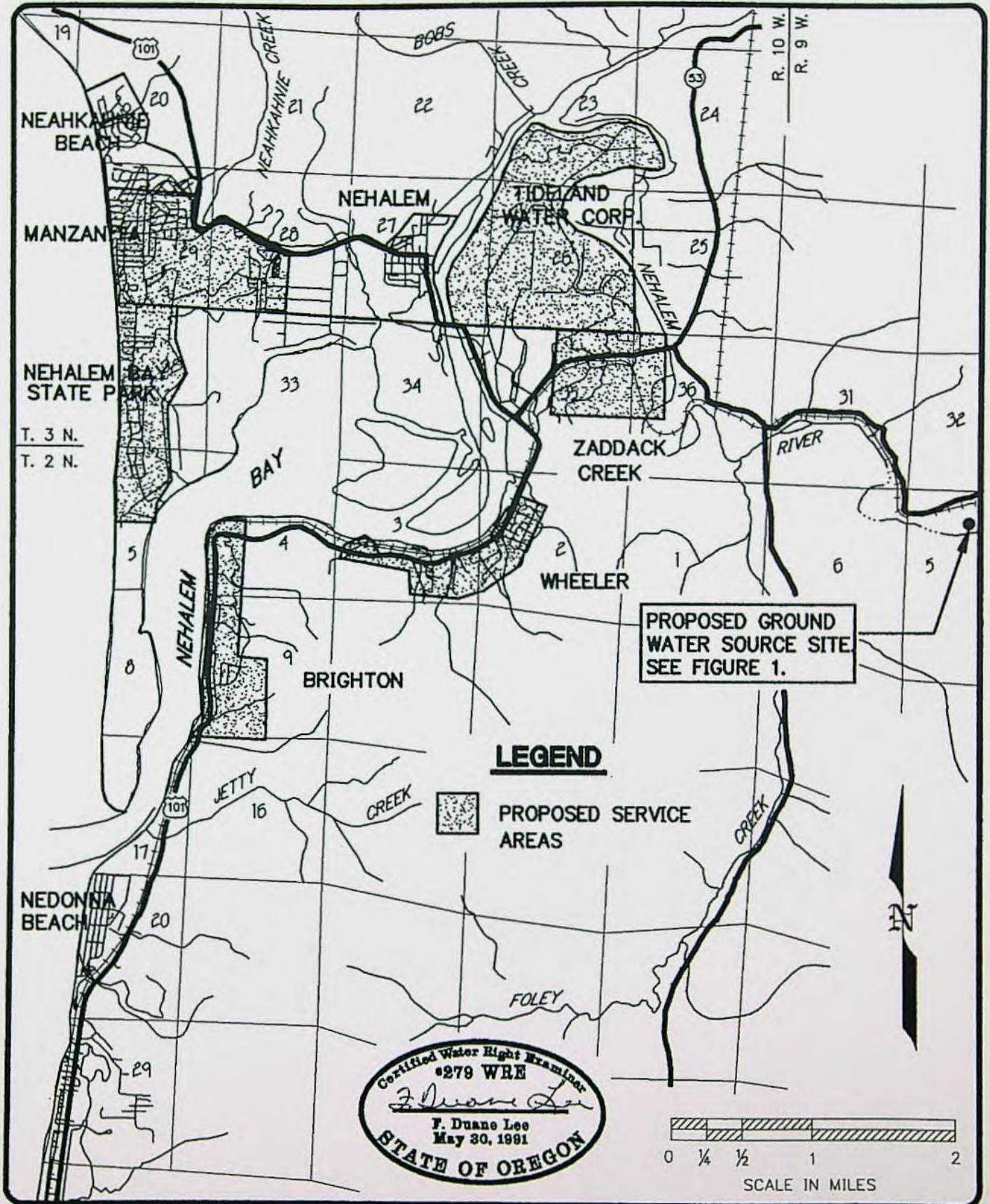
Sincerely,

A handwritten signature in cursive script, reading "David E. Leland".

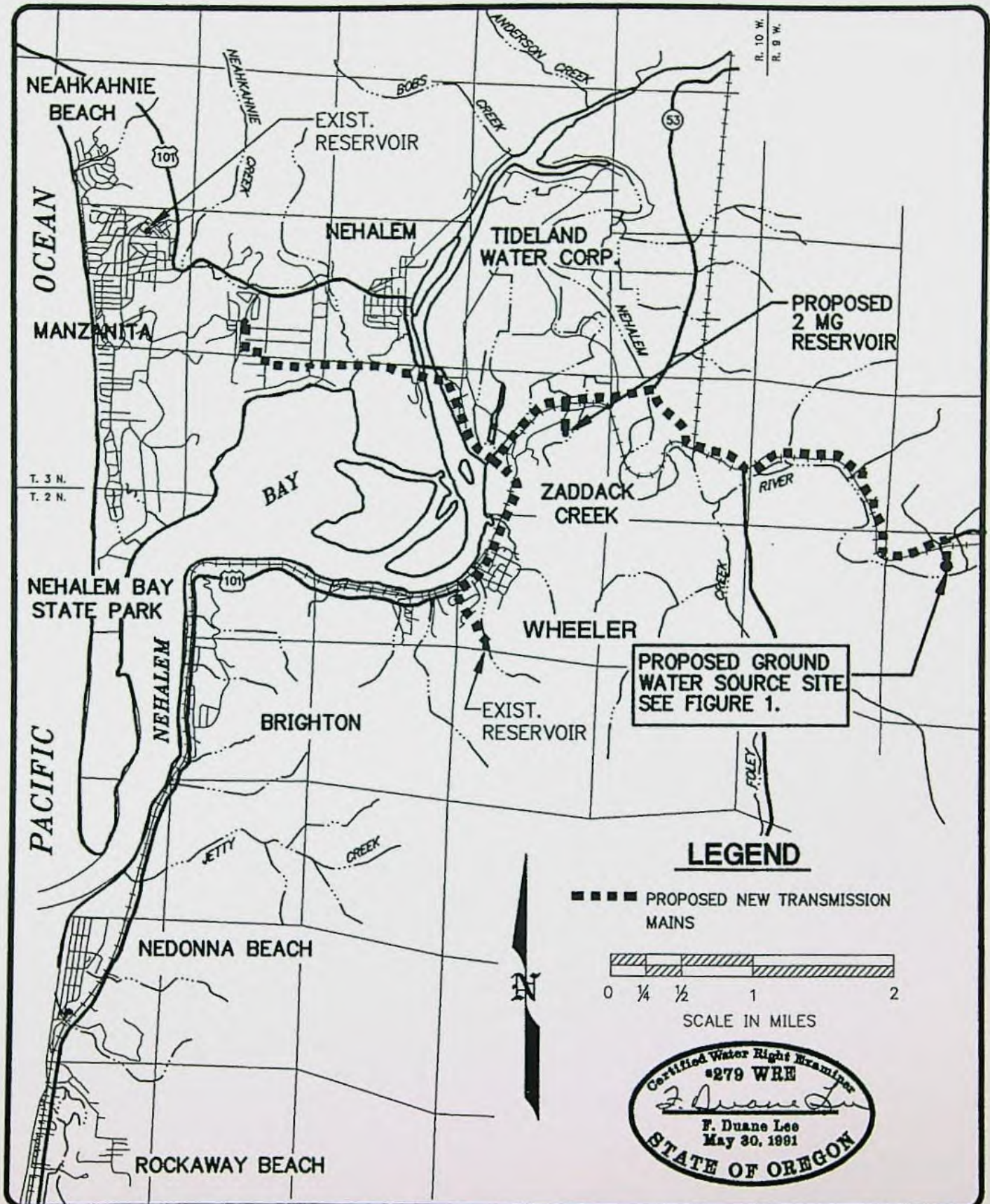
David E. Leland, P.E.
Manager
Drinking Water Section

DL:pm

cc:County HD



OWNER:		LEE ENGINEERING, INC. 1300 JOHN ADAMS ST. OREGON CITY, OR, 97045	
CITY OF WHEELER			
DWG TITLE:	GROUND WATER APPLICATION G-13479 WATER SERVICE AREAS	DATE: OCT '94 FILE NO: 1384S02	REVISED: FIGURE 2



OWNER:

CITY OF WHEELER

LEE ENGINEERING, INC.
1300 JOHN ADAMS ST.
OREGON CITY, OR, 97045

DWG TITLE:

