

Permit amendment

T-14292

Name City of Philomath
attn Chris Workman
 Address PO Box 400
Philomath Oregon 97370
Chris.Workman@ci.philomath.or.us

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Marys river
 Trib. of Willamette river

Use mini County Benton
 Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App#	Per #	Cert #	PR Date
<u>5-68200</u>	<u>5-49205</u>		
App#	Per #	Cert #	PR Date
App#	Per #	Cert #	PR Date
App#	Per #	Cert #	PR Date
App#	Per #	Cert #	PR Date

FEES PAID		
Date	Amount	Receipt #
<u>7-31-23</u>	<u>\$1,360.00</u>	<u>141298</u>

Change in APD
 Date Filed 7/31/2023
 Initial notice date 8/8/2023
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 10/14/2024 Vol 133 Page 201-203

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent GSI Water Solutions Zach Pike-zpike@gsiws.com

CWRE _____
 CC's list _____

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

October 14, 2024

City of Philomath
C/O Chris Workman
PO Box 400
Philomath, OR 97370

REFERENCE: Permit Amendment Application T-14292

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Stacy Phillips, by telephone at (503) 979-9984 or by e-mail at Stacy.h.phillips@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Zach Pike-Urlacher, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER APPROVING AN
T-14292, Benton County)	ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

Applicant

CITY OF PHILOMATH
ATTN: CHRIS WORKMAN
PO BOX 400
PHILOMATH, OR 97370

Findings of Fact

1. On July 31, 2023, CITY OF PHILOMATH filed an application for an additional point of diversion under Permit S-49245. The Department assigned the application number T-14292.
2. On March 8, 1989, the Department approved an extension of time for complete application of water to October 1, 1993.
3. On April 14, 2023, the Department approved an extension of time for complete application of water to October 1, 2043.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on August 8, 2023, pursuant to ORS 540.520(5).
5. Permit Amendment Application T-14292 proposes to add an additional point of diversion approximately 660 feet downstream from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	6 W	WM	11	SE SE	POD 2 - 875 FEET NORTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 11

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition 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 petition 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.

6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Permit Amendment Review Criteria

7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of diversion proposed by Permit Amendment Application T-14292 is consistent with the requirements of ORS 537.211.

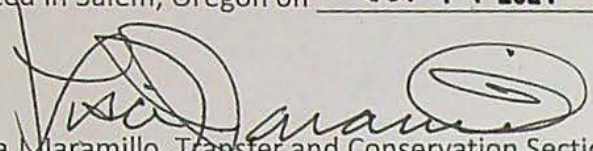
Now, therefore, it is ORDERED:

1. The additional point of diversion proposed by Permit Amendment Application T-14292 is approved.
2. Approval of this permit amendment application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.
3. Permit S-55506, in the name of CITY OF PHILOMATH, is issued to replace Permit S-49245, and incorporates the amendments approved by this order and the extensions of time. Permit S-49245, in the name of CITY OF PHILOMATH, is no longer of any force or effect.
4. The combined quantity of water diverted at the new additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point (POD 1) of diversion.
5. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

6. Water shall be acquired from the same surface water source as the original point of diversion.
7. All other terms and conditions of Permit S-55506 remain the same.

Dated in Salem, Oregon on OCT 14 2024.


Lisa J. Maramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: OCT 15 2024

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF PHILOMATH
PO BOX 549
PHILOMATH, OR 97370

This superseding permit is issued to describe an additional point of diversion proposed under Permit Amendment Application T-14292 and approved by Special Order Vol. 133, Page 201, entered OCT 14 2024, and to describe extensions of time for complete application of water approved March 8, 1989 and April 14, 2023. This permit supersedes Permit S-49245.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-68266

