



**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 4, 2021

City of Siletz  
PO Box 318  
Siletz OR 97380

On February 01, 2021, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following Transfer(s):

T-7070

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

For all other questions please call our Customer Service phone: (503) 986-0900.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

cc: file T-7070  
Brian Allen, CWRE

# Checklist for Claims of Beneficial Use Received at CSG Counter

|                                      |                    |
|--------------------------------------|--------------------|
| Application #:                       | WRD Reviewer: Judy |
| Transfer #: T-7070                   |                    |
| Date Received: 02/01/2021            |                    |
| CWRE Name: Brian Allen               |                    |
| Priority Date (s): September 9, 1957 |                    |

## Fees Required:

- ☐ YES ☒ NO ☐ A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☒ NO ☐ A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

## Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

## Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) \*If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted

**MONEY SLIP**

DATE: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_ APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER \_\_\_\_\_

CASH ☐ CHECK # \_\_\_\_\_ OTHER (IDENTIFY) \_\_\_\_\_ TOTAL REC'D \$ \_\_\_\_\_

1083 TREASURY 4178 MISC CASH ACCT. \_\_\_\_\_  
0407 COPIES \_\_\_\_\_ \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0243 Instream Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

1083 TREASURY 4270 WRD OPERATING ACCT. \_\_\_\_\_

MISCELLANEOUS 4611 \_\_\_\_\_  
0407 COPY & TAPE FEES \_\_\_\_\_ \$ \_\_\_\_\_  
0410 RESEARCH FEES \_\_\_\_\_ \$ \_\_\_\_\_  
0409 MISC REVENUE (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \_\_\_\_\_ \$ \_\_\_\_\_

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

WELL CONSTRUCTION EXAM FEE \_\_\_\_\_ RECORD FEE \_\_\_\_\_  
0218 WELL DRILL CONSTRUCTOR \_\_\_\_\_ \$ \_\_\_\_\_ 0219 \_\_\_\_\_ \$ \_\_\_\_\_  
LANDOWNER'S PERMIT \_\_\_\_\_ \$ \_\_\_\_\_ 0220 \_\_\_\_\_ \$ \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0607 TREASURY 0487 HYDROELECTRIC \_\_\_\_\_  
LIC NUMBER \_\_\_\_\_

0233 POWER LICENSE FEE (FWWRD) \_\_\_\_\_ \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FWWRD) \_\_\_\_\_ \$ \_\_\_\_\_

HYDRO APPLICATION \_\_\_\_\_ \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

☐ RETURN TO APPLICANT – LETTER ATTACHED

Fill in App  
or Transfer  
Number

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Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Dyer Partnership Engineers & Planners

1330 TEAKWOOD AVE. COW BAY, OR 97420

Transaction Type: COBU

Fees Received: \$ 200.00

☐ Cash

☒ Check:

Check No. 024836

Name(s) on Check: SAME

Address on Check: SAME

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: C. Mellette

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

1330 Teakwood Avenue  
Coos Bay, Oregon 97420  
Ph: (541) 269-0732  
Fx: (541) 269-2044  
www.dyerpart.com

---

## TRANSMITTAL

---

DATE January 29, 2021

TO

Oregon Water Resources Dept  
725 Summer St NE, STE A  
Salem, OR 97301

COPY TO

FROM

Brian Allen, PE

PROJECT NAME

City of Siletz  
Water Right Claim Of Beneficial Use

PROJECT NO.

133.21

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INCLUDED

☐ Agreement

☐ Product submittal

☐ Specifications

☐ Copy of letter

☐ Submittals

☐ CD / Flash Drive

☐ Plans / Drawings

☐ Report

☐ Other

---

COPIES

1

DATE

1.29.2021

DESCRIPTION

MEMO

*+ check 024833*

---

TRANSMITTED

☐ For your signature

☒ For your use

☐ For review and comment

☐ For approval

☐ As requested

☐ Checked as noted

☐ One copy retained

☐ For bids due

☐ See comments below

COMMENTS

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Coos Bay, Oregon 97420  
Ph: (541) 269-0732  
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## MEMORANDUM

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DATE January 29, 2021

TO Oregon Water Resources Department

FROM The Dyer Partnership on behalf of the City of Siletz

PROJECT NAME City of Siletz - Water Right Claim of Beneficial Use

MEMO TITLE Water Right Claim of Beneficial Use for T-7070

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The City of Siletz diverts, treats, and conveys municipal drinking water to the Confederated Tribes of Siletz Indians and fully uses the Confederated Tribes of Siletz Indians water right S-25114 as part of their water diversion strategy. The City of Siletz has received a conditional transfer final order (T-7070) in regards to a water right (S-25114) held by the Confederated Tribes of Siletz Indians. The Confederated Tribes of Siletz Indians intends on transferring their water right's S-25114 point of diversion, place of use, and type of use to the City of Siletz as described in the attached claim of beneficial use. The City of Siletz intends on continuing to provide municipal water to the Confederated Tribes of Siletz Indians. The attached Claim of Beneficial Use for Transfer with Multiple Changes – Surface Water and Groundwater is intended to perfect the transfer final order on the behalf of the Confederated Tribes of Siletz Indians and the City of Siletz.

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**CLAIM OF  
BENEFICIAL USE  
for Transfer with Multiple  
Changes – Surface Water and  
Groundwater**



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

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**A fee of \$200 must accompany this form for any Transfer final orders  
including a water right with a priority date of July 9, 1987, or later.**

Example – A transfer involves 5 rights and one of the rights  
has a priority date of July 9, 1987, or later, the fee is required.

**A separate form shall be completed for each transfer.**

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.\

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1**

**GENERAL INFORMATION**

**Type of Authorized Change**

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

- |                                                                              |                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 4. <input checked="" type="checkbox"/> Change in Character of Use – <i>This change occurred in 1994, this form is not a request for another change but to finalize the 1994 agreement between the City of Siletz and the Confederated Tribes of Siletz Indians</i> |
| 2. <input type="checkbox"/> Change in POA(s) or Additional POA(s)            | 5. <input type="checkbox"/> Change in Character of Use – Reservoir                                                                                                                                                                                                 |

3. ☒ Change in Place of Use

A separate section will be completed for each type of change authorized in the transfer final order.