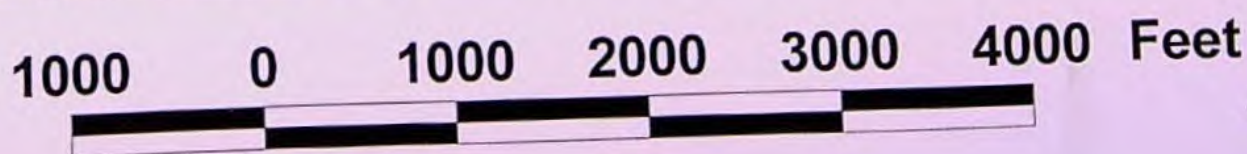
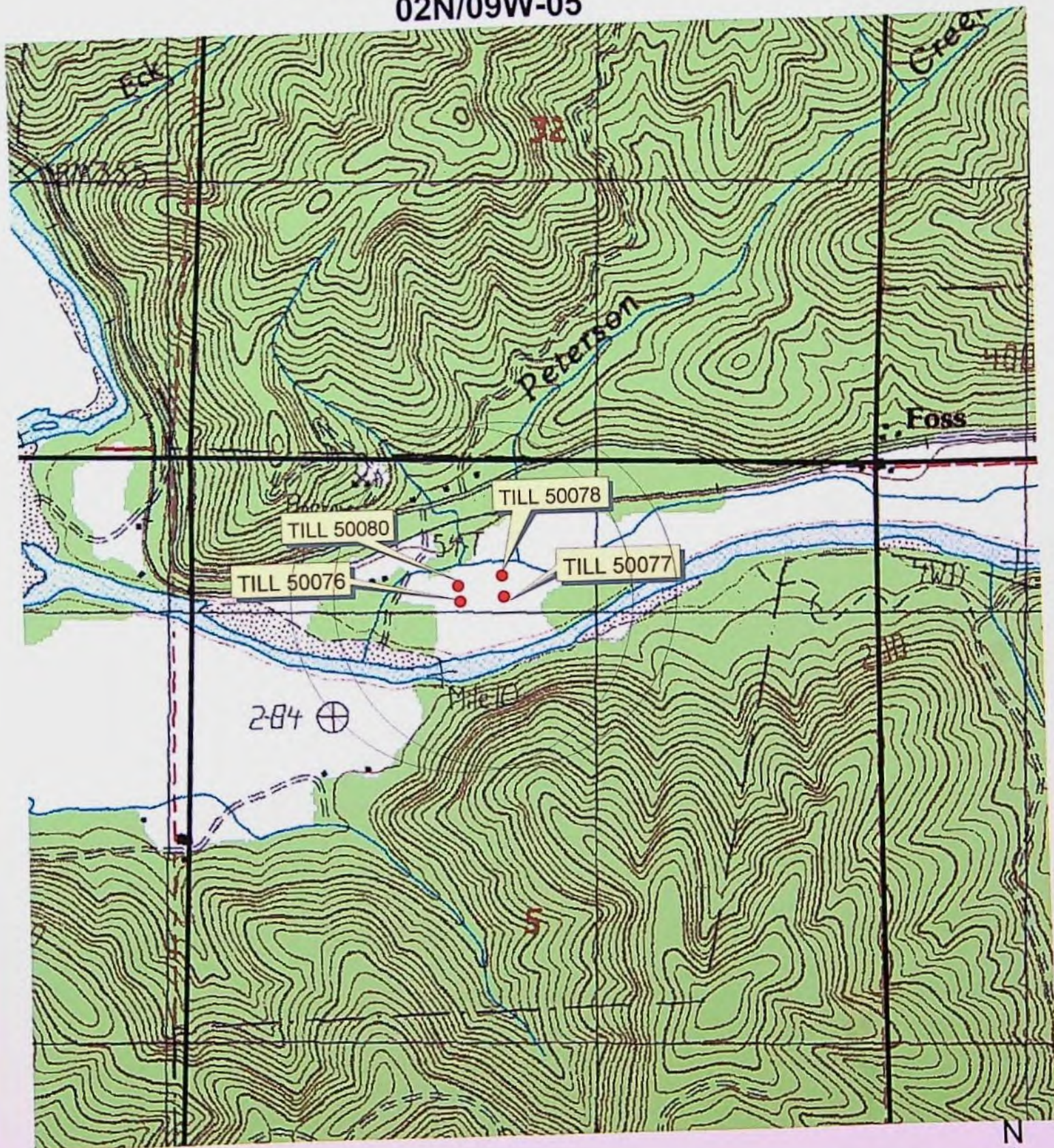
GROUND WATER APPLICATION G-13479
PROPOSED WATER TRANSMISSION MAINS

DATE:
OCT '94
FILE NO:
1384503

REVISED:

FIGURE 3

G-13479 Wheeler Municipal Extension
02N/09W-05



RECEIVED

Till

91042

50078

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

WELL I.D.#

SALEM, OREGON

(START CARD) # 89997

Instructions for completing this report are on the last page of this form.

(1) OWNER:

Well Number _____

Name CITY OF WHEELER

Address P.O. BOX 177

City WHEELER

State OR

Zip 97147

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☒ Abandonment

(3) DRILL METHOD:

☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger☐ Other _____

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation☐ Thermal ☐ Injection ☐ Livestock ☒ Other MUNICIPAL

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 0 ft.Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE

SEAL

Diameter From To Material From To Sacks or pounds

18 0 8 _____

16 8 49 _____

NEAT CEMENT 49 0 100 SACKS

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter From To Gauge Steel Plastic Welded Threaded

Casing: ALL CASING WAS REMOVED ☐ ☐ ☐& WELL BORE WAS DISPLACED ☐ ☐ ☐WITH NEAT CEMENT GROUT ☐ ☐ ☐Liner: ☐ ☐ ☐ ☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____☐ Screens Type _____

From To Slot size Number Diameter Tele/pipe size Casing Liner

☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump☐ Bailer☐ Air

Flowing

☐ Artesian

Yield gal/min

Drawdown

Drill stem at

Time

1 hr.

Temperature of water _____ Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____Did any strata contain water not suitable for intended use? ☐ Too little☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County TILLAMOOK Latitude _____ Longitude _____

Township 2N N or S Range 9W E or W. WM.

Section 5 NE 1/4 NW 1/4

Tax Lot 200 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) _____

22095 FOSS RD., WHEELER, OR

(10) STATIC WATER LEVEL:

14 ft. below land surface. Date 6-28-96

Artesian pressure 0 lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 9

From	To	Estimated Flow Rate	SWL
9	19	15 GPM	
19	26.5	< 100 GPM	
27.5	33.5	> 100 GPM	

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
SAND SILTY GREY	0	7	
SAND SILTY SOME GRAVEL MED	7	9	
GRAVEL MED TO COURSE SILTY	9		
BRN		19	
COBBLES GRAVEL SAND 10"	19		
MINUS GREY		20.5	
COBBLES GRAVEL SAND 10" MINUS	20.5		
GREY VERY LITTLE SILT SEMI			
LOOSE		23.0	
COBBLES GRAVEL SAND 10" MINUS	23.0		
BRN VERY LITTLE SILT SEMI			
LOOSE		26.5	
SILT BRN SOFT GRAVELY	26.5	27.5	
COBBLES GRAVEL SAND 6" MINUS	27.5		
CLEAN LOOSE GREY BRN		33.5	
GRAVEL BRN COURSE CEMENTED	33.5		
SOME SILT BRN		37.0	
SAME AS ABOVE (MORE SILT)	37.0	40.0	
SAND & GRAVEL COURSE CMTD	40.0		
TIGHT BRN DIRTY		44.0	

Date started _____ Completed _____

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed _____ WWC Number 1487 Date 7-29-96

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed _____ WWC Number 688 Date 7-29-96

