

STATE OF OREGON

COUNTY OF LINCOLN

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 537.211, after notice was given, reviewing objections, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7589 submitted by

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

The permit to be modified is Permit 51190, 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 foot per second, 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 authorized point of diversion: NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 31, T 14 S, R 11 W, WM; 1740 FEET SOUTH AND 2550 FEET EAST FROM THE NW CORNER OF THE SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 31, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

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

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

NE $\frac{1}{4}$   
SECTION 34

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

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 add an additional point of diversion to:

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

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

1. The 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.
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. Water may not be diverted at the new point of diversion until all applicable conditions of the permit have been met, including compliance with state-wide land-use goals and any local acknowledged land-use plan.
5. All other terms and conditions of the permit shall remain the same.

Permit 51190, in the name of the City of Yachats, is amend as described herein.

WITNESS the signature of the Water Resources Director, affixed SEP 12 1996.

  
Martha O. Pagel, Director