SOURCE OF WATER: MARYS RIVER TRIBUTARY OF THE WILLAMETTE RIVER

PURPOSE OR USE: MUNICIPAL

MAXIMUM RATE: 3.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 28, 1985

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	6 W	WM	11	SE SE	POD 1 - 1150 FEET NORTH AND 715 FEET WEST FROM THE SE CORNER OF SECTION 11
12 S	6 W	WM	11	SE SE	POD 2 - 875 FEET NORTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	5 W	WM	6	NE NE
12 S	5 W	WM	6	NW NE
12 S	5 W	WM	6	SW NE
12 S	5 W	WM	6	SE NE
12 S	5 W	WM	6	NE NW
12 S	5 W	WM	6	NW NW
12 S	5 W	WM	6	SW NW
12 S	5 W	WM	6	SE NW
12 S	5 W	WM	6	NE SW
12 S	5 W	WM	6	NW SW
12 S	5 W	WM	6	SW SW
12 S	5 W	WM	6	SE SW
12 S	5 W	WM	6	NE SE
12 S	5 W	WM	6	NW SE
12 S	5 W	WM	6	SW SE
12 S	5 W	WM	6	SE SE
12 S	5 W	WM	7	NE NE
12 S	5 W	WM	7	NW NE
12 S	5 W	WM	7	SW NE
12 S	5 W	WM	7	SE NE
12 S	5 W	WM	7	NE NW
12 S	5 W	WM	7	NW NW
12 S	5 W	WM	7	SW NW
12 S	5 W	WM	7	SE NW
12 S	5 W	WM	7	NE SW
12 S	5 W	WM	7	NW SW
12 S	5 W	WM	7	SW SW
12 S	5 W	WM	7	SE SW
12 S	5 W	WM	7	NE SE
12 S	5 W	WM	7	NW SE
12 S	5 W	WM	7	SW SE
12 S	5 W	WM	7	SE SE
12 S	5 W	WM	18	NE NE
12 S	5 W	WM	18	NW NE
12 S	5 W	WM	18	NE NW
12 S	5 W	WM	18	NW NW
12 S	6 W	WM	1	NE NE
12 S	6 W	WM	1	NW NE
12 S	6 W	WM	1	SW NE
12 S	6 W	WM	1	SE NE
12 S	6 W	WM	1	SW NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	6 W	WM	1	SE NW
12 S	6 W	WM	1	NE SW
12 S	6 W	WM	1	NW SW
12 S	6 W	WM	1	SW SW
12 S	6 W	WM	1	SE SW
12 S	6 W	WM	1	NE SE
12 S	6 W	WM	1	NW SE
12 S	6 W	WM	1	SW SE
12 S	6 W	WM	1	SE SE
12 S	6 W	WM	2	NE SE
12 S	6 W	WM	2	NW SE
12 S	6 W	WM	2	SW SE
12 S	6 W	WM	2	SE SE
12 S	6 W	WM	11	NE NE
12 S	6 W	WM	11	NW NE
12 S	6 W	WM	11	SW NE
12 S	6 W	WM	11	SE NE
12 S	6 W	WM	11	NE SW
12 S	6 W	WM	11	NE SE
12 S	6 W	WM	11	NW SE
12 S	6 W	WM	11	SE SE
12 S	6 W	WM	12	NE NE
12 S	6 W	WM	12	NW NE
12 S	6 W	WM	12	SW NE
12 S	6 W	WM	12	SE NE
12 S	6 W	WM	12	NE NW
12 S	6 W	WM	12	NW NW
12 S	6 W	WM	12	SW NW
12 S	6 W	WM	12	SE NW
12 S	6 W	WM	12	NE SW
12 S	6 W	WM	12	NW SW
12 S	6 W	WM	12	SW SW
12 S	6 W	WM	12	SE SW
12 S	6 W	WM	12	NE SE
12 S	6 W	WM	12	NW SE
12 S	6 W	WM	12	SW SE
12 S	6 W	WM	12	SE SE
12 S	6 W	WM	13	NE NE
12 S	6 W	WM	13	NW NE
12 S	6 W	WM	13	NE NW
12 S	6 W	WM	13	NW NW

Permit Amendment T-14292 Conditions:

The combined quantity of water diverted at the new additional point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point (POD 1) of diversion.

Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Water shall be acquired from the same surface water source as the original point of diversion.

Extension of Time Conditions:**1. Development Limitations**

A maximum diversion of 1.68 cfs of water is currently allowed under Permit S-49245. Any diversion of water beyond 1.68 cfs (not to exceed the maximum amount authorized under the permit, being 3.50 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-49245 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the diversion of water under Permit S-49245 that has been established under a prior WMCP or Extension final order issued by 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

Up to 1.68 cfs of water from Marys River under this or any subsequent water right(s) originating from Permit S-49245 is not and will not be conditioned to maintain fish persistence.