## 1. File Information

|                         |
|-------------------------|
| APPLICATION #<br>T-7070 |
|-------------------------|

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## 2. Property Owner (current owner information)

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|                                                                           |             |                           |                                                             |
|---------------------------------------------------------------------------|-------------|---------------------------|-------------------------------------------------------------|
| APPLICANT/BUSINESS NAME<br>City of Siletz (As water right user not Owner) |             | PHONE NO.<br>541-444-2521 | ADDITIONAL CONTACT NO.<br>Emergency Contact<br>541-265-4231 |
| ADDRESS<br>PO Box 318                                                     |             |                           |                                                             |
| CITY<br>Siletz                                                            | STATE<br>OR | ZIP<br>97380              | E-MAIL<br>siletzwaters@gmail.com                            |

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. Each transfer holder of record must sign this form.

## 3. Transfer holder of record (this may, or may not, be the current property owner)

|                                                                                                   |             |              |
|---------------------------------------------------------------------------------------------------|-------------|--------------|
| TRANSFER HOLDER OF RECORD<br>Confederated Tribes of Siletz Indians (The Owner of the Water Right) |             |              |
| ADDRESS<br>PO Box 549                                                                             |             |              |
| CITY<br>Siletz                                                                                    | STATE<br>OR | ZIP<br>97380 |

## 4. Date of Site Inspection:

|           |
|-----------|
| 10/7/2020 |
|-----------|

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

| NAME                 | DATE      | ASSOCIATION WITH THE PROJECT         |
|----------------------|-----------|--------------------------------------|
| Darin Viar           | 10/7/2020 | City of Siletz Public Works Operator |
| Dave Eshleman        | 10/7/2020 | City of Siletz Public Works Director |
| Brian Allen, PE CWRE | 10/7/2020 | City Engineer, Dyer Partnership      |

## 6. County:

|         |
|---------|
| Lincoln |
|---------|

## 7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

|                                                                                    |              |            |
|------------------------------------------------------------------------------------|--------------|------------|
| OWNER OF RECORD<br>This is a finalization of a 1994 agreement not a new agreement. |              |            |
| ADDRESS<br>N/A                                                                     |              |            |
| CITY<br>N/A                                                                        | STATE<br>N/A | ZIP<br>N/A |

Add additional tables for owners of record as needed

**SECTION 2  
SIGNATURES**

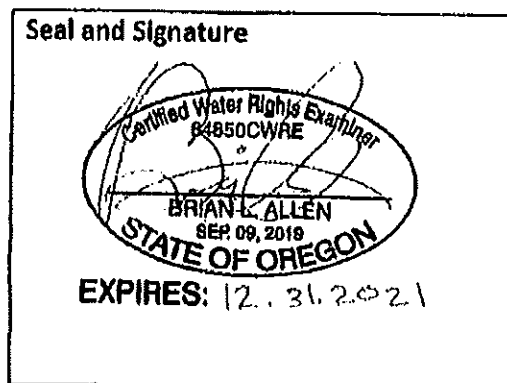
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**CWRE Statement, Seal and Signature**

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



|                              |             |                           |                                        |
|------------------------------|-------------|---------------------------|----------------------------------------|
| CWRE NAME<br>Brian Allen     |             | PHONE NO.<br>541-269-0732 | ADDITIONAL CONTACT NO.<br>503-551-9008 |
| ADDRESS<br>1330 Teakwood Ave |             |                           |                                        |
| CITY<br>Coos Bay             | STATE<br>OR | ZIP<br>97420              | E-MAIL<br>ballen@dyerpart.com          |

**Transfer Holder of Record Signature or Acknowledgement**

*Each transfer holder of record must sign this form in the space provided below.*

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

| SIGNATURE | NAME            | TITLE           | DATE        |
|-----------|-----------------|-----------------|-------------|
|           | Gerald L. Smith | General Manager | JAN 26 2021 |
|           |                 |                 |             |
|           |                 |                 |             |

## SECTION 3

## Changes Made

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**Note:** The Claim only needs to describe the changes that were authorized in the transfer final order.

## Change #1

## New or Additional Point of Diversion

## Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? YES. The POD has been active since 1994 and there are no new or additional points of diversions initiated by this document.

If "NO", this Section can be deleted.

## 1. New or additional point of diversion name or number:

| POINT OF DIVERSION<br>(POD) NAME OR NUMBER<br>(CORRESPOND TO MAP) | SOURCE       |
|-------------------------------------------------------------------|--------------|
| Proposed POD with Fish Screen                                     | Siletz River |

## 2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

N/A

## 3. Claim Summary:

| NEW OR<br>ADDITIONAL<br>POD<br>NAME OR # | MAXIMUM RATE<br>AUTHORIZED<br>IN ORDER | CALCULATED<br>THEORETICAL RATE<br>BASED ON SYSTEM | AMOUNT OF<br>WATER<br>MEASURED |
|------------------------------------------|----------------------------------------|---------------------------------------------------|--------------------------------|
| Proposed<br>POD with<br>Fish Screen      | 0.26 cfs                               | 1.450 cfs                                         | 0.789 cfs                      |

## System Description

Are there multiple new or additional Points of Diversion (POD)?

NO

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

POD Name or Number this section describes (only needed if there is more than one):

## A. POD

N/A

## System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

**1. Pump Information**

| MANUFACTURER | MODEL               | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE) | INTAKE SIZE | DISCHARGE SIZE |
|--------------|---------------------|---------------|--------------------------------------------|-------------|----------------|
| Franklin     | Submersible Turbine | 2366068120    | Submersible                                | 6-inch      | 6-inch         |

**2. Motor Information**

| MANUFACTURER                  | HORSEPOWER |
|-------------------------------|------------|
| Franklin – Sand Fighter Motor | 30 HP      |
|                               |            |

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**3. Theoretical Pump Capacity**

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|---------------|--------------------------|--------------------------------|----------------------------|
| 30         | No Data       | 31-feet                  | 107-feet                       | 1.450                      |

**4. Provide pump calculations:**

|              |
|--------------|
| See Attached |
|--------------|

**5. Measured Pump Capacity (using meter if meter was present and system was operating)**

| INITIAL METER READING | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-----------------------|----------------------|---------------------------|----------------------------|
| 25.6' *               | 26.0' *              | 60-minutes                | 0.789                      |

\* Measured Pump Capacity completed by ultrasonic level detection system inside raw water storage tank. Further explanation in Section D.