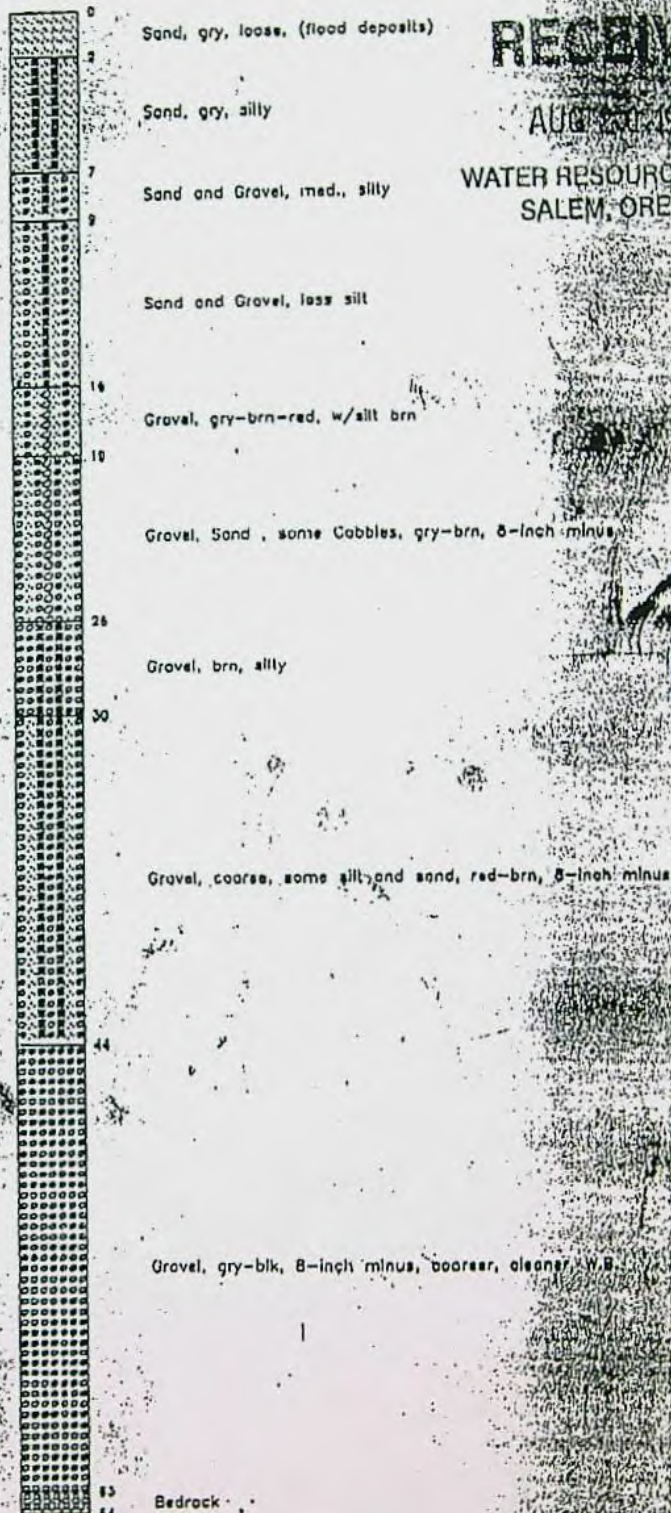
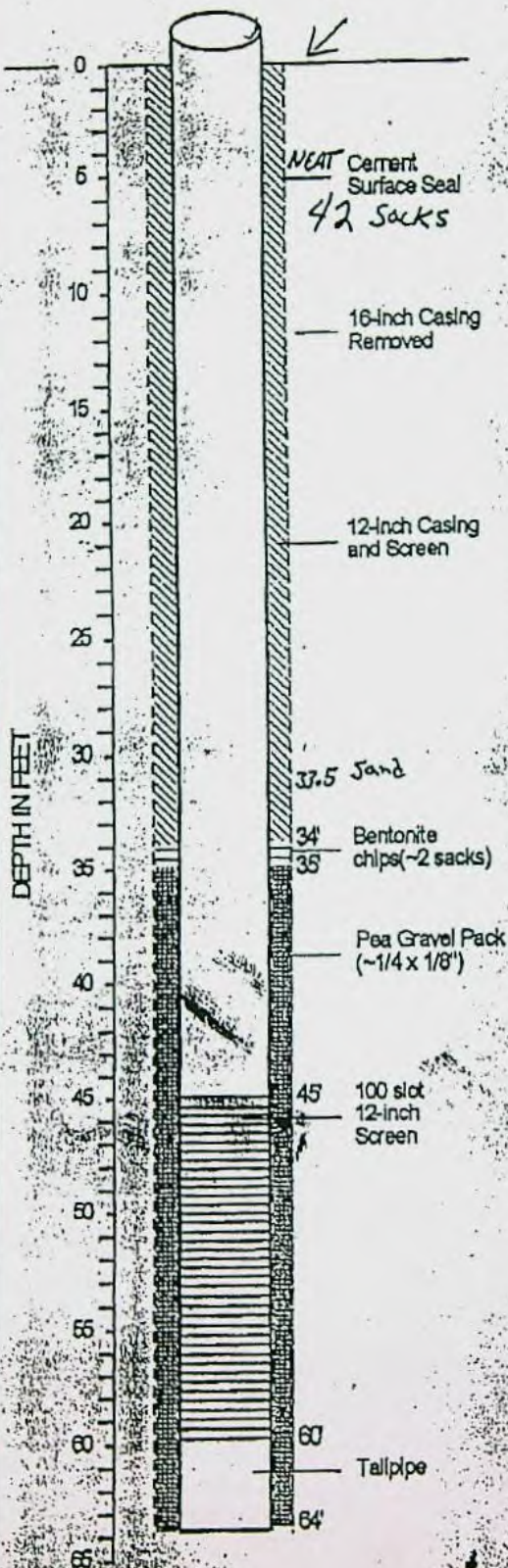
one bag hole plug placed at surface of 16" borehole
 I.R. # LO 1907

Wheeler Well 3 Lithologic Log

RECEIVED

AUG 20 1985

WATER RESOURCES DEPT
 SALEM, OREGON



AGI

WHEELER OREGON
 PROJECT: #15792.005

Well 3 Completion Design

Figure 1

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of NEHALEM RIVER, a tributary of NEHALEM BAY, in the NORTH COAST BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE NEHALEM RIVER AND ITS TRIBUTARIES FROM THE CONFLUENCE OF COOK CREEK (SW 1/4, SECTION 35, T 3 N, R 9 W, W.M.) TO THE MOUTH OF THE NEHALEM RIVER.

The right is established under Oregon Revised Statutes 537.346.

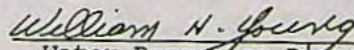
The date of priority is MAY 9, 1973.

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

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	200
OCT 16- APR 30	270
MAY 1 - MAY 31	200
JUN 1 - JUN 30	150
JUL 1 - SEP 30	100

This instream water right shall not affect the use of water for human consumption, livestock consumption or the use of waters legally released from storage.

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


Water Resources Director

Recorded in State Record of Water Right Certificates number 59752.

MF36

WATER AND WASTE DISPOSAL LOANS AND GRANTS

FACT SHEET

The Farmers Home Administration is authorized to provide financial assistance for water and waste disposal facilities in rural areas and towns of up to 10,000 people.

Who May Receive Assistance?

Public entities such as municipalities, counties, special purpose districts, Indian tribes, and corporations not operated for profit. Priority will be given to public entities in areas smaller than 5,500 people to restore a deteriorating water supply, or to improve, enlarge, or modify a water facility or an inadequate waste facility. Preference will also be given to requests which involve the merging of small facilities and those serving low-income communities.

In addition, borrowers must:

1. Be unable to obtain needed funds from other sources at reasonable rates and terms.
2. Have legal capacity to borrow and repay loans, to pledge security for loans, and to operate and maintain the facilities or services.
3. Be financially sound and able to manage the facility effectively.
4. Have a financially sound facility based on taxes, assessments, revenues, fees, or other satisfactory sources of income to pay all facility costs including operation and maintenance, and to retire the indebtedness and maintain a reserve.

Water and waste disposal systems must be consistent with any development plans of State, multi-jurisdictional area, counties, or municipalities in which the proposed project is located. All facilities must comply with Federal, State, and local laws including those concerned with zoning regulations, health and sanitation standards, and the control of water pollution.

How May Funds Be Used?

Loan and grant funds may be used to do the following:

1. Construct, repair, improve, expand, or otherwise modify rural water supply and distribution facilities including reservoirs, pipelines, wells, pumping stations and water supply or a water right.
2. Acquire a water supply or a water right.
3. Construct, repair, improve, expand, or otherwise modify waste collection, pumping, treatment, or other disposal facilities. Facilities to be financed may include such items as sewer lines, treatment plants, including stabilization ponds, storm sewer facilities, sanitary landfills, incinerators, and necessary equipment.
4. Pay necessary fees such as legal and engineering connected with development of facilities.
5. Pay other costs related to the development of the facility including the acquisition of rights-of-way and easements, and the relocation of roads and utilities.
6. Finance facilities in conjunction with funds from other agencies or those provided by the applicant.

Interim commercial financing will normally be used during construction and FmHA funds will be available when the project is completed. If interim financing is not available or if the project cost is less than \$50,000, multiple advances of FmHA funds may be made as construction progresses.

What Are The Terms?

The maximum term on all loans is 40 years. However, no repayment period will exceed any statutory limitation on the organization's borrowing authority nor the useful life of the improvement or facility to be financed.

What Is The Interest Rate?

Interest rates will be set periodically and be based on current market yields for municipal obligations. Certain loans may be made at a lower rate. The current rates may be obtained from any FmHA office.

What Security Is Required?