The undeveloped portion of the permit from Marys River subject to these fish persistence conditions is established as 1.82 cfs in accordance with 537.230(2)(c). The use of 1.82 cfs of water from Marys River as authorized under this permit must be hereafter conditioned with these fish persistence conditions. Therefore, all subsequent water right(s) originating from Permit S-49245 must include these Conditions to Maintain the Persistence of Listed Fish. If more than one resulting water right is subject to these Conditions to Maintain the Persistence of Listed Fish, then legal use of the 1.82 cfs conditioned to maintain the persistence of listed fish species shall be determined among all the permit/water right holders of record; all the permit/water right holders of record subject to these Conditions to Maintain the Persistence of Listed Fish must ensure that these fish persistence conditions are met.

A. Minimum Target Flows

Fish persistence target flows in Marys River as recommended by ODFW are in Table 2, below; flows are to be measured USGS streamgage #14171000, ~3.5 miles downstream of the point of diversion (POD).

Table 2

Month	ODFW Target Flows at Gage 14171000 (cfs)
JAN	135.0
FEB	135.0
MAR	135.0
APR	135.0
MAY	135.0
JUN 1-15	70.0
JUN 16-30	40.0
JUL 1-15	20.0
JUL 16-31	15.0
AUG	15.0
SEPT	15.0
OCT 1-15	20.0
OCT 16-31	38.7
NOV 1-15	70.0
NOV 16-30	135.0
DEC	135.0

Alternate Streamflow Measurement Point

The location of a streamflow measurement point as established in these Conditions to Maintain the Persistence of Listed Fish may be revised if the permit or water right holder provides evidence in writing that ODFW has determined that flows may be measured at an alternate streamflow measurement point and the permit or water right holder provides an adequate description of the location of the alternate streamflow

measurement point, and the Water Resources Director concurs in writing. If the City of Philomath elects to install an appropriate streamflow measurement device near the POD for compliance purposes in place of the USGS gage, ODFW will provide revised target flows to reflect the POD monitoring location.

B. Determining Water Use Reductions - Generally

The maximum amount of the 1.82 cfs conditioned for fish persistence that can be appropriated is determined in proportion to the amount by which the target flows shown in Table 2 are missed as measured at USGS streamgage #14171000, ~3.5 miles downstream of the point of diversion (POD). The fraction of target flow achievement is defined as:

$$T_a = (Q_g - P)/Q_t \quad (\text{Equation 1})$$

T_a = target flow achievement

Q_g = gaged daily flow

P = amount of water conditioned for fish persistence (1.82 cfs)

Q_t = target flow

When target flow achievement (T_a) is greater than 1, no curtailment is recommended. When target flow achievement is less than 1, curtailment of the undeveloped portion is recommended. For partial curtailment, the curtailed permit rate is determined by scaling the undeveloped portion of the permit by the fraction the flow target is not met (*Equation 2*).

If $T_a \geq 1$, no curtailment necessary. Otherwise:

$$D_m = T_a * P \quad (\text{Equation 2})$$

D_m = maximum amount of water conditioned for fish persistence that can be appropriated as a result of this fish persistence condition

For descriptive purposes only, expected levels of target flow achievement based on historical data are shown in Table 3, which tabulates the analysis described above using daily gage data for the period of record from 10/1/2000-5/20/2018, the undeveloped water right, and monthly target flows for fish persistence. For the years analyzed, the fraction of target non-achievement by month (Table 3-column 2) ranged from 0 to 0.62. Target flows are generally met during winter and early spring. The most frequent incidences of target non-achievement occur in late summer and fall.

Table 3. Fraction of the time monthly target flows were missed and the median of target flow achievement when missed.

Month	Fraction of period target missed	Median of Target Flow Achievement (T_a) when $T_a < 1$
JAN	0.03	0.91
FEB	0.02	0.87
MAR	0.04	0.69
APR	0.00	na
MAY	0.32	0.80
JUN 1-15	0.20	0.87
JUN 16-30	0.08	0.78
JUL 1-15	0.05	0.91
JUL 16-31	0.06	0.78
AUG	0.37	0.71
SEP	0.62	0.74
OCT 1-15	0.48	0.61
OCT 16-31	0.60	0.57
NOV 1-15	0.37	0.51
NOV 16-30	0.30	0.64
DEC	0.12	0.59

C. Examples

Example 1: Target flow met.