**Reminder: For pump calculations use the reference information at the end of this document.**

**B. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

**1. Does the diversion involve a gravity flow pipe?**

YES

*If "NO", items 2 through 4 relating to this section may be deleted.*

**2. Complete the table:**

| PIPE SIZE | PIPE TYPE    | "C" FACTOR | AMOUNT OF FALL | LENGTH OF PIPE | SLOPE | COMPUTED RATE OF WATER FLOW (IN CFS) |
|-----------|--------------|------------|----------------|----------------|-------|--------------------------------------|
| 10"       | Ductile Iron | 140        | 2.75           | 50'            | 5.5%  | 7.823                                |

3. Provide calculations:

| <b>Pipe Capacity Calculator</b><br>for pipes flowing full, using the Hazen-Williams Formula |                         |                 |                                |
|---------------------------------------------------------------------------------------------|-------------------------|-----------------|--------------------------------|
| Data Entry (fill in underlined blanks)                                                      |                         |                 |                                |
| Interior Diameter =                                                                         | <u>10</u>               | inches,<br>or   | <u>0.8333333</u> feet          |
| Roughness Coefficient (C) =                                                                 | <u>140</u>              |                 |                                |
| Fall =                                                                                      | <u>2.75</u>             | feet            | per <u>50</u> feet of distance |
| Grade =                                                                                     | <u>0.055</u>            | , or            | <u>5.5%</u>                    |
| Results calculated                                                                          |                         |                 |                                |
|                                                                                             | Area of cross-section = | <u>0.545415</u> | square feet                    |
|                                                                                             | Wetted Perimeter =      | <u>2.617994</u> | feet                           |
|                                                                                             | Hydraulic Radius =      | <u>0.208333</u> |                                |
|                                                                                             | Velocity =              | <u>14.34357</u> | feet per second                |
|                                                                                             | Pipe Capacity =         | <u>7.823</u>    | cubic feet per second          |

4. If an actual measurement was taken, provide the following:

| DATE OF MEASUREMENT | WHO MADE THE MEASUREMENT | MEASUREMENT METHOD | MEASURED QUANTITY OF WATER (IN CFS) |
|---------------------|--------------------------|--------------------|-------------------------------------|
| N/A                 | N/A                      | N/A                | N/A                                 |

Attach measurement notes.

**C. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

If "NO", items 2 through 4 relating to this section may be deleted.

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2. Complete the table:

| CANAL OR DITCH TYPE (MATERIAL) | TOP WIDTH OF CANAL OR DITCH | BOTTOM WIDTH OF CANAL OR DITCH | DEPTH | "N" FACTOR | AMOUNT OF FALL | LENGTH OF CANAL / DITCH | SLOPE | COMPUTED RATE (IN CFS) |
|--------------------------------|-----------------------------|--------------------------------|-------|------------|----------------|-------------------------|-------|------------------------|
| N/A                            | N/A                         | N/A                            | N/A   | N/A        | N/A            | N/A                     | N/A   | N/A                    |

**3. Provide calculations:**

|     |
|-----|
| N/A |
|-----|

**4. If an actual measurement was taken, provide the following:**

| DATE OF MEASUREMENT | WHO MADE THE MEASUREMENT | MEASUREMENT METHOD | MEASURED QUANTITY OF WATER (IN CFS) |
|---------------------|--------------------------|--------------------|-------------------------------------|
| N/A                 | N/A                      | N/A                | N/A                                 |

Attach measurement notes.

**D. Additional notes or comments related to the system:**

The raw water pump station pumps to a raw water storage tank. The raw water storage tank is 95.1' in diameter and has an ultrasonic level detection system to monitor water levels. The tank has a storage rating of 53,142.7 gallons per foot. The initial raw water storage tank reading was 25.6'. After 60 minutes of pumping the raw water storage tank reading was 26.0'. The resultant flow rate was 0.789 cfs.

**Change #2****Change in Place of Use**

Did the transfer order authorize a change in the place of use?

YES

*If "NO", this Section can be deleted.***1. Claim Summary – Authorized Use:**

If Irrigation or Nursery Use:

| THE # OF ACRES ALLOWED | THE # OF ACRES DEVELOPED |
|------------------------|--------------------------|
| N/A                    | N/A                      |
| N/A                    | N/A                      |

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If the new use(s) was not irrigation or nursery:

| NEW USE(S) | WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER?<br>(INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP) |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A        | N/A                                                                                                                                                     |
| N/A        | N/A                                                                                                                                                     |

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order?

NO

If yes, describe below.

*(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")*

|     |
|-----|
| N/A |
|-----|

### Change #3

#### Change in Character of Use

Did the transfer order authorize a change in character of use? YES

*If "NO", this Section can be deleted.*

#### 1. Claim Summary – New Use(s):

Provide the new uses authorized by the transfer final order:

| NEW USE(S) AUTHORIZED                                                                                  |
|--------------------------------------------------------------------------------------------------------|
| Municipal use by the City of Siletz. Authorized by signed agreement in 1994 not a new request for use. |

#### 2. Variations:

Were all the uses developed from what was authorized by the transfer final order? YES

If no, describe below.

*(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")*

|     |
|-----|
| N/A |
|-----|

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### SECTION 4

#### CONDITIONS

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All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

#### 1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

|                                     | DATE FROM TRANSFER | DATE THE AUTHORIZED CHANGES WERE COMPLETED<br>*THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND<br>THE "COMPLETENESS DATE" |
|-------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------|
| ISSUANCE DATE                       | April 25, 1994     |                                                                                                                               |
| COMPLETENESS DATE<br>FROM ORDER (C) | October 1, 1995    | July, 2000                                                                                                                    |

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

#### 2. Is there an extension final order(s)?

YES

*If "NO", you may delete the following table.*

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If for a transfer extension order, provide the following information:

| VOLUME    | PAGE     | DATE EXTENDED TO |
|-----------|----------|------------------|
| Volume 49 | Page 457 | October 1, 2000  |

**3. Measurement Conditions:**

- a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? NO

**4. Recording and reporting conditions**

- a. Is the water user required to report the water use to the Department? YES

*If "NO", item b relating to this section may be deleted.*

- b. Have the reports been submitted? YES

If the reports have not been submitted, attach a copy of the reports if available.

**5. Fish Screening**

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES

*If "NO", items b through e relating to this section may be deleted.*

**Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.**

- b. Has the fish screening been installed? YES

- c. When was the fish screening installed?

| DATE                     | BY WHOM        |
|--------------------------|----------------|
| Screen Upgrade July 2000 | City of Siletz |

**Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.**

- d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? No. See attached self-certification form.