All loans will be secured to adequately protect the interest of the Government. Bonds or notes pledging taxes, assessments, or revenues may be accepted as security if they meet statutory requirements. A mortgage may also be taken on the organization's facilities when State laws permit.

Grants

Funds may be available for up to 75 percent of eligible facility development costs. Such assistance may be made available for facilities serving the most financially needy communities to reduce user costs for eligible grant recipients to a reasonable level.

Where Will Applicants Obtain Technical Help And Make Application?

The Farmers Home Administration will advise the applicant as to how to assemble information to determine engineering feasibility, economic soundness, cost estimates, organization, financing, and management matters in connection with the proposed improvements.

If financing is provided, the Farmers Home Administration will also make periodic inspections to monitor project construction.

Applications for financial assistance are made at district offices of the Farmers Home Administration. The district office staff will be glad to discuss services available from the Agency and explain application procedures. All applications are considered without regard to race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (provided the applicant has the capacity to enter into the legal contract) of the members of the groups applying for assistance, and service must be extended on the same basis.

Oregon FmHA District Offices are listed below:

<u>Address</u>	<u>Counties Served</u>
Farmers Home Administration 225 SW First Avenue Ontario, Oregon 97914 (503) 889-7609	Baker, Crook, Deschutes, Gilliam, Grant, Harney, Jefferson, Malheur, Morrow, Umatilla, Union, Wallowa, Wheeler
Farmers Home Administration Clackamas Business Plaza 14831 S.E. 82nd Drive P.O. Box 469 Clackamas, Oregon 97015 (503) 655-7185	Clackamas, Clatsop, Columbia Hood River, Marion, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Yamhill
Farmers Home Administration 1600 Valley River Drive Suite 270 Eugene, Oregon 97401 (503) 465-6850	Benton, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn

TILL 51063

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form.

WELL I.D. # L 01907

START CARD # W143372

(1) LAND OWNER		Well Number _____	
Name	City of Wheeler		
Address	PO Box 177		
City	Wheeler	State	OR Zip 97147

(2) TYPE OF WORK

☐ New Well ☐ Deepening ☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☒ Other NA

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☒ Other ☐ Municipal

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 63 ft.
Explosives used ☐ Yes ☐ No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☐ Outside ☐ None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS: Not Changed

☐ Perforations Method _____

☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
		Not Changed				<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

<input type="checkbox"/> Pump	<input type="checkbox"/> Bailer	<input type="checkbox"/> Air	<input type="checkbox"/> Flowing <input type="checkbox"/> Artesian
Yield gal/min	Drawdown	Drill stem at	Time

Temperature of water _____ Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Tillamook Latitude _____ Longitude _____
Township 2N N or S Range 4W E or W. WM
Section 5NE 1/4 NW 1/4
Tax Lot 200 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 22095 Foss Rd
Wheeler, OR

(10) STATIC WATER LEVEL: NA

16. 0 ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found NA

From	To	Estimated Flow Rate	SWI
	NA		

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
*			
Installed a 12x6 pitless unit on the existing 12" well casing.			
Removed 7' of 12" casing & added 7' of combined length of 14" Barrol & pitless unit top of casing remains the same above ground.			
Placed 3/8" hole plug around casing as excavated Hole was backfilled-- (12 ea. 50lb bags)			

RECEIVED

SEP 23 2002

WATER RESOURCES DEPT
SALEM, OREGON

Date started 7-19-02 Completed 8-23-02

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed WMI WWC: Number 1578
Date 9-17-02

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 673
Signed Henry C. Shrestha Date 9/17/02

RECEIVED

Till
50076

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)
WATER RESOURCES DEPT.

AUG 20 1996

WELL I.D.# L01906

(START CARD) # 89998

Instructions for completing this report are on the back of this form.

(1) OWNER: Well Number 1
Name CITY OF WHEELER

Address P.O. BOX 177
City WHEELER State OR Zip 97147

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☒ Other MUNICIPAL

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 63 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Sacks or pounds

18 0 8 NEAT CEMENT 33.5 0 59 SACKS

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other

Backfill placed from 33.5 ft. to 35 ft. Material SAND & BENT.
Gravel placed from 35 ft. to 55 ft. Size of gravel PEA ROCK

(6) CASING/LINER: 55 63 DRAIN ROCK

Diameter From To Gauge Steel Plastic Welded Threaded

Casing: 12 +3 43 .250 ☒ ☐ ☒ ☐
12 50 55 ☒ ☐ ☒ ☐

Liner: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Final location of shoe(s) NONE

(7) PERFORATIONS/SCREENS:
☐ Perforations Method ☐ Material SS
☒ Screens Type JOHNSON V-WIRE Material SS

From To Slot size Number Diameter Tele/plpe size Casing Liner

43 53 100 12" p/s ☒ ☐

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Bailer ☐ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time

1012 3.5 24 1 hr.

Temperature of water 49 Depth Artesian Flow Found _____

Was a water analysis done? ☒ Yes By whom AGI TECHNOLOGIES
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County TILLAMOOK Latitude _____ Longitude _____

Township 2N N or S Range 9W E or W. WM.
Section 5 NE 1/4 NW 1/4

Tax Lot 200 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) _____
22095 FOSS RD., WHEELER, OR

(10) STATIC WATER LEVEL:
14 ft. below land surface. Date 7-24-96
Artesian pressure 0 lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 9'

From To Estimated Flow Rate SWL

9 16 15 _____

16 23 50 14

42.5 50 500 14

(12) WELL LOG:
Ground Elevation _____

CHIPS Material From To SWL

SAND GREY LOOSE (overbank dep) 0 2 _____

SAND GREY SILTY 2 9 _____

SAND & GRAVEL MED SILTY 9 11 _____

SAND & GARVEL COURSE SILTY 11 16 _____

SAND GRAVEL COBBLES 10" MINUS 16 _____

BRN LOOSE (semi clean) 23 _____

COBBLES SAND & GRAVEL 10" 23 _____

MINUS PACKED BRN SOME SILTY 27 28 _____

SILT BROWN GRAVELY 27 28 _____

SAND & GRAVEL SILTY BRN 5" 28 31 _____

MINUS SOME COBBLES 31 _____

GRAVEL BRN COURSE TO FINE 31 32.5 _____

SOME SAND SEMI LOOSE 32.5 34.5 _____

SAND GRAVEL COBBLES 10" 32.5 34.5 _____

MINUS PACKED BRN 34.5 39 _____

GRAVEL & COBBLES 8" MINUS 34.5 39 _____

BROWN LESS SAND 39 42.5 _____

SAND GRAVEL COBBLES BRN 8" 39 42.5 _____

MINUS MORE SAND SEMI TIGHT 42.5 _____

Date started 6-21-96 Completed 7-24-96

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1487
Date 7-29-96

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 688
Date 7-29-96

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # L 01906
START CARD # W143371

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number 1
Name City of Wheeler
Address PO Box 177
City Wheeler State OR Zip 97147

(2) TYPE OF WORK
☐ New Well ☐ Deepening ☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other NA

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☒ Other Municipal

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 63 ft.
Explosives used ☐ Yes ☐ No Type Amount

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☐ Outside ☐ None
Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Not Changed
☐ Perforations Method
☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

Not Changed

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Flowing Time
			1 hr.

NA

Temperature of water Depth Artesian Flow Found
Was a water analysis done? ☐ Yes By whom
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Tillamook Latitude Longitude
Township 2N N or S Range 9W E or W. WM.
Section 5 NE 1/4 NW 1/4
Tax Lot 200 Lot Block Subdivision
Street Address of Well (or nearest address) 22095 Foss Rd
Wheeler, OR

(10) STATIC WATER LEVEL:
10.9 ft. below land surface. 16'9" Date
Artesian pressure lb. per square inch Date

(11) WATER BEARING ZONES:
Depth at which water was first found NA

From	To	Estimated Flow Rate	SWL
	NA		

(12) WELL LOG:
Ground Elevation

Material	From	To	SWL
Installed a 12x6 pitless unit on the 12" well casing			
Removed 7' of 12" casing. Added 7' combined length of 14" Barrol & pitless unit.			
Top of casing remains the same above ground.			
Placed 3/8" hole plug around casing as excavated			
Hole was backfilled (12 ea 50lb bags)			

RECEIVED

SEP 23 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 7-19-02 Completed 8-23-02

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1578 Date 9/17/02

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 673 Date 9/17/02

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

2002-22

WATER RESOURCES DEPT.

Commerce Building

158 12th Street N.E.