On August 15, the gaged daily flow (Q_g) 19.0 cfs. Given that the amount of water conditioned for fish persistence (P) is 1.82 cfs, then the gaged daily flow (Q_g) minus 1.82 is (P) greater than the 15.0 cfs target flow (Q_t) for August 15. In this example, $(Q_g - P)/Q_t \geq 1$.

$$(19.0 - 1.82)/15.0 \geq 1$$

The amount of water conditioned for fish persistence that can be diverted would not be reduced because the target flow is considered met.

Example 2: Target flow missed.

On August 15, the gaged daily flow (Q_g) is 12.0 cfs. Given that the amount of water conditioned for fish persistence (P) is 1.82 cfs, then the gaged daily flow (Q_g) minus 1.82 cfs (P) is less than the 15.0 cfs target flow (Q_t) for August 15.

Step 1: Given that the amount of water conditioned for fish persistence (P) is 1.82 cfs, if on August 15, the average of the gaged daily flow (Q_g) is 12.0 cfs and the target flow (Q_t) is 15.0 cfs, the fraction of target flow achievement (T_a) is less than 1.

$$(12.0 - 1.82) / 15 = 0.679$$

$$0.679 < 1$$

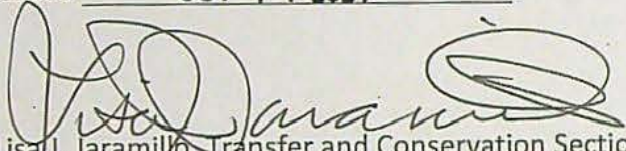
Step 2: Given the fraction of target flow achievement (T_a) is less than 1 (from Step 1), and amount of water conditioned for fish persistence (P) is 1.89 cfs; the maximum amount of water conditioned for fish persistence that can be appropriated as a result of this fish persistence condition (D_m) is 1.28 cfs.

$$0.679 * 1.82 \text{ cfs} = 1.24 \text{ cfs}$$

Original Permit Conditions:

The original permit was issued April 8, 1985. Actual construction work was to begin on or before April 8, 1986. By Extension of Time Final order dated April 14, 2023, the deadline for completing construction and for complete application of water to use was extended to October 1, 2043.

Issued OCT 14 2024



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledgment land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

PERMIT AMENDMENT COVER SHEET

Transfer: T-14292

Permit Amendment Specialist: Stacy

Transfer Type: Permit Amendment Transfer

Reimbursement Authority? ☐

Applicant: CHRIS WORKMAN PO BOX 400 PHILOMATH, OR 97370	Agent:	CWRE:
Irrigation District:	Affected Local Gov'ts:	Affected Tribal Gov't:
BOR Notified (date):		

Permit(s) Affected

File Marked	App. File # or Decree Name	Permit Number	Superseding Permit Number
<input type="checkbox"/>	S-68266	S-49245	S-55506
<input type="checkbox"/>			
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: July 31, 2023	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 8/8/2023	County sent cc: of Ack Letter <input type="checkbox"/>	County: BENTON
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper Notice and other:

Newspaper notice needed: <input checked="" type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

Extension of Time? ☐
 Assignment? ☐
 Previous Permit Amendments? ☐
 WMCP? ☐

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>11/1/23</u> Initials: <u>shp</u>	Date: _____ Initials: <u>ALD</u>	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/> No. of docs for sig: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-14292

Review Due Date:

Applicant Name: City of Philomath

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Joel Plahn

Date of Review: 08/10/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
When Certificate 59714 is not met junior water rights including this right have received regulation notices.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☐ No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: _____

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ will
 be required to be installed prior to diversion of water, as a condition of this transfer:
☐ at each point of diversion/appropriation (new and existing) **OR**
☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

 Watermaster signature

 District

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14292

Date of review: 8/15/23

A. Please check box if you believe there is a potential for injury to an instream water right.

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on stream, tributary to _____, because _____.
(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ 3. Screen 2 Year

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ 4. Screen Future

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

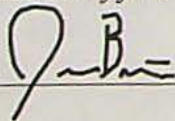
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ 5. No Screen Needed

[Check this box if fish are not currently present, and are not expected in the future.]

