

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

In the Matter of Permit Amendment) **FINAL ORDER**
T-11450, Tillamook County) APPROVING AN ADDITIONAL POINT
) OF DIVERSION AND A CHANGE IN
) PLACE OF USE

Authority

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

PACIFIC CITY JOINT WATER-SANITARY AUTHORITY
ATTN TONY OWEN
PO BOX 520
PACIFIC CITY OR 97135-0520

Findings of Fact

Background

1. On July 24, 2012, PACIFIC CITY JOINT WATER-SANITARY AUTHORITY filed an application for an additional point of diversion and to change in place of use under Permit S-36881. The Department assigned the application number T-11450.
2. On September 18, 1998, the Department approved an assignment of the permit to Pacific City Joint Water-Sanitary Authority.
3. On May 24, 1978, the Department approved an extension of time for complete application of water to October 1, 1980.
4. On August 27, 1981, the Department approved an extension of time for complete application of water to October 1, 1985.
5. On March 21, 1986, the Department approved an extension of time for complete application of water to October 1, 1990.
6. On May 14, 2012, the Department approved an extension of time for complete application of water to October 1, 2025.

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 137-004-080 and OAR 690-01-005 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. On October 1, 2012, the Department approved a Water Management and Conservation Plan submitted by the Pacific City Joint Water-Sanitary Authority. The approval order was entered at Volume 88, Page 595.
8. Permit Amendment Application T-11450 proposes an additional point of diversion approximately 60 feet upstream from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	10 W	WM	20	NE SW	2450 FEET NORTH AND 2575 FEET EAST FROM THE SW CORNER OF SECTION 20

9. Permit Amendment Application T-11450 proposes to change the place of use of the permit to:

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
4 S	10 W	WM	18	SE SW
4 S	10 W	WM	18	SW SE
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
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	NW 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	30	SE 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	SW SE
4 S	11 W	WM	13	SE SE
4 S	11 W	WM	24	NE NE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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
4 S	11 W	WM	25	NE SE

10. Notice of the application for the permit amendment was published in the Department's weekly notice on July 31, 2012 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
11. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Permit Amendment Review Criteria

12. The changes would not result in injury to other water rights.
13. The proposed place of use is controlled by the permit holder.
14. The changes do not enlarge the permit.
15. The changes do not alter any other terms of the permit.
16. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional point of diversion and change in place of use proposed by Permit Amendment Application T-11450 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of diversion and change in place of use proposed by Permit Amendment Application T-11450 are approved.
2. Permit S-54783, in the name of PACIFIC CITY JOINT WATER-SANITARY AUTHORITY, is issued to replace Permit S-36881, and incorporates the amendments approved by this order, the extensions of time, and the Water Management and Conservation Plan. Permit S-36881, in the name of PACIFIC CITY JOINT WATER-SANITARY AUTHORITY, is no longer of any force or effect.

3. 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.
4. 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.
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-54783 remain the same.

Dated at Salem, Oregon this 19 day of November, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: NOV 20 2012