SALEM, OREGON 97310

CONSERVE WATER

FOR

OREGON'S FUTURE



POSTAGE
PAID
100
SALEM, OREGON



G13K79

☒ MOVED, LEFT NO ADDRESS
☐ FORWARDING ORDER EXPIRED
☐ UNCLAIMED ☐ REFUSED
☐ NO SUCH STREET
☐ NO SUCH NUMBER
☐ INSUFFICIENT ADDRESS

TOM BENDER
NEAH-KAH-NIE WATER DIST
PO BOX 172
MANZANITA OR 97130

RECEIVED

DEC - 8 1994

WATER RESOURCES DEPT.
SALEM, OREGON

FIRST CLASS

December 2, 1994

CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147

WATER
RESOURCES
DEPARTMENT

Reference: File G 13479

Hello:

Application G-13479 proposing the use of 3.6 cubic feet per second of water from four wells for municipal uses was recently reviewed. Under separate cover I have enclosed our report of technical review.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$450.00; being an examination fee of \$200.00, and a permit recording fee for municipal use of \$250.00. Since you have previously submitted \$200.00, an additional \$250.00 is required.

Please complete and return land use forms indicating that the proposed use is compatible with all the local land use plans including Tillamook County.

The application form requests you to submit the names and mailing addresses of the legal owners of all property involved in the proposed development. You have indicated that all the lands involved are not under your ownership. However, as allowed by Oregon Administrative Rule 690-11-020 (1)(f), the Director is waiving this requirement. Please be advised that Oregon law would prevent the creation or establishment of a water right without first obtaining written authorization or easement permitting access to land crossed by the proposed works.

Our water availability analysis indicates that water is not available above the needs of existing instream rights during the period of October of each year. Notwithstanding that water is not likely available during October eighty percent of the time, additional uses may be allowed where public interest in those uses is high and uses are conditioned to protect instream values. In as much as your request is for a regional water supply where there is a high public interest and the proposed permit conditions would protect instream values, the attached Satisfactory Report of Technical Review was prepared. As conditioned, the use of water without restriction, would be at times when the flows in the Nehalem River are above the needs of instream water right certificate 59572 (copy enclosed). In any event, during the times that the flows were not



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

December 2, 1994
CITY OF WHEELER
File G-13479
Page Two

being met to satisfy the instream right, the use under any permit issued in approval of the application, would be restricted to human and livestock consumption.

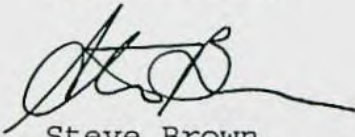
Our records indicate there are a number of existing water rights within the area of the proposed regional water supply service area. Please provide us with an explanation as to whether or not they will continue to be utilized.

It may be possible for the regional water supply authority to submit an application for use of groundwater at times when the instream right is not being satisfied by supplying water for instream purposes under an exchange request. I would be happy to discuss the requirements of an exchange application if you wish to pursue a request.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

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

Respectfully,

A handwritten signature in dark ink, appearing to read 'S. Brown', with a long horizontal flourish extending to the right.

Steve Brown
Water Rights Program Analyst
Water Right/Adjudication Division

cc: F. Duane Lee, CWRE

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: _____
 Address: _____

 Phone: _____

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project.

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Day Phone: _____

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING Rural Residential/RR-5	(e.g.)	WATER DIVERTED	WATER CONVEYED	WATER USE

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

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.

=====

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- ☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
Cite applicable ordinance section(s); _____. Go to section b) on reverse side.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

...

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: _____ Date: _____

Title: _____ Phone: _____

Signature: _____

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of NEHALEM RIVER, a tributary of NEHALEM BAY, in the NORTH COAST BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE NEHALEM RIVER AND ITS TRIBUTARIES FROM THE CONFLUENCE OF COOK CREEK (SW 1/4, SECTION 35, T 3 N, R 9 W, W.M.) TO THE MOUTH OF THE NEHALEM RIVER.

The right is established under Oregon Revised Statutes 537.346.

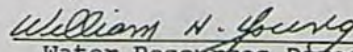
The date of priority is MAY 9, 1973.

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

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - OCT 15	200
OCT 16- APR 30	270
MAY 1 - MAY 31	200
JUN 1 - JUN 30	150
JUL 1 - SEP 30	100

This instream water right shall not affect the use of water for human consumption, livestock consumption or the use of waters legally released from storage.

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


Water Resources Director

Recorded in State Record of Water Right Certificates number 59752.

MF36

December 2, 1994

CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147

WATER
RESOURCES
DEPARTMENT

Reference: File G 13479

Hello:

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

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

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

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

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

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



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

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest. If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before February 10, 1995 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

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

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

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

Respectfully,

A handwritten signature in dark ink, appearing to be 'Steve Brown', written in a cursive style.

Steve Brown
Water Rights Program Analyst
Water Right/Adjudication Division

Enclosures

Report Date: December 2, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: February 10, 1995.

1. APPLICATION FILE NUMBER -G 13479
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

CITY OF WHEELER
PO BOX 177
WHEELER, OR 97147
COUNTY OF TILLAMOOK

503-368-5767

Date application received for filing and/or tentative date of priority: 7/29/1993

SOURCE: FOUR WELLS IN THE NEHALEM RIVER BASIN

Purpose and/or use: MUNICIPAL.

Flow: 3.6 CUBIC FOOT PER SECOND

Well to be Located:

ALL IN THE NE 1/4 NW 1/4, SECTION 5, T 2 N, R 9 W, WM:

WELL #1 - 989.22 FEET SOUTH AND 2204.31 FEET EAST;
WELL #2 - 1087.73 FEET SOUTH AND 2214.81 FEET EAST;
WELL #3 - 1055.75 FEET SOUTH AND 2547.09 FEET EAST;
WELL #4 - 905.91 FEET SOUTH AND 2543.69 FEET EAST;

ALL FROM THE NW CORNER SECTION 5.

Place of use:

WITHIN THE SERVICE AREA OF THE NORTH TILLAMOOK COUNTY
REGIONAL WATER SUPPLY, TOWNSHIPS 1, 2 AND 3 NORTH, RANGE 10
WEST, WM

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water use can, if properly conditioned, avoid injury to existing rights or to the groundwater resource.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application.

SURFACE WATER AVAILABILITY

The water availability analysis indicates that water is not available above the needs of existing instream rights during the period of October of each year. Notwithstanding that water is not likely available during October eighty percent of the time, additional uses may be allowed where public interest in those uses is high and uses are conditioned to protect instream values.

The request is for a regional water supply where there is a high public interest and proposed permit conditions would protect instream values.

As conditioned the use to be allowed would be at times when the flows in the Nehalem River are above the needs of instream water right certificate 59572.

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

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 3.6 CFS is likely available.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: G 13479

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: year round.
3. Rate of use: 3.6 CFS.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well 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 of water shall be limited when it interferes with any prior surface or ground water rights.
10. 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.
11. 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.
12. Within one year of permit issuance, the City or Regional Water Supply Authority shall submit a conservation management plan consistent with Oregon Administrative Rule 690-86.



OBTAINING YOUR WATER-USE PERMIT

THE FIRST STEP IN THE WATER RIGHT APPLICATION PROCESS

Obtaining your permit is a critical hurdle in obtaining a water right. A permit is the authorization necessary from the Water Resources Department to begin constructing a water delivery system and to begin using water. During the permit review stage, your application is examined by the Department to ensure that allowing your use will not have the potential to cause injury to other users or diminish streamflows needed for fish and wildlife. It is also during this step in the process that Oregon law allows other water right holders, government agencies and the public to object to issuing the permit. However, once the Department issues the permit, and if you comply with the conditions of the permit, the Department cannot revoke your permit later or decide to impose new standards on the use when a final water right certificate is issued.

The standards by which applications are judged are explained in administrative rules, Chapter 690, Division 11. Oregon law requires all state agencies to put policies into rule so the public knows in advance what is required, and to discourage arbitrary decisions by agencies.

The Department's application review process:

An application is a request to use water. Each application receives a careful analysis by the Department. Small uses upstream could have impacts downstream. New water uses can interfere with more senior ones. For example, a large, new well can dry up an older well nearby. Adding new users to the system has to be done carefully to preserve the investments already made, whether in farms or fish hatcheries.

When the Department receives an application, a public notice is issued allowing the public and other agencies 30 days to comment on the application. After receipt of the comments, the Department prepares a Report of Technical Review proposing to either approve the application with conditions or deny the application.

In the technical review, staff examine the application to make sure certain basic requirements are met. The staff determine whether the requested water will be available at least 80 percent of the time in average water years. Reservoirs and applications submitted before July 17, 1992 are judged against a 50 percent availability standard. In addition to water availability, the technical review takes into account Department regulations, land use restrictions and competing uses.

