BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment T-12418, Douglas County	)	FINAL ORDER
	)	APPROVING AN ADDITIONAL POINT
	)	OF DIVERSION, AND A CHANGE IN
	)	PLACE OF USE

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 SUTHERLIN
126 E CENTRAL AVE
SUTHERLIN, OR 97479

Findings of Fact

1. On July 5, 2016, CITY OF SUTHERLIN filed an application for an additional point of diversion and to change in place of use under Permit S-44926. The Department assigned the application number T-12418.

2. On May 10, 1983, the Department approved an extension of time for complete application of water to October 1, 1987.

3. On February 2, 1988, the Department approved an extension of time for complete application of water to October 1, 1992.

4. On December 2, 1993, the Department approved an extension of time for complete application of water to October 1, 1997.

5. On May 7, 2004, the Department approved an extension of time for complete application of water to October 1, 2009.

6. On November 14, 2014, the Department approved an extension of time for complete application of water to October 1, 2050.

7. On August 8, 2007, the Department approved a Water Management and Conservation Plan submitted by the City of Sutherlin. The approval order was entered at Volume 73, Page 47.

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.

This plan was in effect until December 31, 2016. The applicant contacted the department and requested additional time to submit an updated plan. The department granted additional time for submittal of an updated plan through July 1, 2017.

8. Notice of the application for the permit amendment was published in the Department's weekly notice on July 12, 2016 and re-noticed on January 24, 2017, and in the News Review newspaper on February 18 and 25, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

9. Permit Amendment Application T-12418 proposes to add an additional point of diversion approximately 8.4 miles downstream from the existing point of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	6 W	WM	33	NW NE	610 FEET SOUTH AND 1400 FEET WEST FROM THE NE CORNER OF SECTION 33

10. Permit Amendment Application T-12418 also proposes to change the place of use of the permit to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
City of Sutherlin Water Service Area					

Permit Amendment Review Criteria

11. The changes would not result in injury to other water rights.

12. The proposed place of use is owned and/or controlled by the permit holder.

13. The changes do not enlarge the permit.

14. The changes do not alter any other terms of the permit.

15. 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-12418 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-12418 are approved.

2. Permit S-55041, in the name of CITY OF SUTHERLIN, is issued to replace Permit S-44926, and incorporates the amendments approved by this order, the extensions of time, and the Water Management and Conservation Plan. Permit S-44926, in the name of CITY OF SUTHERLIN, is no longer of any force or effect.

3. The combined quantity of water diverted at the new 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. Water use measurement conditions:
   A. Before the use of any water at the new point of diversion may begin:
      a. the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of diversion.
      b. The water user shall maintain the meter or measuring device in good working order.
      c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.
   B. Before the use of any water at the authorized point of diversion may begin:
      a. the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the existing point of diversion.
      b. The water user shall maintain the meter or measuring device in good working order.
      c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.

5. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

   The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If 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.

6. Water shall be acquired from the same surface water source as the original point of diversion.

7. All other terms and conditions of Permit S-44926 remain the same.

Dated at Salem, Oregon this 30 day of March, 2017.

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: APR 06 2017