

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

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A
Management and Conservation Plan for the)	WATER MANAGEMENT AND
City of Yachats, Lincoln County)	CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department.

Findings of Fact

1. The City of Yachats submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on October 26, 2021. The required statutory fee for review of the plan was received by the Department on October 27, 2021. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 56, Pgs. 750-725) issued on August 2, 2002.
2. The Department published notice of receipt of the plan on November 2, 2021, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the City on December 22, 2021 and March 2, 2022. In response, the City submitted a revised plan on February 28, 2022 and a final revised plan on April 15, 2022.
4. The Department reviewed the final revised plan and finds that the final revised plan is consistent with the relevant requirements under OAR Chapter 690, Division 086.

Conclusion of Law

The Water Management and Conservation Plan submitted by the City of Yachats is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

This is a final 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 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.

1. The City of Yachats Water Management and Conservation Plan is approved and shall remain in effect until **May 9, 2032**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitations:

2. The limitation of the diversion of water under **Permit S-53471** established in the Final Order approving an Extension of Time for Permit S-53471 (*issued on February 23, 2005*) remains **unchanged**. Subject to other limitations or conditions of the permit, therefore, the City of Yachats is not authorized to divert **any water** under **Permit S-53471** at this time.

Plan Update Schedule:

3. The City of Yachats shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) within **10 years** and no later than **November 9, 2031**.

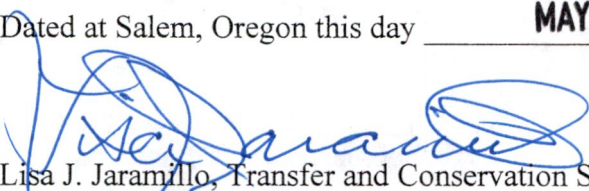
Progress Report Schedule:

4. The City of Yachats shall submit a progress report containing the information required under OAR 690-086-0120(4) by **May 9, 2027**.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City of Yachats from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this day **MAY 11 2022**


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

Mailing date: **MAY 12 2022**

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free telephone number.