

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

In the Matter of Transfer Application)
T-9607, Tillamook County) **FINAL ORDER**
)

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

Pacific City Joint Water-Sanitary Authority
P.O. Box 520
Pacific City, Oregon 97135

Findings of Fact

1. Pacific City Joint Water-Sanitary Authority filed an application to transfer the point of appropriation of Well 2 under Certificate 61546. The Department assigned the application number T-9607.

2. The portion of the right to be transferred is as follows:

Certificate: 61546 in the name of Pacific City Water District

Perfected

Under Permit: G-9388

Use: Quasi-municipal purposes

Priority Date: March 16, 1981

Quantity: 0.457 cubic foot per second (cfs), being 0.279 cfs from Well 1 and 0.178 cfs from Well 2.

Source: Two wells in the Nestucca River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
4	S	10	W	W.M.	19	NW	NW	Well 2 – 1465.2 feet North and 167.4 feet East from the W¼ Corner of Section 19.

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.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	
4	S	10	W	W.M.	19	NW	NE
4	S	10	W	W.M.	19	SW	NE
4	S	10	W	W.M.	19	SE	NE
4	S	10	W	W.M.	19	NE	NW
4	S	10	W	W.M.	19	NW	NW
4	S	10	W	W.M.	19	SW	NW
4	S	10	W	W.M.	19	SE	NW
4	S	10	W	W.M.	19	NE	SW
4	S	10	W	W.M.	19	NW	SW
4	S	10	W	W.M.	19	SW	SW
4	S	10	W	W.M.	19	SE	SW
4	S	10	W	W.M.	19	NE	SE
4	S	10	W	W.M.	19	NW	SE
4	S	10	W	W.M.	19	SW	SE
4	S	10	W	W.M.	19	SE	SE
4	S	10	W	W.M.	30	NE	NE
4	S	10	W	W.M.	30	NW	NE
4	S	10	W	W.M.	30	SW	NE
4	S	10	W	W.M.	30	SE	NE
4	S	10	W	W.M.	30	NE	NW
4	S	10	W	W.M.	30	NW	NW
4	S	10	W	W.M.	30	SW	NW
4	S	10	W	W.M.	30	SE	NW
4	S	10	W	W.M.	30	NE	SW
4	S	10	W	W.M.	30	NE	SE
4	S	10	W	W.M.	30	NW	SE
4	S	10	W	W.M.	30	SW	SE
4	S	11	W	W.M.	13	NE	SE
4	S	11	W	W.M.	13	NW	SE
4	S	11	W	W.M.	13	SW	SE
4	S	11	W	W.M.	13	SE	SE
4	S	11	W	W.M.	24	NE	NE
4	S	11	W	W.M.	24	NW	NE
4	S	11	W	W.M.	24	SW	NE
4	S	11	W	W.M.	24	SE	NE
4	S	11	W	W.M.	24	NE	SE

Township		Range		Meridian	Sec	¼ ¼	
4	S	11	W	W.M.	24	SE	SE
4	S	11	W	W.M.	25	NE	NE
4	S	11	W	W.M.	25	SE	NE

3. Application T-9607 proposes to move the authorized point of appropriation of Well 2 approximately 100 feet from the existing point of appropriation in the Nestucca River basin to:

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
4	S	10	W	W.M.	19	NW	NW	New Well 2 – 1570 feet North and 170 feet East from the W¼ Corner of Section 19.

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A delivery system to use the full amount of water allowed under the existing right is present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

Conclusions of Law

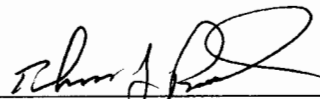
The change in point of appropriation of Well 2 proposed in application T-9607 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in application T-9607 is approved.
2. Water right certificate 61546 is cancelled.
3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 61546 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed change shall be completed on or before October 1, 2010.

6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2011.
7. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 2.
8. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 13th day of JANUARY, 2005.



For Phillip C. Ward
Director