

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT  
FOR PARTIAL PERFECTION

THIS CERTIFICATE ISSUED TO

PACIFIC CITY JOINT WATER SANITARY AUTHORITY  
PO BOX 520  
PACIFIC CITY OR 97135

confirms the right to the use of water perfected under the terms of Permit S-54783. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-49201  
SOURCE OF WATER: HORN CREEK, A TRIBUTARY OF NESTUCCA RIVER  
PURPOSE OR USE: QUASI-MUNICIPAL USE  
MAXIMUM RATE: 0.58 CUBIC FOOT PER SECOND  
DATE OF PRIORITY: MAY 3, 1972

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	10 W	WM	20	NE SW	HORN CREEK INTAKE (NEW ADDITIONAL POD) - 2200 FEET NORTH AND 2450 FEET EAST FROM SW CORNER, SECTION 20

A description of the place of use is as follows:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
4 S	10 W	WM	18	SE SW
4 S	10 W	WM	19	NW NE
4 S	10 W	WM	19	SW NE
4 S	10 W	WM	19	SE NE
4 S	10 W	WM	19	NE NW
4 S	10 W	WM	19	SW NW
4 S	10 W	WM	19	SE NW

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

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

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
4 S	10 W	WM	19	NE SW
4 S	10 W	WM	19	NW SW
4 S	10 W	WM	19	SW SW
4 S	10 W	WM	19	SE SW
4 S	10 W	WM	19	NE SE
4 S	10 W	WM	19	NW SE
4 S	10 W	WM	19	SW SE
4 S	10 W	WM	19	SE SE
4 S	10 W	WM	30	NE NE
4 S	10 W	WM	30	NW NE
4 S	10 W	WM	30	SW NE
4 S	10 W	WM	30	SE NE
4 S	10 W	WM	30	NE NW
4 S	10 W	WM	30	NW NW
4 S	10 W	WM	30	SW NW
4 S	10 W	WM	30	SE NW
4 S	10 W	WM	30	NE SW
4 S	10 W	WM	30	NE SE
4 S	10 W	WM	30	NW SE
4 S	10 W	WM	30	SW SE
4 S	10 W	WM	31	NW NE
4 S	10 W	WM	31	SW NE
4 S	11 W	WM	13	NE SE
4 S	11 W	WM	13	SE SE
4 S	11 W	WM	24	NE NE
4 S	11 W	WM	24	NW NE
4 S	11 W	WM	24	SW NE
4 S	11 W	WM	24	SE NE
4 S	11 W	WM	24	NE SE
4 S	11 W	WM	24	NW SE
4 S	11 W	WM	24	SE SE
4 S	11 W	WM	25	NE NE
4 S	11 W	WM	25	SE NE

#### Permit Amendment T-11450 Conditions

The combined quantity of water diverted at the new additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion described as follows.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	10 W	WM	20	NE SW	ORIGINAL POD - 2445 FEET NORTH AND 2514 FEET EAST FROM SE CORNER, SECTION 19

The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.



Water shall be acquired from the same surface water source (Horn Creek) as the original point of diversion.

Extension of Time Conditions Settlement Conditions

The following three conditions are added pursuant to the Settlement Agreement:

- 2.a. Total surface water withdrawals from any of the points of diversion authorized under Certificates 86807 and 86808, under Transfer T-11126 and Permit S-54783 and any subsequent certificates issued thereunder, will be limited to a combined rate of 2.7 cfs.
- 2.b. Withdrawal of surface water from Horn Creek will not be allowed when stream flow is less than 2.0 cfs; however, for as long as Condition 3 of the Biological Opinion or the Corps Permit is in effect, the withdrawal of surface water will not be allowed when stream flow is less than 2.5 cfs. Condition 3 of Biological Opinion is copied below:
  3. To implement reasonable and prudent #3 (instream flows) the Corps shall ensure that water withdrawals at the Horn Creek intake do not exceed 2.7 cfs, and minimum instream flows do not drop below 2.5 cfs.
    - a. When water withdrawals on Horn Creek reach 2.0 cfs, instream flows shall be measure[d] concurrently at two locations until water withdrawals drop below 2.0 cfs. The first location shall be located approximately 250 feet from the confluence of Horn Creek and the Nestucca River. The second location shall be located approximately 250 feet above the head of tide.

Biological Opinion, Attachment 1, p. 31.

For as long as the Biological Opinion is in effect, stream flow measurements will be taken in accordance with Paragraph 3.a. of Attachment 1 (as shown above), except that if the requirements of Paragraph 3.a. are amended by agreement of NOAA and Pacific City, requirements as amended shall apply. Thereafter, stream flow measurement for purposes of complying with Condition 2.b. shall be taken below the lowest PCJSPA point of diversion on Horn Creek. The permit holder shall be responsible for maintaining and operating a stream gage at such location.

- 2.c. The water right permit holder will provide copies to Oregon Water Resources Department ("OWRD") of all reports prepared pursuant to Conditions 4(d)-(g) of the Biological Opinion for as long as such reports are required under the Corps Permit. At such time as reports are no longer required under the Corps Permit, the water right user will provide annual reports to the OWRD, or more frequently if requested by OWRD, of daily stream flow measurements and daily surface water withdrawals. Conditions 4(d)-(g) of the Biological Opinion are copied below:

4. To implement reasonable and prudent #4 (monitoring) the Corps shall:

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- d. Annually, submit a report that details Pacific City's operation plan, including peak demand, Horn Creek withdrawals, and duration of peak withdrawals.
- e. Annually, for a period of 5 years, submit a report to NMFS that summarizes the results of the post-construction instream temperature monitoring, low flow habitat analysis, and the effectiveness of the installation of the large wood debris structures in creating pools and providing habitat and riparian planting survival.

- f. As required by term and condition #2[3], submit a monitoring report detailing instream flow measures collected during periods of peak withdrawals exceeding 2.0 cfs.

Biological Opinion, Attachment 1, p. 32

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

This certificate is issued for partial perfection of Permit S-54783 as described in OAR 690-320-0040 and by any order of the Water Resources Director entered July 18, 2025 at Special Order Volume 135, Page 144.

Issued JUL 18 2025.



Katherine Ratcliffe  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department