A favorable technical review report is not a water right permit by any means, since several steps of the process remain. Likewise, an unfavorable report is not the end of the line for the applicant, since any action of the Department may be appealed to the Water Resources Commission and the courts.

Appealing the Department's preliminary findings on an application:

The Department distributes copies of the Report of Technical Review to all persons who filed comments on the application or otherwise expressed an interest in the application. This is to give applicants, agencies and other citizens the chance to check the Department's work. Disagreements with the staff's analysis are called "objections." If no formal objections are received at this point, the Department may continue to process the application.

Objections: After the report is issued, there follows a 60-day period in which the applicant, any agency or member of the public may file formal objections to the proposed permit as described in the technical report. Applicants might object that the proposed use won't affect streamflows — for example, the proposed well is far enough away from a stream that it won't interfere with streamflows. Or citizens might object, alleging that Department's water availability estimates are way off and streamflows would be seriously diminished if the permit is issued.

(Over)

(Applicants or members of the public who wish to object to the analysis in the technical report must do so in writing within the objection deadline date set by the Department. Objectors must submit evidence or facts that support their allegation that the technical review is defective. If an objection contains allegations that the proposed use may be detrimental to the public interest, the objection must specify the particular public interest standards that are not met and submit facts or evidence showing how such standards would be violated (the standards are listed in Oregon Revised Statutes 537.170 and in Oregon administrative rules 690-11-195).

After objections are submitted, the Department will carefully evaluate each issue raised in the objections and either accept or deny them. If there is a mistake, Department will change its analysis. For some types of objections, WRD encourages informal meetings between applicants and concerned citizens to try to work out disagreements, often called alternative dispute resolution.

Protests: If objectors disagree with WRD's response to their objections, they will be allowed 30 days to submit a protest to the Department. The protest must be according to the standards set out in the Department's administrative rules.

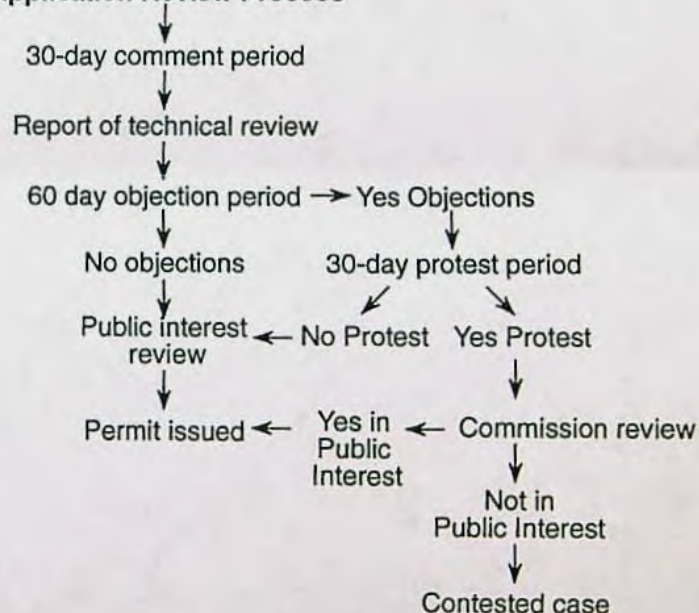
If a protest is filed within the 30-day time period, the director will refer the application to the Water Resources Commission for review. The Commission is a seven-member citizen body that oversees the activities of WRD. The Commission decides whether to go ahead and issue the permit or to send the question to a contested case hearing. A contested case hearing is like a court trial, parties argue their views before a hearings officer who determines the facts of the case and decides whether the proposed use would impair or be detrimental to the interest.

Public Interest Review: Because all water in the state belongs to the public, the Department has to be sure the public's interest in the water won't be harmed by a requested water use. The public interest is somewhat protected through the permit conditions proposed in the Report of Technical Review. For example, the Department may propose conditions that keep fish out of diversion ditches or limit water use during spawning times. Applications for large uses of water will be sent to the Commission for a public interest review.

An important part of the public interest review is the feedback the Department receives on its Report of Technical Review. But the Department has to go beyond the basic requirements set out in the Technical Review to be sure the use is in the public interest. The Department must also consider other factors in its public interest review. These factors include how the proposed use relates to existing and future municipal or agricultural needs on the same source, how the use fits with the plans and expectations of local governments, how it would affect state scenic waterways, and whether it would pose risks to threatened and endangered species, water quality or other environmental values.

If you obtain your water-use permit, then you need to begin using water within the time limits described in your permit.

Application Review Process



Water Resources Department
158 12th St. N. E.
Salem, OR 97310

PHONE MEMO

TO Steve A DATE 10/6 TIME 3:48 AM ☐ PM ☒

FROM Kimberly AREA CODE

OF NW - Again! NO. 295-4039

EXT.

MESSAGE

Really hopes to know if
she needs to pursue G-1347A
(Wheeler) this weekend, based on
your decision.

SIGNED R

PHONED ☒ CALL BACK ☐ RETURNED CALL ☐ WANTS TO SEE YOU ☐ WILL CALL AGAIN ☐ WAS IN ☐ URGENT ☐

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13479

ROUTED TO: Steve Brown

TOWNSHIP/

RANGE-SECTION: T2N/R9W-6

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Marc A. Noto

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **129756**

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

INVOICE # _____

RECEIVED FROM: City of Wheeler

BY: _____

APPLICATION G/13479

PERMIT

TRANSFER

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

TOTAL REC'D \$ _____

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

831.087 PUBLICATIONS / MAPS

830.650 PARKING FEES Name / month

OTHER: (IDENTIFY)

\$

\$

\$

\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001 COPY FEES

850.200 RESEARCH FEES

880.109 MISC REVENUE: (IDENTIFY)

520.000 OTHER (P-6) (IDENTIFY)

\$

\$

\$

\$

WATER RIGHTS:

842.001 SURFACE WATER

842.003 GROUND WATER

842.005 TRANSFER

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE

\$

\$

\$

EXAM FEE

\$

842.002

842.004

842-006

842.023

842.024

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

06-00-0 WELL CONST. START FEE

842.013 WELL CONST START FEE

MONITORING WELLS

OTHER (IDENTIFY)

\$

\$

CARD #

CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE (FW/WRD)

842.115 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$

\$

\$

RECEIPT # **129756**

DATED: 10-26-95

BY: F. Lissner

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

NUMBER

03363

Check 250. NO Cash

 Surface Application

 Reservoir Application

☒ Ground Water Application

 Transfer Application

 Power Claim

 Hydroelectric Examination

 Hydroelectric License

 Copying

 Assignment

 Extension of Time

 Other

 P-6

 Quadrangle

 Basin

 Protect

 Constructors Examination

 Constructors License

 Adjudication

0
250

Don't B

STATE OF OREGON
COUNTY OF TILLAMOOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF WHEELER
PO BOX 177
WHEELER, OREGON 97147

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

APPLICATION FILE NUMBER: G-13479

SOURCE OF WATER: Wells #4, #6, #13, and #10 within the Nehalem River Basin

PURPOSE OR USE: Municipal use

Rate of use: 3.6 CFS

Period of allowed use: The period of allowed use under this permit is year round, however, if senior instream water rights are not met, water use will be curtailed for all use except human consumption and livestock watering until those instream water rights are met.

DATE OF PRIORITY: July 29, 1993.

POINTS OF DIVERSION LOCATION:

NE 1/4 NW 1/4, SECTION 5, T 2 N, R 9 W, W.M.: WELL #4 - 989.22 FEET SOUTH AND 2204.31 FEET EAST; WELL #6 - 1087.73 FEET SOUTH AND 2214.81 FEET EAST; WELL #13 - 1055.75 FEET SOUTH AND 2547.09 FEET EAST; WELL #10 - 905.91 FEET SOUTH AND 2543.69 FEET EAST; ALL FROM THE NW CORNER OF SECTION 5

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE AREA OF THE PROPOSED NORTH TILLAMOOK COUNTY REGIONAL WATER SUPPLY, TOWNSHIPS 1, 2 AND 3 NORTH, RANGE 10 WEST, W.M.

Measurement, recording and reporting conditions:

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

require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

Within one year of formation of the Regional Water Supply Authority, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 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 shall be limited when it interferes with any prior surface or ground water rights.

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.

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.

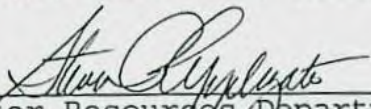
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 wells shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1999.