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.**

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? N/A

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.**

## 6. By-pass Devices

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

*If "NO", items b and c relating to this section may be deleted.*

**Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.**

## 7. Other conditions required by the transfer final order or extension final order:

- a. Were there special well construction standards? NO
- b. Was submittal of a ground water monitoring plan required? NO
- c. Other conditions? YES

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

1. The proposed change shall be completed on or before Oct 1, 1995.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an inline flow meter, weir, or other suitable devise for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring devise must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall no longer be used for gravel washing at the former place of use as a part of this water right.

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**SECTION 5**  
**ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

| ATTACHMENT NAME | DESCRIPTION                                               |
|-----------------|-----------------------------------------------------------|
| Attachment #1   | Claim of Beneficial Use Map - Point of Diversion Transfer |
| Attachment #2   | Claim of Beneficial Use Map - Place of Use                |
| Attachment #3   | Self-Certification Form – Fish Screening                  |
| Attachment #4   | Theoretical Pumping Rate Calculations                     |
| Attachment #5   | Water Usage Information                                   |
| Attachment #6   | Water Service Agreement                                   |
| Attachment #7   | Water Right Information                                   |

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## SECTION 6

### CLAIM OF BENEFICIAL USE MAP

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

The changes that were authorized under the transfer final order must be mapped based on the developed locations; new or additional points of appropriation and place of use.

In cases where the order involved additional points of appropriation, the additional points should be mapped based on their developed locations. The original points of appropriation should be mapped based on the original right of record at the time the transfer final order was issued.

In cases where the order involved changing the place of use for a portion of a water right, the portion of the place of use being changed should be mapped based on the developed location. If the transfer also included portions of the place of use that were not being modified, but were receiving a new or additional point of appropriation, the place of use for those lands should be mapped based on the original right of record at the time the transfer final order was issued.

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

The City of Siletz has a good understanding of their municipal water system and assisted the CWRE during a site on October 7<sup>th</sup> 2020. The survey was completed by using a Trimble Geoexplorer 6000 GPS unit. The horizontal accuracy was approximately 6-inches. The GPS unit was centered above the shot location and points where taken after satellite configuration yielded an accuracy of 6-inches. The GPS unit exported survey points as northing and easting to three decimal places. The northing and easting survey points were uploaded into AutoCAD Civil 3D to generate the COBU maps.

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## Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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## **Attachment #1**

Claim of Beneficial Use Map - Point of Diversion Transfer

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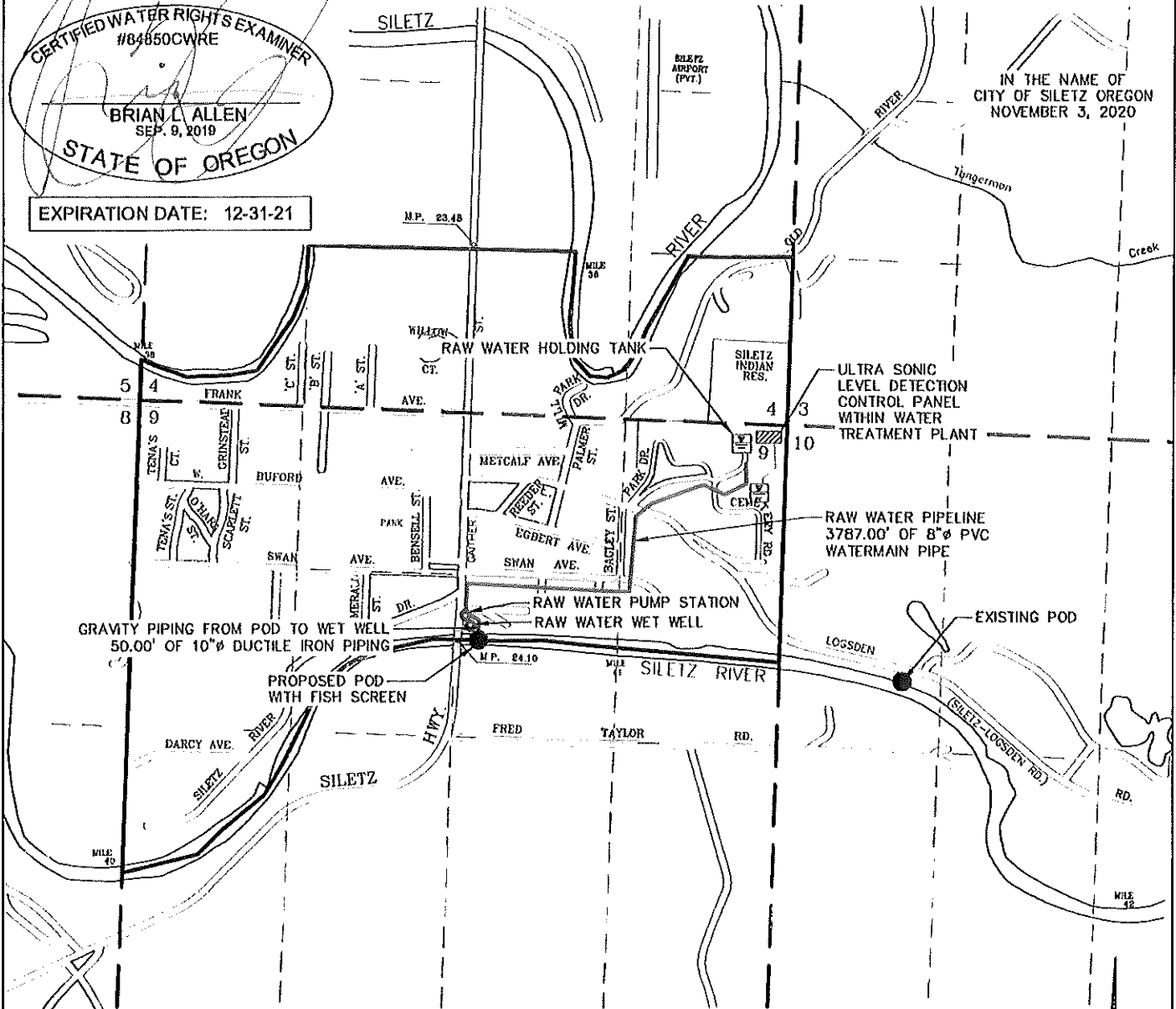
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CLAIM OF BENEFICIAL USE: POINT OF DIVERSION MAP  
TRANSFER T-7070 (PERMIT S-25114)  
TOWNSHIP 10S, RIOW, W.M. LINCOLN COUNTY OREGON

CERTIFIED WATER RIGHTS EXAMINER  
#84850CWRE  
BRIAN L. ALLEN  
SEP. 9, 2019  
STATE OF OREGON  
EXPIRATION DATE: 12-31-21

IN THE NAME OF  
CITY OF SILETZ OREGON  
NOVEMBER 3, 2020



**LEGEND**

- POINT OF DIVERSION(POD)
- RAW WATER PIPELINE
- SILETZ CITY LIMITS
- SECTION LINES
- 1/16 SECTION LINES

DISCLAIMER: THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY LINES.