Signature



Jason Brandt
Printed Name

(541) 315-6222
Phone

SW Hydro Coordinator
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-14292

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Bryce Macnab

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 296-8026

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222

T-14292 - Proposed & Authorized POD



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **141298**
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: City of Philomath
BY: _____

APPLICATION
PERMIT
TRANSFER T-14292

CASH: ☐ CHECK: # 33584 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$ 0202 \$
0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$ 1,360.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: **141298** DATED: 7-31-23 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

4720 Oregon Water Resources
Inv Number
Invoice Date 6/29/2023
Description Permit Amendment Application S-49245
S-49245

7/19/2023
Inv Amount 1,360.00
GL Account No 41-0-6467

CITY OF PHILOMATH
P.O. BOX 400
PHILOMATH, OREGON 97370

033584

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. **Application fee enclosed in the amount of \$1,360.**
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1**
List the Permits here: S-49245 (Attachment A)
Please include a separate Part 5 for each permit. (See instructions on page 6)
- ☒ Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner). **(Attachment B)**
- ☐ ☒ N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; or the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record.
- ☐ ☒ N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant or other permit holders of record that are not listed as applicants.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. **(Attachment C)**
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

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Part 2 of 5 – Permit Amendment Map Checklist

Your permit amendment application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- ☐ ☒ N/A If **more than three** permits are involved, separate maps for each permit.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- ☐ ☒ N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMIT AMENDMENT			
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	0
	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in 3a: <u>0 (3b)</u> <i>If only one permit this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u> (4a)</u> Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u> (4b)</u>		
4	Add line 4a to line 4b and enter »	4	0
	Do you propose to change the place of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see below*): <u> (5a)</u> Subtract 1.0 from the number in 5a above: <u> (5b)</u> If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u> (5c)</u> and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » » » » » Subtotal:	6	\$1,360
	Is this permit amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 If no box is applicable, enter 0 on line 7 »		
7		7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Permit Amendment Fee:	8	\$1,360

*Example for Line 5a calculation to transfer 45.0 acres of Primary Permit S-12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Permit S-87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each permit involved as follows:
 - a. Divide total authorized cfs by total acres in the permit (for S-12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be changed to get the application cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right permit does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either 0.025 ($1/40$) or 0.0125 ($1/80$). (For S-87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each "on the ground" acre included in the application. (In this example, blank 5a would be only 0.56 cfs , since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

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Revised 7/1/2021

Permit Amendment Application – Page 3 of 8

TACS

JUL 31 2023

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14292

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Philomath, ATTN: Chris Workman			PHONE NO. 541-929-6148	ADDITIONAL CONTACT NO.
ADDRESS PO Box 400, 980 Applegate St.			FAX NO.	
CITY Philomath	STATE OR	ZIP 97370	E-MAIL chris.workman@ci.philomath.or.us	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME GSI Water Solutions, Inc. ATTN: Zach Pike-Urlacher			PHONE NO. 541-753-0933	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Boulevard, Suite 240			FAX NO.	
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL zpikeurlacher@gsiws.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this permit amendment; and why:
The Applicant is proposing to add a point of diversion to Permit S-49245.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the permit holder of record? ☒ Yes ☐ No

If NO, include either:

- ☐ A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), OR
- ☐ An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

Has the Completion ("C") Date of the permit(s) in this application expired? ☐ Yes ☒ No

If YES, this application will not be accepted by the Department.

If NO, what are the completion dates of the permit(s)? **10/1/2043**

- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.

By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: **The Gazette Times**

I (we) affirm that the information contained in this application is true and accurate.



Chris Workman, City Manager
 Print Name (and Title if applicable)

7/10/23
 Date

Applicant Signature

Print Name (and Title if applicable)

Date

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Check one of the following:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

Check the appropriate box, if applicable:

- ☐ Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME City of Philomath	ADDRESS PO Box 400, 980 Applegate St.	
CITY Philomath	STATE OR	ZIP 97370

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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JUL 31 2023

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Part 5 of 5 – Water Use Permit Information

Please use a separate Part 5 for each permit being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

PERMIT # S-49245

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	12 S	6 W	11	NE SE	0601	1550 feet North and 715 feet West from SE Corner, Section 11
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	12 S	6 W	11	SE SE	2200	875 feet North and 330 feet West from SE Corner, Section 11

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| <input type="checkbox"/> Place of Use (POU)
<input type="checkbox"/> Point of Diversion (POD)
<input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Point of Appropriation/Well (POA)
<input type="checkbox"/> Additional Point of Appropriation (APOA)
<input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |
|--|---|

Will all of the proposed changes affect the entire water use permit?