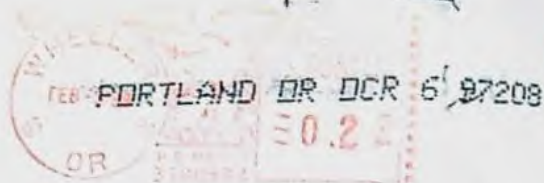
Issued this date, November 6, 1995


for Water Resources Department
Martha O. Pagel
Director

CITY OF WHEELER



P.O. BOX 177
WHEELER, OR 97147



Mr. Dallas S. Miller
Water Resources Department
Commerce Building
158 12th Street NE
Salem, Or.

3731040700

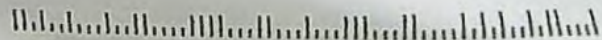
97310-0210

LEE ENGINEERING, INC.
1300 JOHN ADAMS STREET
OREGON CITY, OREGON 97045



OREGON WATER RESOURCES DEPT
THE COMMERCE BLDG
158 12TH ST NE
SALEM, OR 97310

97310-0700





CITY OF WHEELER AND CITY OF MANZANITA

WATER FACILITIES MASTER PLAN UPDATE



Prepared By:
LEE ENGINEERING, INC.
OCTOBER 1994

LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

December 8, 1994

Project No. 1384.10

Mayor Walt Trandum
City of Wheeler
P.O. Box 177
Wheeler, OR 97147

Re: Water Facilities Master Plan Update - Final Report

Dear Mayor Trandum:

Transmitted herewith are 20 copies of our final report for your Water Facilities Master Plan update. The report has been updated from the draft that we presented to you in October. The minor corrections that we have made do not significantly affect our previous findings.

Chapter 3 of the report projects that the total connections to the proposed six jurisdictions that would be served by the regional water supply are currently at about 1,614. By the year 2010, more than 2,500 connections are likely. This will grow to more than 5,000 connections by the year 2050.

Our analysis of the groundwater potential at River Mile 10.6 indicates that sufficient groundwater does exist to serve the region's needs through the year 2050. At that time, approximately 1,460 gallons per minute will be required to meet anticipated peak day demands.

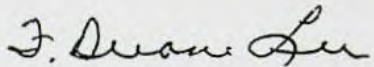
Chapter 7 outlines the financial requirements for the project and indicates that water rates will be in the neighborhood of \$1.70 per 1,000 gallons. This represents the wholesale cost of water, and does not include the various cities' costs for operation and maintenance of their individual systems.

Mayor Walt Trandum
December 8, 1994
Page 2

Chapter 8 outlines additional work that will be necessary before the project can finally be constructed. We anticipate working with you and the City of Manzanita to accomplish the needed work outlined over the next several months. We appreciate this opportunity to be of continuing service to the Cities of Wheeler and Manzanita.

Respectfully submitted,

LEE ENGINEERING, INC.



F. Duane Lee, P.E., W.R.E.

FDL:nj
Attachments

CITY OF WHEELER
AND
CITY OF MANZANITA

WATER FACILITIES
MASTER PLAN UPDATE



This project was funded in part with a financial award from the Special Public Works Fund administered by the State of Oregon Economic Development Department.

October 1994

Prepared by:

LEE ENGINEERING, INC.
1300 John Adams Street
Oregon City, Oregon 97045

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CHAPTER 1

1.1 Introduction

During the past two years, including 1993 and 1994, the City of Wheeler has been actively pursuing a solution to their domestic water needs. The City currently delivers water to the citizens from two small drainages near the town of Wheeler. Water is delivered without treatment except for chlorination acting as a disinfectant. At times, the water becomes very turbid. At other times, there is barely enough water to serve the existing customers and their associated demands.

In March of 1993, a report was prepared for the City of Wheeler outlining various alternatives for improving their water supply. The recommendations were in keeping with the Oregon Department of Human Resources - Health Division, which is requiring Wheeler to upgrade its water supply or seek an alternative source. The report concluded that the most likely solution for an improved water system would be to develop a water supply on the Nehalem River.

In order to pursue this option, the City of Wheeler, together with the City of Manzanita, applied for a grant from the Oregon Department of Economic Development to drill test wells along the Nehalem River at approximately River Mile 9 to River Mile 10. The City of Manzanita elected to join the City of Wheeler in the investigation of alternative supplies, since it is also under direction from the Oregon Health Division to upgrade its water source. The two cities budgeted local resources for additional funds beyond the \$10,000 grant in order to accomplish the minimum objectives of groundwater investigations.

Several other water systems and communities could participate in the proposed regional solution. However, the groundwater investigation was limited to the two cities, together with Nehalem Bay State Park, Zadduck Creek, Tideland, and Brighton. Other agencies which could benefit from the proposed regional water system, but did not choose to do so, were Watseco-Barview, Rockaway Beach, Nehalem, and Neahkahnie Water District. However, it is understood that these agencies may wish to participate in the regional water solution after the initial groundwater investigation or at some other future date.

The Water and Wastewater Financing Program was established by the 1993 Oregon Legislature to provide funding for water and wastewater projects required to meet quality standards. The grants are made to provide technical information needed by the region to improve its water system.

1.2 Purpose of the Study

The primary purpose of this study is to provide sufficient information to determine whether or not groundwater can be developed in sufficient quantity and quality to meet the needs of a regional

water supply. It is not the purpose of this study to answer all questions relating to a regional water supply. Rather, the primary focus of this study is on the potential groundwater resource. This report also updates the previous reports entitled "North Tillamook County Regional Water Supply Master Plan" and "City of Wheeler Water Facilities Master Plan." Additional information is contained within the previous studies.

1.3 Scope of the Study

The scope of this study is to include investigations of the potential of a groundwater resource and, if viable, address how the water system would be developed to provide domestic water supplies to Wheeler and Manzanita and the other participating parties. The primary tasks include:

1. Perform an electrogeophysical mapping of the potential aquifer area.
2. Construct test wells (test well) by drilling, casing and developing one or more wells.
3. Provide test pumping of the developed wells.
4. Perform water quality testing to determine if the water is suitable for domestic purposes.
5. Prepare an engineering report of findings.

1.4 Acknowledgments

Lee Engineering, Inc. expresses sincere thanks to Mayor Walt Trandum of Wheeler, Gene Cox, City Recorder/Public Works Director of Wheeler, and Randy Kugler, City Manager of Manzanita. Their assistance in collecting the information and approaching the local property owners for permission to access potential groundwater sites was invaluable. This project would not have been possible without their help.

We also wish to thank various individuals at the Oregon Economic Development Department, including Bill Campbell, and Dave Phelps at the Oregon Health Division, for their patience and encouragement throughout the project.

Finally, we thank Dr. Peter Scott of Linn Benton Community College and Vicki Goodman of the Tillamook County Economic Development Committee for their assistance in working with the North Tillamook County Water Resource Committee in coordinating various activities under this study.

CHAPTER 2

PLANNING AREA CHARACTERISTICS

2.1 Planning Area Description

The planning area for this report is the City of Wheeler Urban Growth Boundary, the City of Manzanita Urban Growth Boundary, and the existing service areas of Nehalem Bay State Park, Tideland, Zadduck Creek, and Brighton. For the areas outside of Wheeler and Manzanita, the existing land use is controlled by the Tillamook County Comprehensive Plan. The Urban Growth Boundary for Wheeler and Manzanita is outlined in the cities' respective Comprehensive Plans. Details of the planning area, potential growth, and other factors are outlined in the previous report entitled "North Tillamook County Regional Water Supply Master Plan," March 1993. The specific areas covered by projections in this report are shown on Figure 2.1.

2.2 Pending Developments

The City of Wheeler has received active inquiries concerning several recent developments. In the prior report of March 1993, four commercial developments were proposed. They included:

Proposed Development	Estimated New Jobs Created
Paradise Cove Marina and RV Park	15
Wheeler Marine Park	6
Nehalem River Marina Harbor	12
Wheeler Fishing Lodge	3
Total Estimated New Jobs:	36

In addition to these projects, residential subdivisions were proposed, including:

