

**Oregon Water Resources Department
Water Right Services Division**

Water Right Application
Number S-57827

**Final Order
Extension of Time for Permit Number S-44501
Permit Holder: City of Dunes City**

Permit Information

Application File S-57827/ Permit S-44501

Basin 18 – Mid Coast Basin / Watermaster District 15

Date of Priority: August 21, 1978

Authorized Use of Water

Source of Water:	Woahink Lake, a Tributary of Woahink Creek
Purpose or Use:	Municipal Use
Maximum Rate:	1.5 Cubic Feet per Second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 either file 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.

Application History

Permit S-44501 was issued by the Department on November 14, 1979. The permit called for completion of construction by October 1, 1981, and complete application of water to beneficial use by October 1, 1982. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 1998. On December 3, 2007, City of Dunes City submitted an application to the Department for an extension of time for Permit S-44501. In accordance with OAR 690-315-0050(2), on June 24, 2014, the Department issued a

Proposed Final Order proposing to extend the time to complete construction to October 1, 2048, and the time to fully apply water to beneficial use to October 1, 2048. The protest period closed August 8, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, the Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 24, 2014.

Finding of Fact 37.c. is modified as follows to clarify that the water user is responsible for determining or otherwise measuring flows (additions are shown in underlined text):

- c. Under Certificate 59892 flows are to be maintained in Woahink Lake from the outlet of Woahink Lake to its confluence with Siltcoos Lake. Thus flows should be determined or otherwise measured by the water user in Woahink Creek at the outlet of Woahink Lake.

As a result of this modification to this Finding of Fact 37.c., the “Conditions to Maintain the Persistence of Listed Fish” at Condition 2.A.a. in this Final Order is modified as follows to be consistent with the above modification: (additions are shown in underlined text):

- A. Fish Persistence Target Flows
 - a. Fish persistence target flows in Woahink Creek as recommended by ODFW are in Table 1, below. Flows are to be determined or otherwise measured by the water user in Woahink Creek at the outlet of Woahink Lake.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

- 1. Development Limitations

Diversion of any water under Permit S-44501 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of diversion of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. The amount of water used under Permit S-44501 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of the final order may also meet the WMCP submittal requirements of other Department orders.

2. Conditions to Maintain the Persistence of Listed Fish

A. Fish Persistence Target Flows

- a. Fish persistence target flows in Woahink Creek as recommended by ODFW are in Table 1, below. Flows are to be determined or otherwise measured by the water user in Woahink Creek at the outlet of Woahink Lake.

Table 1

ODFW's Recommended Fish Persistence Target Flows based on MF517 (Certificate 59892)	
Month	Cubic Feet per Second
November – April	20
May – June	10
July – October 15	5
October 16 – October 31	15

- b. **Alternate Streamflow Measurement Point**

The location of a target flow measurement point as established in these Conditions to Maintain the Persistence of Listed Fish may be revised if the City of Dunes City provides evidence in writing that ODFW has determined that persistence flows may be measured at an alternate streamflow measurement point and provides an adequate description of the location of the alternate streamflow measurement point, and the Water Resources Director concurs in writing.

B. Determining Water Use Reductions

No undeveloped portion of Permit S-44501, being 1.5 cfs, may be diverted when the target flows shown in Table 1 are not met.

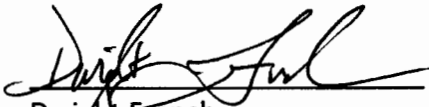
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

ORDER

The extension of time for Application S-57827, Permit S-44501, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1998 to October 1, 2048. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 1998 to October 1, 2048.

DATED: August 15, 2014



Dwight French
Water Right Services Division Administrator, for
Director
Oregon Water Resources Department

If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0834.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