**LOCATION DESCRIPTIONS**

**EXISTING POD**  
700' SOUTH, 1000' EAST OF THE NW CORNER OF THE SW 1/16 CORNER OF THE NW 1/4 OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 10 WEST (W.M.). LOCATION APPROXIMATE. EXISTING POD HAS BEEN REMOVED.

**PROPOSED POD**  
SOUTH 54° 37' 04" EAST A DISTANCE OF 3288.52' FROM THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 10 WEST (W.M.).

**ULTRA SONIC LEVEL DETECTION CONTROL PANEL**  
SOUTH 86° 47' 22" EAST, A DISTANCE OF 5169.23' FROM THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 10 WEST (W.M.).

**RAW WATER HOLDING TANK**  
SOUTH 84° 46' 57" EAST, A DISTANCE OF 4960.66' FROM THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 10 WEST (W.M.).

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PLAN SCALE



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

DATE: NOV 2020  
PROJECT NO.: 133.21

CITY OF SILETZ  
WATER RIGHT CLAIM OF BENEFICIAL USE

POINT OF DIVERSION TRANSFER

FIGURE NO.

1

## **Attachment #2**

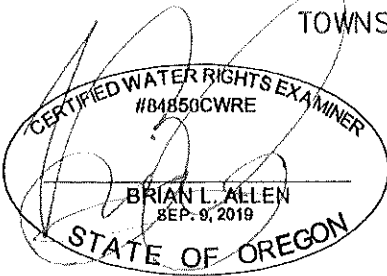
Claim of Beneficial Use Map - Place of Use

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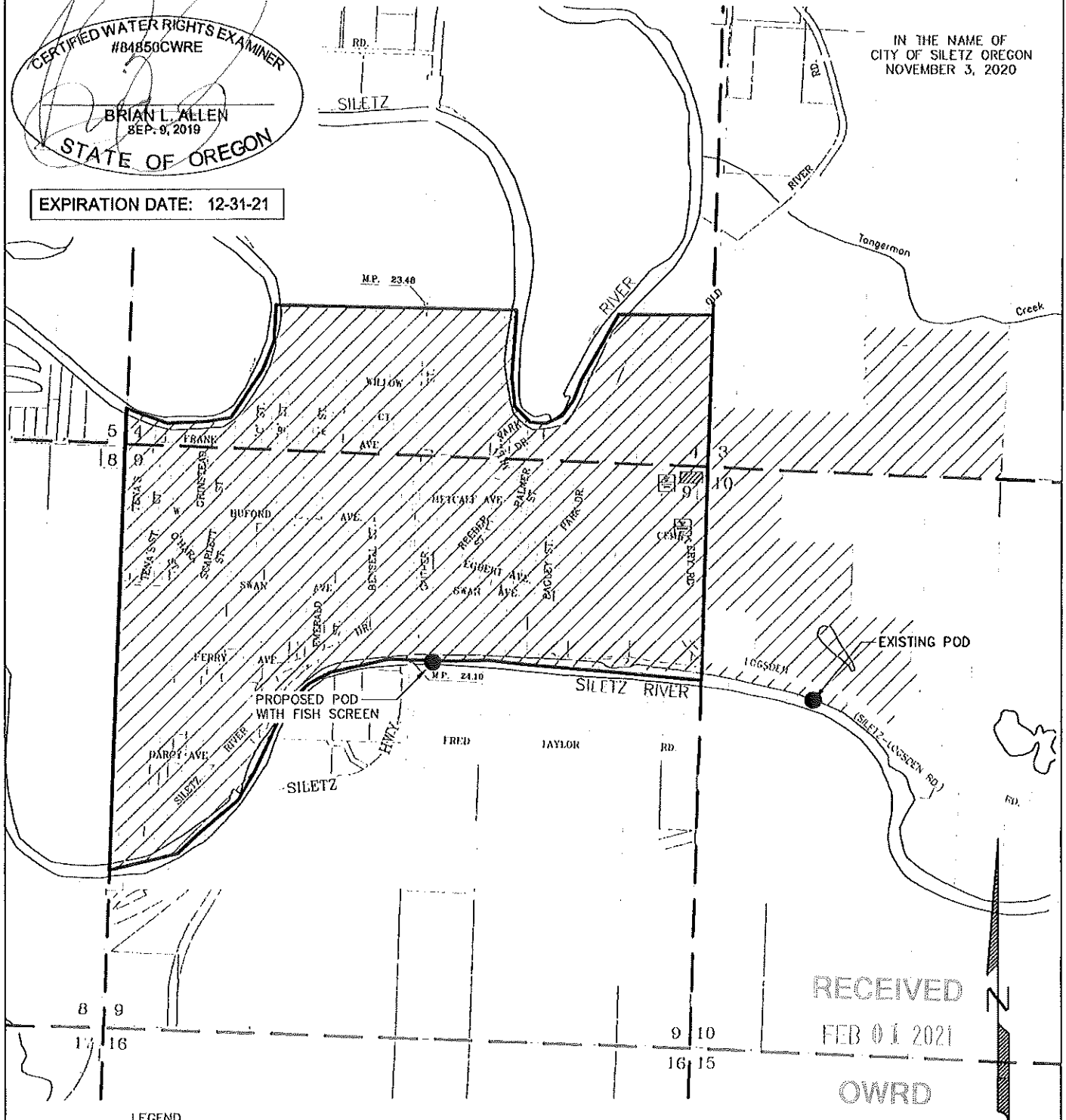
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CLAIM OF BENEFICIAL USE: PLACE OF USE MAP  
TRANSFER T-7070 (PERMIT S-25114)  
TOWNSHIP 10S, RIOW, W.M. LINCOLN COUNTY OREGON



EXPIRATION DATE: 12-31-21

IN THE NAME OF  
CITY OF SILETZ OREGON  
NOVEMBER 3, 2020



LEGEND

- POINT OF DIVERSION(POD)
- SILETZ CITY LIMITS
- PLACE OF USE

DISCLAIMER: THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY LINES.

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THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

DATE: NOV 2020  
PROJECT NO.: 133.21

CITY OF SILETZ  
WATER RIGHT CLAIM OF BENEFICIAL USE

PLACE OF USE MAP

FIGURE NO.

