

**BEFORE THE WATER RESOURCES COMMISSION  
OF THE  
STATE OF OREGON**

IN THE MATTER OF APPLICATION FOR )  
EXTENSION OF TIME IN WHICH TO BEGIN )  
AND COMPLETE CONSTRUCTION WORK )  
AND MAKE COMPLETE APPLICATION OF )  
WATER UNDER PERMIT NUMBER 50957 )

**ORDER**

**AUTHORITY**

1. The Grants Pass Irrigation District is the holder of water use permit number 50957 issued by the Water Resources Director which expires on October 31, 1994. The district has submitted an application for a five-year extension of the time limits within which to complete construction work and make complete application of water to beneficial use under the permit.
2. The Water Resources Commission is authorized under the provisions of ORS 537.230 to grant extensions of time for good cause shown, within which to complete work to perfect a water right under a permit.
3. Under the terms and conditions of permit number 50957, the Commission may grant extensions of time to complete the project provided that the Commission finds that the permittee has exercised due diligence in complying with the conditions of this permit and with the conditions of any plan adopted and that it would not impair or be detrimental to the public interest to extend the permit.

**FINDINGS**

1. The permittee has exercised due diligence in complying with the conditions of the permit. The district has completed the following tasks as required under the permit:
  - A. Preparation and submittal of a water management study which includes consideration of a range of options to reduce water use and improve efficiency, provide water service through a municipal or another type of purveyor, and resolve fish passage problems at Savage Rapids Dam;
  - B. Consultation with an advisory committee which included representatives of the City of Grants Pass, Josephine County, Oregon Department of Fish and Wildlife, National Marine Fisheries Service, Bureau of Reclamation, Soil Conservation Service, and WaterWatch of Oregon;
  - C. Continued implementation of its ongoing conservation and maintenance program;
  - D. Submittal of annual progress reports detailing the efforts of the permittee in gathering the required information and preparing the required plan and options; and
  - E. Submittal of a recommended plan and implementation schedule for improvements in the district.
2. The conservation plan recommended by the district includes improved communication among district staff to coordinate conservation actions, flow reductions at the beginning and end of the irrigation season, increased use of irrigation scheduling, reduced operational spills within the distribution system, education of patrons and district staff, assistance for on-farm improvements, and continued improvements and maintenance of the conveyance system. These measures are described in Chapter 7, Elements of the Conservation Plan and Chapter 11, Implementation Schedule of Recommended Alternatives, Grants Pass Irrigation District Water Management Study, March, 1994. Implementation of the measures is expected to reduce the peak rate of diversion to 149.26 cfs and total annual water use to 46,585 acre-feet.
3. During the previous four years, the district has taken action to improve water management and to begin implementation of many of the conservation measures in the recommended conservation plan. These actions include installation of measuring devices, development of

planning management areas, and appointment of a water manager to coordinate and facilitate implementation of the conservation measures. In addition, the district has accelerated its canal maintenance program.

4. The fish passage plan recommended by the district includes installation of pumping plants and removal of Savage Rapids Dam. The district's decision to recommend removal of the dam was based on specific conditions including the receipt of water rights sufficient to meet the district's needs, resolution of funding issues, and the opportunity for reconsideration of the decision if sufficient funding is identified to adequately repair the dam and fish passage facilities. The recommended plan would resolve the problems caused by inadequate ladders which delay up-stream migration. The plan also would resolve problems of juvenile fish mortality caused by impingement on screens and losses through pumps and turbines and into district canals. Finally, the plan would provide the district with the necessary capability to manage and control its diversions of water. The district anticipates obtaining federal funds for the construction of pumping plants, fish screens, transmission lines, and other facilities. The plan and schedule for installation of pumping plants and removal of Savage Rapids Dam are in Chapter 8, Fish Passage Improvement Alternatives and Chapter 11, Implementation Schedule of Recommended Alternatives, Grants Pass Irrigation District Water Management Study, March, 1994.
5. The permit which was issued in 1990 provided a process to evaluate whether the water use practices of the Grants Pass Irrigation District are consistent with the statutory prohibition of wasteful, uneconomic, impracticable or unreasonable uses and to reduce the quantities of water historically diverted by the district. The permit also provided a process to resolve fish passage problems at Savage Rapids Dam. The permit allows the use of water from the Rogue River for irrigation which is an allowable use of the waters. A 5-year extension of the permit to allow the district to implement the conservation and fish passage plans described above would not impair or be detrimental to the public interest. This order provides time for implementation of the approved plans.
6. A portion of the Rogue River below the district is designated as a state Scenic Waterway. In addition, the Rogue River provides an important anadromous fishery. The development of the permit, consistent with its terms and conditions as amended by this order is consistent with the policies of the Scenic Waterway Act (ORS 390.803 to 390.925).

