

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

Water Rights Application
Number S-72306

**Final Order
Extension of Time for Permit Number S-51578
Permit Holder: Neah-Kah-Nie Water District**

Permit Information

Application File S-72306/ Permit S-51578

Basin 1 – North Coast Basin / Watermaster District 1

Date of Priority: April 7, 1992

Authorized Use of Water

Source of Water:	Three Springs, a tributary of the Pacific Ocean
Purpose or Use:	Municipal Use
Maximum Rate:	0.32 Cubic Feet per Second (cfs), being 0.06 cfs from Springs 1 and 2, and 0.20 cfs from Spring 3

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-51578 was issued by the Department on January 13, 1995. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 1998. On August 12, 1999, Neah-Kah-Nie Water District submitted an application to the Department for an extension of time for Permit S-51578. In accordance with OAR 690-315-0050(2), on August 26, 2014, the Department issued a Proposed Final Order

proposing to extend the time to complete construction to October 1, 2023, and the time to fully apply water to beneficial use to October 1, 2023. The protest period closed October 10, 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 August 26, 2014.

Based on oral information provided by NKNWD, Finding of Fact 13 is modified as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

13. The NKNWD currently takes ~~most of~~ its water from Spring 1, Spring 2, and Spring 3 by gravity to its distribution system. ~~Spring 2 is not used at this time to meet current demand.~~ Water from the Pirates Spring Pump Station is only used for emergency and backup supply. ~~during the months of August and September when the spring flows in Springs 1 and 3 are lowest.~~ The NKNWD utilizes a storage system to meet peak demands.

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 beyond 0.16 cfs under Permit S-51578 up to 0.32 cfs 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-51578 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, on file with the Department.

The deadline established in this 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 this final order may also meet the WMCP submittal requirements of other Department orders.

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-72306, Permit S-51578, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1997 to October 1, 2023. 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, 2023.

DATED: October 17, 2014



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, 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