2

## **Attachment #3**

Self-Certification Form – Fish Screening

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# OREGON DEPARTMENT of FISH and WILDLIFE

## FISH SCREENING PROGRAM

### SMALL PUMP SCREEN SELF CERTIFICATION

**FOR PERMITS OR TRANSFERS ISSUED PRIOR TO FEBRUARY 1, 2011**

As evidence of having met fish screen installation requirements, please provide the information requested below, sign the certification, and send copies to:

Oregon Water Resources Department, and  
Water Rights Section,  
725 Summer Street NE, Suite A,  
Salem, OR 97301-1271

Pete Baki  
Oregon Dept. Fish and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

Water right permit/certificate number: 525114 Amount of water diverted .26 cfs.

Stream: Siletz River Tributary to: \_\_\_\_\_

Location (GPS if available): \_\_\_\_\_

Screen Length: 4 - 12" screens Screen Diameter: 12" stainless.

Is pump screen self-cleaning: Air Purge

If screen is not a cylinder shape, please provide a diagram and measurements.

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#### Certification:

I certify that my permit or transfer final order was issued prior to February 1, 2011.

I certify that my small pumped diversion of less than 225 gpm meets fish screening criteria, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

\*Applicant Signature: Allen Middaugh Date: 8/27/20 WRD File #: pws # 41-00821

Printed Name and Address: Allen Middaugh Box 318 Siletz OR  
Phone: (541) 444-2521 Fax: (541) 444-7371 97380

## **Attachment #4**

### Theoretical Pumping Rate Calculations

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City of Siletz  
Water Right COBU - Theoretical Rate  
12/2/2020

Work Flow:

1. Calculate total dynamic head (suction lift, pressure head, and discharge lift)
2. Calculate the theoretical pumping rate

Assumptions:

1. Steady state and incompressible fluid with industry standard minor/major loss coefficients
2. Low water level in wet well
3. No major fouling of fish screen
4. Raw water storage tank full (conservative)

1 Total Dynamic Head

A. EQUATIONS AND LOSS COEFFICIENTS

Description: The following calculations represent the hydraulics for the POD to the discharge point in the raw water storage tank.

FRICITION LOSS COEFFICIENT TABLE

| Item of Friction Loss | K or C value |
|-----------------------|--------------|
| PVC Pipe              | 150          |

EQ#1 - Hazen Williams Major Loss

$$H_f = 0.02032L \left( \frac{100}{C} \right)^{1.852} \cdot Q^{1.852} \cdot D^{-4.8655}$$

PIPE SYSTEM HEAD LOSS CALCULATIONS

| Flow (gpm) | Item No. | Flow gpm | Item of Friction Loss | Diameter (in.) | K or C value | Length (ft.) | Velocity fps | Friction Head Loss (ft.) |
|------------|----------|----------|-----------------------|----------------|--------------|--------------|--------------|--------------------------|
| 350        | 1        | 350      | PVC Pipe              | 8              | 150          | 3787         | 2.23         | 7.65                     |

TOTAL DYNAMIC HEAD

| Description        | Value    |
|--------------------|----------|
| Friction Head      | 7.7 ft   |
| Suction Lift       | 31.0 ft  |
| Static Lift        | 107.0 ft |
| Total Dynamic Head | 145.7 ft |

2 Theoretical Pumping Rate

Pumps:

$$Q_{\text{Pump}} = \frac{(\text{horsepower})(\text{pump efficiency})}{(\text{total head in feet})} = Q \text{ in cfs}$$

Efficiency factors:

NOTE: Pump efficiency factor for centrifugal pump (75%) = 6.61  
Pump efficiency factor for turbine pump (80%) = 7.04

Centrifugal Pump, 75% eff.  $\frac{(550 \text{ ft} \cdot \text{lb}/\text{sec}/\text{Hp})(.75)}{(62.4 \text{ lb}/\text{cu ft})} = 6.61 \text{ ft}^4/\text{sec}/\text{Hp}$

Turbine & Submersible Pumps, 80% eff.  $\frac{(550 \text{ ft} \cdot \text{lb}/\text{sec}/\text{Hp})(.80)}{(62.4 \text{ lb}/\text{cu ft})} = 7.04 \text{ ft}^4/\text{sec}/\text{Hp}$

Total head is the sum of suction lift, pressure head, and discharge lift.

| Input      | Value                        |
|------------|------------------------------|
| Horsepower | 30 Hp                        |
| Efficiency | 7.04 ft <sup>4</sup> /sec/Hp |
| TDH        | 145.7 ft                     |

| Input  | Value     |
|--------|-----------|
| Q Pump | 1.450 cfs |
| Q Pump | 650.8 gpm |

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## **Attachment #5**

Water Usage Information

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# Facility Water Use Report

—  excel  
 —  text

## SILETZ R Report ID 12188

SILETZ RIVER;  
 (10S-10W-9-SE NW)  
Inchoate: T 7070 CF (REG) \*  
Permit: S 49649 \*  
Cert: 27681 OR \*  
CITY OF SILETZ

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Records per page: 10

|      |     |       |       |       |       |       |       |       |       |       |       |       |       |        |
|------|-----|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| 2019 | FMT | 11.20 | 10.45 | 10.67 | 10.59 | 9.60  | 10.99 | 12.93 | 11.90 | 13.04 | 13.33 | 13.73 | 11.36 | 139.78 |
| 2018 | FMT | 10.30 | 10.08 | 9.77  | 10.25 | 9.01  | 10.19 | 9.78  | 11.13 | 12.11 | 14.46 | 13.44 | 11.28 | 131.81 |
| 2017 | FMT | 9.50  | 9.84  | 9.92  | 9.92  | 8.98  | 9.81  | 9.56  | 10.89 | 11.30 | 13.58 | 14.05 | 11.63 | 128.99 |
| 2016 |     | 9.50  | 9.84  | 12.02 | 9.76  | 9.29  | 10.25 | 9.91  | 10.76 | 11.58 | 13.73 | 13.89 | 12.18 | 132.72 |
| 2015 | FMT | 12.52 | 12.34 | 13.56 | 14.19 | 10.86 | 10.73 | 10.17 | 10.59 | 12.90 | 15.03 | 12.93 | 11.02 | 146.85 |
| 2014 | FMT | 13.09 | 12.06 | 13.75 | 12.50 | 11.32 | 12.74 | 11.41 | 12.39 | 13.35 | 15.29 | 14.80 | 13.83 | 156.53 |
| 2013 |     | 12.42 | 10.69 | 11.06 | 12.00 | 10.67 | 11.67 | 11.28 | 12.21 | 12.04 | 16.13 | 13.71 | 11.90 | 145.78 |
| 2012 |     | 10.34 | 9.74  | 10.40 | 6.76  | 10.24 | 10.66 | 9.76  | 11.39 | 11.01 | 12.26 | 13.50 | 12.66 | 128.71 |
| 2011 |     | 10.62 | 10.72 | 9.45  | 9.54  | 8.48  | 9.64  | 9.04  | 9.79  | 10.24 | 11.94 | 14.28 | 11.87 | 125.62 |
| 2010 |     | 12.07 | 11.05 | 12.95 | 11.88 | 9.92  | 10.02 | 10.07 | 10.19 | 10.08 | 14.78 | 13.70 | 10.15 | 136.85 |