- ☒ Yes Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No Complete all of Table 2 to describe the portion of the permit to be changed.

For a change in place of use:

Does the permit holder of record own or control the land TO which the place of use is being moved?

☐ Yes ☐ No -N/A

If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use? ☐ Yes ☐ No -N/A

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer

Table 2. Description of Changes to Water Use Permit # S-49245

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																				
2	S	9	E 15 NE NW	100		15.0	POD #1 POD #2		POU/POD	2	S	9	E 15 NW NW	100	1	10.0	POD #5			
"	"	"	" " " "	"	"	EXAMPLE	"		"	2	S	9	E 15 SW NW	200		5.0	POD #6			
									APOD	See POU listing in Attachment A						POD 1, POD 2	1/28/1985			
TOTAL ACRES										TOTAL ACRES										

Additional remarks: The Applicant is proposing to add an additional point of diversion (POD 2) to Permit S-49245.

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Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? ☐ Yes ☐ No N/A – Permit S-49245 is for municipal use so "layering" does not apply.

If YES, list the other certificate, permit, or ground water registration numbers: _____



If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation N/A

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right



STATE OF OREGON

County of BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 68266 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to City of Philomath of PO Box 549, Philomath, Oregon 97370, phone 929-6148, for the use of the waters of Marys River, a tributary of the Willamette River,
for the PURPOSE of municipal

that the PRIORITY OF THE RIGHT dates from January 28, 1985

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 3.5 cubic feet per second

The POINT OF DIVERSION is to be LOCATED: 1150 feet North and 715 feet West from the Southeast Corner of Section 11, being within the SE 1/4 SE 1/4 of Section 11, Township 12 South, Range 6 West, WM, in the County of Benton.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

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APPLICATION 68266
68266

PERMIT

49245
14292

page two

Township 12 South, Range 6 West, WM Section 1	S 1/2	Municipal
	NE 1/4 NE 1/4	
	NW 1/4 NE 1/4	
	SW 1/4 NE 1/4	
	SE 1/4 NE 1/4	
	SW 1/4 NW 1/4	
	SE 1/4 NW 1/4	
Section 2	NW 1/4 SE 1/4	
	NE 1/4 SE 1/4	
	SE 1/4 SE 1/4	
	SW 1/4 SE 1/4	
Section 11	NW 1/4 NE 1/4	
	NE 1/4 NE 1/4	
	SE 1/4 NE 1/4	
	SW 1/4 NE 1/4	
	NW 1/4 SE 1/4	
	NE 1/4 SE 1/4	
	SE 1/4 SE 1/4	
	NE 1/4 SW 1/4	
Section 12	All	
Section 13	NW 1/4 NW 1/4	
	NE 1/4 NW 1/4	
	NW 1/4 NE 1/4	
	NE 1/4 NE 1/4	
Township 12 South, Range 5 West, WM Section 6	All	
Section 7	All	
Section 18	NW 1/4 NW 1/4	
	NE 1/4 NW 1/4	
	NW 1/4 NE 1/4	
	NE 1/4 NE 1/4	

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Actual construction work shall begin on or before April 8, 1986 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1987. ~~Extended to October 1, 1993~~

Complete application of the water to the proposed use shall be made on or before October 1, 1988. ~~Extended to October 1, 1993~~

Witness my hand this 8th day of April, 1985.

/s/ WILLIAM H. YOUNG

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 68266

PERMIT

49245



LEGEND

- | | | | |
|--|--|--|---------------------------|
| | Authorized Point of Diversion (POD) | | Donation Land Claim (DLC) |
| | Proposed Additional Point of Diversion (POD) | | Railroad |
| | Water Treatment Plant | | Major Road |
| | Proposed Pipeline | | Watercourse |
| | Existing Pipeline | | Waterbody |
| | Tax Lot | | |
| | Government Lot (GL) | | |

Application for a Permit Amendment in the Name of City of Philomath Authorized and Proposed Additional Points of Diversion Permit S-49245

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LOCATION DESCRIPTION

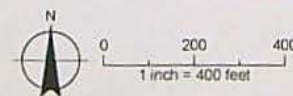
Authorized Point of Diversion
1550 feet North and 715 feet West from SE Corner,
Section 11, Township 12 South, Range 6 West (W.M.)