#### ORDER

NOW, THEREFORE, it hereby is ORDERED that the conservation and fish passage plans and respective implementation schedules recommended by the Grants Pass Irrigation District are adopted and incorporated as conditions in permit number 50957, and the time for completion of work under permit number 50957 is extended until October 15, 1999. All of the terms and conditions of permit number 50957, except the name and address of the permittee, the source of water and purpose of the permit, the date of priority, and the description of the proposed place of use, are replaced with the following:


1. The amount of water allowed herein shall be limited to a diversion of not to exceed 71.79 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion. The right to use water under this permit is in addition to that described by Certificate recorded at page 50650, State Record of Water Right Certificates. The amount of water used for irrigation under this permit, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE FORTY-SIXTH (1/46) of one cubic foot per second (or its equivalent) and 7.0 acre-feet for each acre irrigated during the irrigation season of each year from live flow and storage.
2. When the district has completed development of this permit, and after determining that the terms and conditions of this permit have been met, pursuant to ORS 537.250, the Commission shall issue a certificate of water right allowing a diversion of not to exceed 52.32 CUBIC FEET PER SECOND provided that the amount of water used for irrigation under the right, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE FIFTY-SECOND (1/52) of one cubic foot per second (or its equivalent) and 6.0 acre-feet for each acre irrigated during the irrigation season of each year from live flow and storage.
3. This permit shall expire on October 15, 1999, unless extended by the Water Resources Commission, or unless earlier canceled for failure to comply with the conditions of the permit including, but not limited to, failure to exercise due diligence in implementing the approved conservation and fish passage plans.

4. The district shall implement the conservation plan and the plan to resolve fish passage problems, including removal of Savage Rapids Dam, as described in Chapters 7, 8 and 11, Grants Pass Irrigation District Water Management Study, March, 1994, in accordance with the schedule provided therein. However, at the request of the permittee, the Commission may approve modifications in the plans or implementation schedules.
5. By February 1 of each year, the permittee shall submit to the Water Resources Commission a report detailing the efforts of the permittee in implementing the plans and the effectiveness of the plan. The report shall provide a detailed description of the actions the permittee has taken to implement the plans, identify any impediments or delays in implementing the plans according to the approved schedules and, if appropriate, include a request for modification of the implementation schedules. If the Commission finds that the permittee has failed to exercise due diligence toward implementation of the plans, the Commission may take action as provided under condition 9.
6. The permittee or any other person or party may object to any modification to the plans or the implementation schedules, or to any extension of time for completion of work under this permit. Any objection to an extension or modification shall be on the basis that the modification or extension impairs or is detrimental to the public interest under ORS 537.170 or is prohibited by law. However, objections to extensions of time which are based on public interest may only be made if the time allowed for completion of work under the permit would be extended beyond October 15, 2002. Upon objection thereto, a contested case hearing shall be offered under ORS 183.310 to 183.550 in order to determine whether or not the modification or extension would impair or be detrimental to the public interest under ORS 537.170 or otherwise prohibited by law. Any objections to any modifications to the plan or to any extensions of time for completion of work under this permit must be made within 60 days of the time of approval of the modification or extension.
7. This permit is for the appropriation of natural flow, not stored water. Use of stored water must be by separate permit and contract with the appropriate agency.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. Failure to comply with any of the provisions of this permit, including the exercise of due diligence as described in condition 5, may result in action including, but not limited to restrictions on the use, civil penalties, or modification or cancellation of the permit.
10. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
11. The use of water allowed herein may be made only at times when sufficient water is available to satisfy prior rights, including rights for maintaining instream flows.
12. In addition to the terms and conditions specified herein, the use of water under this permit shall be subject to any regulation by the watermaster necessary to eliminate waste, compliance with any efficiency standards or conservation requirements which may be imposed by statute or administrative rule, and any other requirements of statute or rule.

#### OBJECTIONS

Any objection to this order and request for a contested case on the objection must be filed with the Commission within 60 days of the date of approval of this order. If an objection and request for a contested case is filed, the contested case shall be conducted pursuant to ORS 183.310 to 183.550.

Dated at Medford, Oregon this 28th day of October, 1994.

  
Cliff Bentz  
Acting Chairman  
Water Resources Commission