

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF PARTIAL PERFECTION OF)
WATER RIGHT PERMIT S-34661 IN THE NAME)
OF THE CITY OF CARLTON)

ORDER

STATEMENT

On October 15, 2009, the Water Resources Department received a request from the City of Carlton to partially perfect the use of water under water right permit S-34661. On December 3, 2009, the City of Carlton modified its request.

FINDINGS OF FACT

Permit S-34661 allows for the use of 66.0 acre feet from Panther Creek Reservoir (constructed under permit R-5527) and 0.50 cubic feet per second (cfs) from Panther Creek for municipal use.

The City has requested partial perfection of permit S-34661 and issuance of a water right certificate. The request was accompanied by the survey required under ORS 537.230(3). The survey shows, to the satisfaction of the Director, that the appropriation has been partially perfected in accordance with the provision of the Water Rights Act.

ORS 537.260 allows, without loss of priority or cancellation to the permit, the incremental perfection of the water right permit in an amount of not less than 25 percent, pursuant to ORS 537.260 and OAR 690-320-0040, without loss of priority or cancellation of the permit.

The Department finds that the City has perfected 66.0 acre feet from Panther Creek Reservoir and 0.271 cfs from Panther Creek for municipal use. The quantity of water is equal or greater than the 25 percent of the original quantity of water allowed under permit S-34661.

OAR 690-320-0040(5) allows municipal suppliers that incrementally perfect less than the full quantity of water to request further extension of time to complete construction and apply water to beneficial use for the remaining, unperfected quantity of water.

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

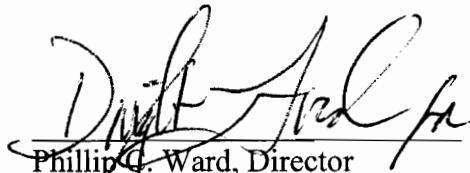
ULTIMATE FINDING OF FACT

The City is now entitled to a certificate in the amount of 66.0 acre feet from Panther Creek Reservoir and 0.271 cfs from Panther Creek for municipal use. The Director has determined the permittee has complied with the requirements to partially perfect permit S-34661 pursuant to ORS 537.260.

ORDER

The Department finds that there is 0.229 cfs remaining to be perfected and that a certificate shall be issued to the City of Carlton in the amount of 66.0 acre feet from Panther Creek Reservoir and 0.271 cfs from Panther Creek.

Dated FEB 09 2010


Phillip C. Ward, Director
Water Resources Department