\*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

## **Attachment #6**

Water Service Agreement

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P.O. Box  
318  
Zip 97380



Phone  
444-2521



August 9, 1994

Delores Pigsley, Council Chairman  
Confederated Tribes of Siletz Indians  
P.O. Box 549  
Siletz, Oregon 97380

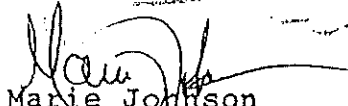
Dear Mrs. Pigsley:

**RE: WATER SERVICE AGREEMENT**

Enclosed is a copy of the Contract and Agreement for Water Services between the City of Siletz and the Confederated Tribes of Siletz Indians which was duly executed at the Regular City Council Meeting on Monday, August 8, 1994.

If you have any questions, please contact City Hall. Thank you.

Sincerely,

  
Marie Johnson  
City Recorder

Enc.

cc: R. Connell, City Attorney

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Contract and Agreement For Water Service  
Between the  
City of Siletz, Oregon  
and the  
Confederated Tribes of Siletz Indians of Oregon

A contract for water service between the City of Siletz ("City"), Oregon, and the Confederated Tribes of Siletz Indians of Oregon ("Siletz Tribe"), is entered into this 8<sup>th</sup> day of August, 1994. This contract and agreement amends the 1982 and 1987 Water Service Contracts between the City and the Siletz Tribe, which remain in effect. The City and Siletz Tribe agree to a transfer of the Tribe's "Dundas Property" water right, described in the attached Exhibit A, to the City for the term of this Contract and Agreement.

1. This contract is entered into with the following understandings:

a. A shortage of available water presently exists within the City of Siletz and the City's water service area. The City has a senior water right of .25 cfs from the Siletz River which is not affected by the state-mandated minimum stream flow. In the summer months, when the minimum stream flow protection is triggered by low flows in the Siletz River, City water use sometimes exceeds the City's water right. The City has need for an additional, reliable source of water to service new hookups and development in the City and within the City's water service area.

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b. The Siletz Tribe has plans to expand housing, governmental services, and economic development in the Siletz area, and requires a stable source of water before such development can be planned and occur. The City's shortage of water has affected the Siletz Tribe's development plans.

c. The Siletz Tribe purchased property, known as the "Dundas Property," which includes a .26 cfs water right for washing gravel (Original certificate of water right attached as Exhibit A). The Siletz Tribe has converted this water right through a state administrative water right transfer proceeding, to domestic and municipal use. The Tribe's water right transfer application was approved on April 25, 1994 (Water Transfer Order attached as Exhibit B). Conversion of this water right will benefit both the City and Siletz Tribe. Such conversion will free up City water currently used by the Tribe for other uses by the City. Conversion of the "Dundas" water right will provide the Siletz Tribe with a stable water supply for current and future tribal purposes.

2. All terms of the current Water Service Contracts between the City and the Siletz Tribe entered into in 1982 and 1987 are incorporated by reference in this Contract and Agreement, except as expressly modified by the terms and language of this Agreement. The terms of the 1982 and 1987 Water Service Contracts are modified to the extent that engineering, construction, and design standards for water system expansion and repair may have changed since 1980. Paragraphs 15 and 17 of the 1982 Water Service Contract are

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expressly superseded to the extent they are inconsistent with this Agreement. The intent of incorporating the prior Water Service Contracts is to incorporate all provisions of those contracts relating to ongoing provision of water service, and to exclude only those provisions of the original 1982 Water Service Contract relating solely to start-up of the Contract and the water system in 1982 and 1983.

3. This contract is a "fee-for-service" contract. The Siletz Tribe will reimburse the City for all costs associated with treatment and delivery of the Dundas water to tribal hookups. Reimbursement shall include a proportionate share of all costs incurred by the City associated with treatment and delivery of the Tribe's water, including but not limited to improvements to the City's water treatment system, modifications necessary to handle increased volume, additional necessary storage capacity, and maintenance costs, and may include connection and other fees as those fees are directly related to the cost of service delivery by the City. To the extent any improvements, modifications or hookups are made on land owned by the Siletz Tribe, costs associated therewith shall be the responsibility of the Siletz Tribe and such improvements, modifications or hookups will be the property of the Siletz Tribe, unless otherwise mutually agreed to in writing by the parties.

4. The Siletz Tribe has obtained a transfer of use and transfer of diversion Order from the Oregon Water Resources Department for the Dundas water right, providing that said water

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right shall be shifted to domestic and municipal uses, and that the diversion point for the water right is the City's diversion point for its existing .25 cfs water right. In order to qualify for municipal use under Oregon law and the protections against abandonment associated with that status, the Tribe has transferred its water right to the City as part of this Agreement, as limited in the approved transfer permit application.

5. Service charges for water provided by the Tribe to the City from its water right and treated and delivered by the City to the Siletz Tribe shall be the same as the service charge paid by residents within the boundaries of the City, whether the Tribe's water hookups are within City boundaries or outside City boundaries. For purposes of this Contract and Agreement and for purposes of the approved transfer permit application, Siletz tribal land shall be considered within the City's water service area.

6. Notwithstanding paragraph 17 of the existing 1982 Water Services Contract between the City and the Siletz Tribe, the costs of legal and engineering services incurred by the City associated with drafting and implementing this supplemental Contract shall be borne by the City. This change is due to the fact that the City would have to incur such costs in any event to secure additional water supplies, and the Tribe is providing a benefit to the City by providing additional water to the City and freeing up a portion of the City's water supply. The Tribe shall continue to be responsible for legal and engineering costs associated with the design and construction of any physical facilities associated with

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providing water to the Tribe, or with hooking up the Tribe's water right to the City's water supply.

