

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Permit Amendment  
T-13685, Yamhill County

)  
)

FINAL ORDER APPROVING AN  
ADDITIONAL POINT OF DIVERSION

**Authority**

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

**Applicant**

CITY OF AMITY  
ATTN: MICHAEL THOMAS  
PO BOX 159  
AMITY, OR 97101

**Findings of Fact**

1. On April 26, 2021, CITY OF AMITY filed an application for an additional point of diversion under Permit S-39599. The Department assigned the application number T-13685.
2. On February 16, 1990, the Department approved an extension of time for complete application of water to October 1, 1993.
3. On April 12, 1994, the Department approved an extension of time for complete application of water to October 1, 1998.
4. On June 19, 2014, the Department approved a Water Management and Conservation Plan submitted by the City of Amity. The approval order was entered at Volume 92, Pages 857 and 858.
5. On March 26, 2021, the Department approved an extension of time for complete application of water to October 1, 2031.
6. Notice of the application for the permit amendment was published in the Department's weekly notice on May 4, 2021, and in the Yamhill Valley News Register newspaper on September 24, 2021 and October 1, 2021, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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 and OAR 690-01-0005 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.

7. The Department received information from the applicant that better describes the location of the authorized point of diversion for Permit S-39599 as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	26	NE NE	1	POD 1 - 515 FEET SOUTH AND 425 FEET WEST FROM THE NE CORNER OF SECTION 26

8. Permit Amendment Application T-13685 proposes an additional point of diversion approximately 0.4 mile upstream from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	26	SE NE	69	POD 2 - 2560 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 26

### ***Permit Amendment Review Criteria***

9. The change would not result in injury to other water rights.
10. The change does not enlarge the permit.
11. The change does not alter any other terms of the permit.

### **Conclusions of Law**

The additional point of diversion proposed by Permit Amendment Application T-13685 is consistent with the requirements of ORS 537.211.

### **Now, therefore, it is ORDERED:**

1. The additional point of diversion proposed by Permit Amendment Application T-13685 is approved.
2. Permit S-55335, in the name of CITY OF AMITY, is issued to replace Permit S-39599, and incorporates the amendments approved by this order, the extensions of time, and the Water Management and Conservation Plan. Permit S-39599, in the name of CITY OF AMITY, is no longer of any force or effect.
3. The combined quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the authorized point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the authorized point of diversion (POD 1).
4. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
5. Water shall be acquired from the same surface water source as the original point of diversion.

6. All other terms and conditions of Permit S-55335 remain the same.

Dated in Salem, Oregon on

**NOV 10 2021**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

*Mailing Date:*

**NOV 11 2021**