

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

In the Matter of Clarification of the Intent of
Permits R-184 and 1149, and the Perfection
of Permit R-184, in the Name of the City of
Reedsport.

)
)
)
)
)

FINAL ORDER

Findings of Fact

1. Application R-2269, in the name of James Lindsay, Secretary for Reedsport Company was filed May 8, 1912. Permit R-184 was issued approving the application.
2. Application 2270, in the name of James Lindsay, Secretary for Reedsport Company was filed May 8, 1912. Permit 1149 was issued approving the application.
3. The permits were subsequently assigned to Clear Lake Water Company, and finally to the City of Reedsport.
4. It is not clear if the source allowed by Permit R-184 is 12,000 acre feet of artificial storage sitting atop Clear Lake. Or if the source allowed is 12,000 acre feet of artificial and natural storage in Clear Lake and Clear Lake Reservoir.
5. The Department has determined that the intent of the Permit R-184 was to allow storage of up to 12,000 acre feet of artificial and natural storage in Clear Lake and Clear Lake Reservoir.
6. The use of the stored water allowed by Permit R-184 is for "Domestic and Industrial". The use allowed by Permit 1149 is "Municipal and industrial manufacturing".
7. The Department has determined that the intent of Permits R-184 and 1149 was to allow the storage and use of water for Municipal Use.
8. In order to issue a confirming certificate for a water right for storage in a reservoir, the Director must find that beneficial use of the stored water has been made in accordance with the terms and conditions of the secondary permit.

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. 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.

9. It appears from information in the files that, while the extent of the appropriation made under the terms of Permit 1149 has not been determined, beneficial use of water stored in Clear Lake and Clear Lake Reservoir for municipal use has been made under the terms of Permit 1149. A confirming certificate may be issued for the water right perfected under Permit R-184.

Now, therefore, it is ORDERED:

A water right certificate may be issued to the City of Reedsport confirming the right to store up to 12,000 acre feet of natural and artificial storage in Clear Lake and Clear Lake Reservoir, for municipal use.

Issued JAN 22 2010.


Phillip C. Ward, Director
Water Resources Department