

ORDINANCE NO. 165

AN ORDINANCE AUTHORIZING THE SHARING OF THE CITY'S DOMESTIC WATER RIGHT AND THE ESTABLISHMENT OF AN APPLICATION FEE

WHEREAS, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department and this water right may be amended to include additional diversion locations; and

WHEREAS, certain property owners currently utilizing surface water from Woahink Lake do not have a water right authorizing the use of this water source and have requested that Dunes City share its domestic water right; and

WHEREAS, the Oregon Water Resources Department encourages Dunes City to share its domestic water right with Dunes City private property owners that do not have a water right for diversion of surface water from Woahink Lake; and

WHEREAS, further delays in sharing the City's domestic water right will create a hardship for the citizens of Dunes City that utilize Woahink Lake as a source of domestic water; and

WHEREAS, the expense of amending a permit for a domestic water right includes the cost of a amendment fee, survey costs to show the point of diversion, and legal and administrative costs; and

WHEREAS, Dunes City must charge a fee to recoup its costs of amending its domestic water right permit and administering the permit process for sharing its domestic water right.

NOW THEREFORE, Dunes City ordains as follows:

Section 1. The City Council agrees to share its domestic water right to extract surface water from Woahink Lake with Dunes City property owners.

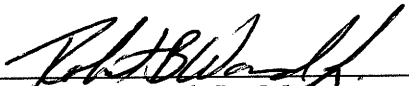
Section 2. The City Council shall, by resolution, establish an application fee to cover the full expense of sharing its domestic water right with private property owners; said expense shall include but may not be limited to, the application fee with the Oregon Department of Water Resources for the amendment to the City's water right, surveying expenses, legal expenditures and administrative costs. The City Council shall also impose an annual fee to cover water meter reading, the maintenance of records and other necessary administrative costs.

Section 3. The City does not warrant or otherwise guarantee the quality of the water diverted through the use of its domestic water right.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

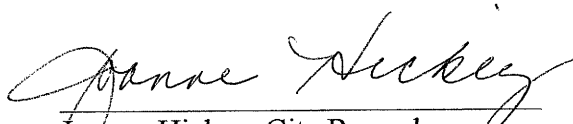
**ADOPTED BY THE DUNES CITY COUNCIL THIS 13th DAY OF NOVEMBER,
2003.**

Ayes: 5 Nays: 1 Abstain: _____ Absent: _____



Robert B. Ward, Jr., Mayor

ATTEST:



Joanne Hickey, City Recorder