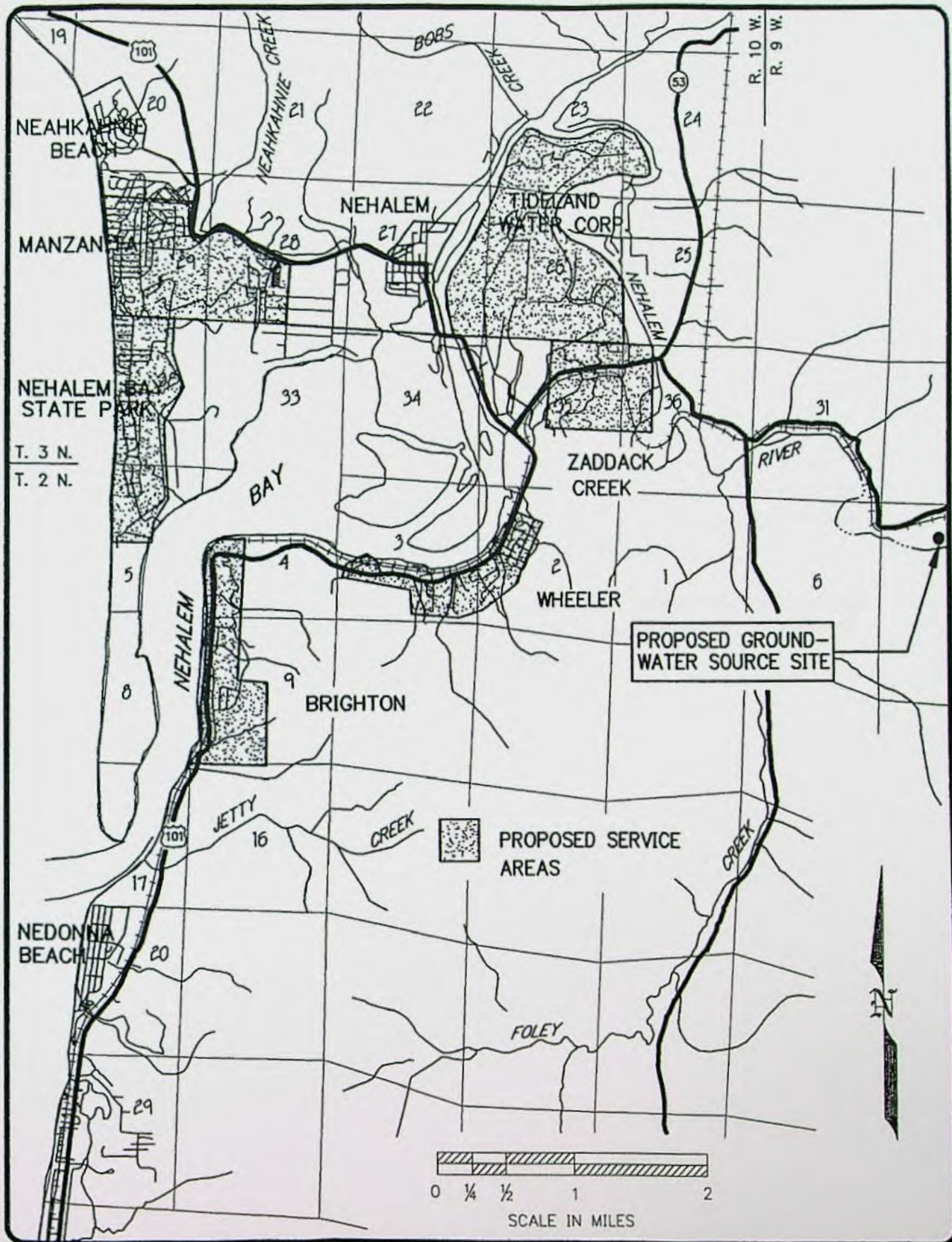
Development	Total Lots
Goins Subdivision Scott Goins, Developer	20
Rose Addition Vern Scobel, Developer	24

Currently, two other major land development projects and one minor project have been added to the list for Wheeler. They include:

Development	Total Lots
Alder Ridge Subdivision Pat Williams, Developer	13 to 40
Bay View Subdivision Bob Webster, Developer	25
Alder Street Development Mr. & Mrs. Welch	4

Obviously, the City of Wheeler is expecting much more rapid growth than was originally anticipated two years ago. With the developments currently under way, the city's population is expected to increase by about 50% in the next five years. These developments are being restricted due to the inability of the City to meet the demands and quality requirements of a public water system.

The City of Manzanita is also experiencing rapid development far in excess of the earlier projections. Currently, the City is experiencing growth at a rate of 3% to 4% per year. Most of Manzanita's development is the result of new housing on existing platted lots. There are no pending new subdivisions. However, several are anticipated in the near future.



OWNER:

CITY OF WHEELER

LEE ENGINEERING, INC.

1300 JOHN ADAMS ST.
OREGON CITY, OR, 97045

DWG TITLE:

**N. TILLAMOOK CO. REGIONAL WATER STUDY
AREAS INCLUDED IN WATER RIGHTS APPLICATION**

DATE:
OCT '94
FILE NO:
1307P06

REVISED:

FIGURE 2.1

CHAPTER 3

WATER REQUIREMENTS

3.1 Estimated Water Demands

The current and future water demands are shown in Table 3.1. The total number of services connected to the proposed six jurisdictions that will be served by a regional water supply is about 1,614. Total connections are expected to increase to about 2,567 by the year 2010 and to 5,219 by the year 2050.

Currently, average water demand is a little under 400,000 gallons per day (280 gpm). This demand is for an average day. Peak day demands are about two to two and one-half times the average day demand. Peak day demands occur in August and January of each year. Future average day and peak day demands are tabulated in Table 3.1, and will approach about 2.1 million gallons per day (1,460 gpm) by the year 2050. Average day demand is estimated to be about 976,000 gallons per day, or a little under 700 gallons per minute.

In addition to the future water needs of Wheeler, Manzanita, and neighboring water systems, future service may be provided to Rockaway Beach, Nehalem, and Neahkahnie. Estimates of those systems' demands are outlined in the previous reports.

TABLE 3.1

**CITIES OF WHEELER AND MANZANITA
WATER MASTER PLAN UPDATE
ESTIMATED WATER DEMAND PROJECTIONS
FOR YEARS 2010 AND 2050**

Jurisdiction	No. Services 1994	Avg. Day Demand 1994	ESTIMATED VALUES					
			2010			2050		
			No. Services.	Avg. Day Demand GPD	Peak Day Demand GPD	No. Services	Avg. Day Demand GPD	Peak Day Demand GPD
Wheeler	*185	**163,655	288	***99,174	193,348	636	177,282	354,564
Manzanita	1,085	167,000	1,818	318,107	795,267	4,014	702,393	1,545,264
Nehalem Bay St. Park	302	24,000	378	30,040	60,079	456	36,480	72,960
Tideland	20	25,000	25	31,250	62,500	30	37,500	75,000
Zadduck Creek	10	2,400	13	3,120	6,240	15	3,600	7,200
Brighton	12	3,000	15	3,750	7,500	18	3,600	7,200
Misc.	0	0	30	9,000	18,000	50	15,000	30,000
TOTALS	1,614	385,055	2,567	494,440	1,147,934	5,219	975,855	2,092,188

* Paradise Cove not included.

** Paradise Cove use is included plus unaccounted water use.

*** Unaccounted water use is reduced.

CHAPTER 4

TEST WELLS

4.1 Test Wells

The initial test well site was proposed to be at River Mile 9.1 on property owned by Don Smith. The City attempted to negotiate an option to purchase Mr. Smith's property while electrogeophysical investigations were under way and while surveys were being performed. However, the negotiations with Mr. Smith were not concluded and, therefore, no test wells were constructed on this site.

Following the failure to arrive at a reasonable option to purchase Mr. Smith's property, the City of Wheeler undertook alternative sites for further groundwater investigation. Properties upstream and downstream of Mr. Smith's property were investigated. Land owners were contacted. The majority of the landowners were not interested in selling property to the Cities of Wheeler and Manzanita for a regional water supply. However, Mr. Forster, who owns property along the north bank of the Nehalem River upstream of approximate River Mile 10.5, was willing to discuss groundwater development on or beneath his property. Eventually, the City and Mr. Forster entered into an option for the purchase of about two acres for the initial development of groundwater. Following those negotiations, Lee Engineering, Inc. and AGI Technologies proceeded with electrogeophysical investigations at approximate River Mile 10.6.

The results of the electrogeophysical work are enclosed in the Appendix, together with the test well results. The report is entitled: "Wheeler Test Well Report," September 13, 1994.

The initial intent was to drill a test well and two observation wells. However, a pond exists near the well site and the Nehalem River is sufficiently close to provide for the observation that was necessary to give reasonable conclusions as to the potential yield of the one test well that was eventually drilled. Other test wells and/or observation wells were not drilled due to financial constraints that resulted from the initial investigations undertaken at the Smith property and the failure to conclude the investigations at that site. Although electroresistivity work was done and may provide valuable information for a future well site on the Smith property, only the one test well was eventually constructed.

The test well was constructed in conformance with Oregon Water Resource Department requirements and was drilled by American Drilling Company. Again, due to financial constraints, the well was not developed to its full potential. Each water-bearing zone was independently tested as the casing was advanced. However, a well screen was not placed, nor was the casing perforated to yield the maximum potential from the well. The geologist projects that each well located at this site will likely have a yield of at least 400 gpm. The yield may prove to be higher once the well is fully developed.