7. The Tribe, in consideration of the City's entering into this Agreement and Contract, and in consideration for the City providing water to the Tribe's property under the conditions contained herein, has transferred its "Dundas Property" water right, in the amount of .26 cfs, to the City of Siletz for the term of this Agreement. This transfer of use is for the purposes of this Contract and Agreement, and for no other purposes.

The parties acknowledge and agree that the City of Siletz utilizes the Siletz River as well as Tangerman Creek for its water supply, depending on the time of year and the water flows available in the Siletz River. Notwithstanding any other provisions contained herein, the parties agree that in the event conservation measures are implemented by the City of Siletz pursuant to its lawful ordinances, the Tribe shall be treated in the same manner as the City of Siletz residents in terms of curtailment of water usage. Moreover, the parties acknowledge and agree that when the Tangerman Creek source is utilized by the City, the Tribe will be furnished its water from that source in the same manner as City of Siletz residents. When the City of Siletz draws water from the Siletz River, the first .26 cfs of Siletz River water will be dedicated to the Tribe as a first priority as the Tribe has a need for water.

8. The transfer of the Tribe's water right to the City in this Section shall be for the term of the Contract and Agreement

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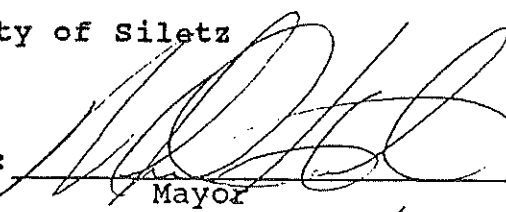
OWRD

for Water Service. This Contract and Agreement may be terminated upon one year's prior written notice to the other party, and this one year period shall supersede 90-day termination provisions found in the 1982 and 1987 Water Service Contracts. Upon the termination of this Agreement and Contract, for whatever reason, the transferred water right shall revert immediately to the Siletz Tribe, and the Siletz Tribe shall reacquire full title to the water right at that time. The City agrees that its title to the transferred water right is contingent upon the existence of this Contract and Agreement, and that the City shall have no legal interest in the "Dundas Property" water right upon termination of this Contract and Agreement.

9. The Tribe and City may confer regarding the City's water rate structure as it applies to the Tribe. Current rate structures shall not be altered or modified for the Tribe absent mutual agreement of the City and the Tribe. The rate structure issue may be raised by the Tribe with the City in an appropriate forum if the Tribe determines it is appropriate to do so.

Agreed to by:

City of Siletz

By: 

Mayor

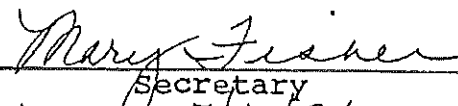
Date: 08-08-94

Confederated Tribes of  
Siletz Indians of Oregon

By: 

Chairman

Date: 7/16/94

By: 

Secretary

Date: 7/16/94

## **Attachment #7**

Water Right Information

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STATE OF OREGON  
COUNTY OF LINCOLN  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That TOM & NANCYPAT DUNDAS

of Box 277, Toledo, 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 Siletz River

a tributary of Pacific Ocean  
gravel washing

for the purpose of

under Permit No. 25114 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 9, 1957

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 Lot 10 (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) Section 10, T. 10 S., 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,

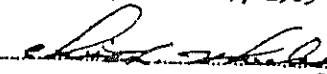
conform to such reasonable rotation system as may be ordered by the proper state officer. and shall  
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Lot 10 (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ )  
Section 10  
T. 10 S., 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. September 27, 1965

  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32454  
cut. no.

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STATE OF OREGON

COUNTY OF LINCOLN

ORDER APPROVING A CHANGE IN CHARACTER OF USE, PLACE OF USE,  
AND POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7070 submitted by

CONFEDERATED TRIBES OF SILETZ INDIANS  
THROUGH THE SILETZ TRIBAL ECONOMIC DEVELOPMENT COMMISSION  
P.O. BOX 549  
SILETZ, OREGON 97380.

The right to be modified, as evidenced by Certificate 32454, was perfected under Permit 25114 with a date of priority of SEPTEMBER 9, 1957. The right allows the use of the SILETZ RIVER, a tributary of the PACIFIC OCEAN, for GRAVEL WASHING. This right is limited to 0.26 cubic foot per second, if available at the authorized point of diversion: LOT 10 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 10, T 10 S, R 10 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

LOT 10 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
SECTION 10  
TOWNSHIP 10 SOUTH, RANGE 10 W, W.M.

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

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The applicant proposes to change the character of use to MUNICIPAL USE BY THE CITY OF SILETZ. The applicant proposes to change the place of use to the SERVICE AREA OF THE CITY OF SILETZ. And the applicant proposes to change the point of diversion to the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 9, T 10 S, R 10 W, WM; S 0' 03' E, 1760 FEET FROM THE N $\frac{1}{4}$  CORNER, SECTION 9.

The purpose of this transfer is to allow the delivery of municipal water to a Siletz Indian tribal housing project. Water will be delivered pursuant to a water service agreement between the Confederated Tribes of Siletz Indians and the City of Siletz. Use of water under this order, including water use under an certificate issued under this order, may occur only if a valid agreement is in effect providing for delivery of water to the Siletz Indian tribal housing project. If no water service agreement is executed within one year of the date of this order, this order will be void and of no further effect. Further, if such agreement lapses, is rescinded or is in any other way canceled, this order will be void and of further effect.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1995.
2. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall no longer be used for gravel washing at the former place of use as a part of this water right.

Certificate 32454 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed April 25, 1994.

  
Martha O. Pagel, Director

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BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINCOLN COUNTY

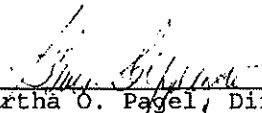
ORDER APPROVING AN EXTENSION OF TIME REQUEST

The changes approved under Transfer 7070, in the name of the Confederated Tribes of Siletz Indians, were to have been completed by October 1, 1995. The Tribes have requested additional time to complete the changes.

The Tribes provided evidence of reasonable diligence in attempting to complete the project. The request for extension of time should be approved.

The time for completion of the changes approved by Transfer 7070, in the name of the Confederated Tribes of Siletz Indians, shall be extended to October 1, 2000.

WITNESS the signature of the Water Resources Director,  
affixed December 11, 1995.

  
for Martha O. Pagel, Director

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# SILETZ AREA PRECINCT MAP

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