

STATE OF OREGON

COUNTY OF LINCOLN

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT 7967 submitted by

CITY OF YACHATS
P.O. BOX 345
YACHATS, OREGON 97498.

The permit to be modified is Permit 53471 with a date of priority of MARCH 20, 1989. The permit allows the use of the YACHATS RIVER, a tributary of the PACIFIC OCEAN, for MUNICIPAL USE. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 2.0 CUBIC FEET PER SECOND (CFS), OF WHICH 1.0 CFS IS NOT SUBJECT TO INSTREAM WATER RIGHT CERTIFICATE 59608 OR MINIMUM STREAM FLOWS WITH A DATE OF PRIORITY OF MARCH 26, 1974, if available at the original point of diversion: NE¼ SW¼, SECTION 31, T 14 S, R 11 W, W.M.; 1740 FEET SOUTH AND 2550 FEET EAST FROM THE NW CORNER OF THE SW¼ NW¼ OF SECTION 31, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized points of diversion are located:

POD 1 - NE¼ SW¼, SECTION 31, T 14 S, R 11 W, W.M.;
1740 FEET SOUTH AND 2550 FEET EAST FROM THE NW CORNER OF THE
SW¼ NW¼ OF SECTION 31.

POD 2 - NW¼ SE¼, SECTION 26, T 14 S, R 12 W, W.M.;
295 FEET NORTH AND 420 FEET EAST FROM THE NW CORNER OF THE SW¼
SE¼ OF SECTION 26.

The use shall conform to any reasonable rotation system
ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$
S $\frac{1}{2}$ SE $\frac{1}{4}$
SECTION 22

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 23

W $\frac{1}{2}$ W $\frac{1}{2}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 26

NE $\frac{1}{4}$
N $\frac{1}{2}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 27

NE $\frac{1}{4}$
SECTION 34
TOWNSHIP 14 SOUTH, RANGE 12 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the point of diversion of POD 1 to:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T 14 S, R 11 W, W.M.; 1628.28 FEET SOUTH AND 1159.59 FEET EAST FROM THE NW CORNER OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 31.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of diversion, together with that diverted at POD 2, shall not exceed the quantity of water lawfully available at the original point of diversion.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same surface water source as the original point of diversion.

4. All other terms and conditions of the permit remain the same.
5. Use of water from the new POD 1 and any associated construction shall be prohibited until the applicant obtains all required local land use approvals and local appeals periods have expired.
6. The applicant shall submit, to the department, proof of land use approval for the new POD 1 prior to any diversion of water.
7. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

Permit 53471, in the name of CITY OF YACHATS, is amended as described herein.

WITNESS the signature of the Water Resources
Director, affixed 2 - 1 - 99.


For Martha O. Pagel, Director