Proposed Additional Point of Diversion
875 feet North and 330 feet West from SE Corner,
Section 11, Township 12 South, Range 6 West (W.M.)

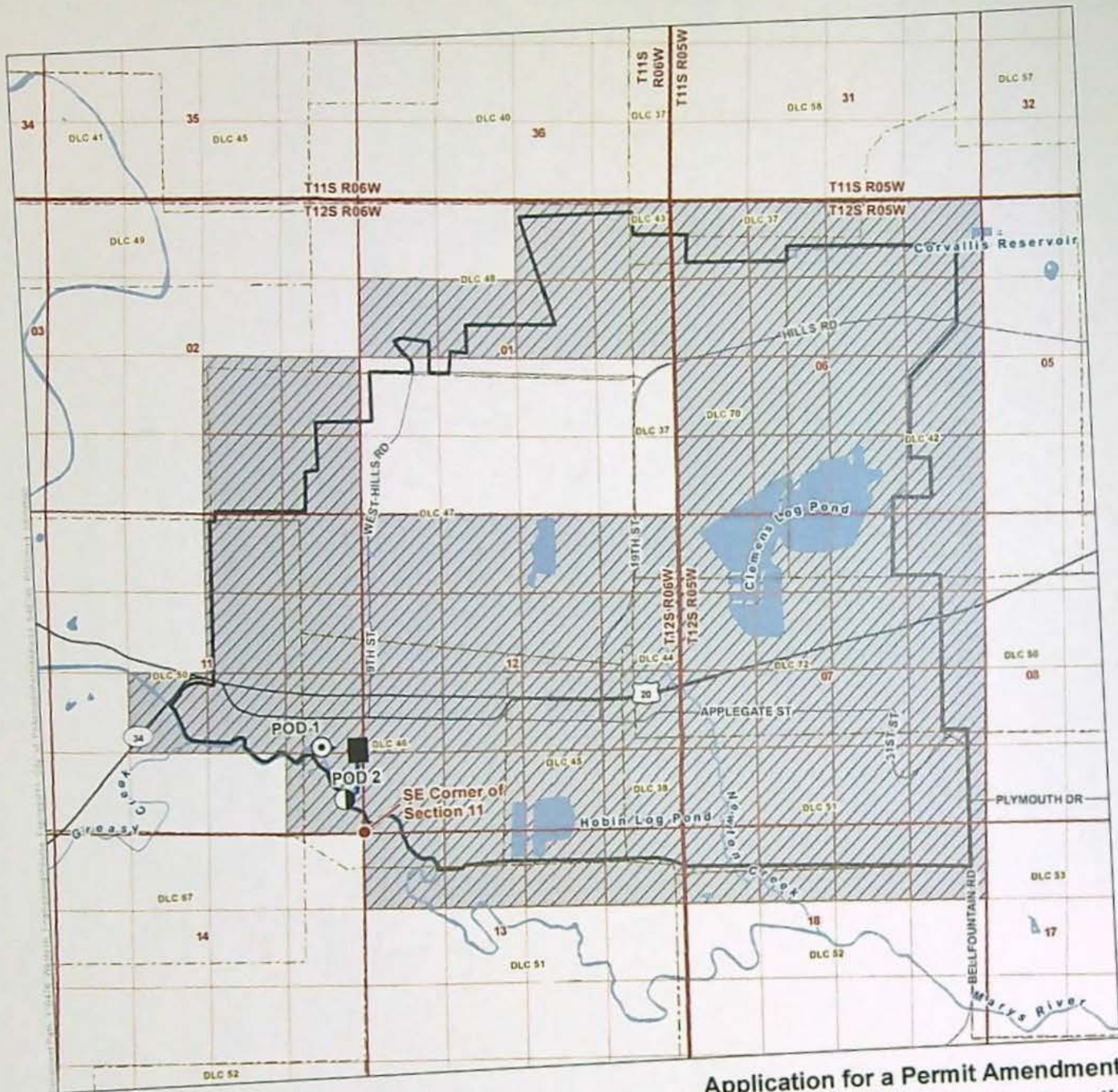
DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: June 27, 2023
Data Sources: BLM, ESRI, OWRD, USGS



14292



LEGEND

- | | | | |
|--|--|--|---------------------------|
| | Authorized Point of Diversion (POD) | | Donation Land Claim (DLC) |
| | Proposed Additional Point of Diversion (POD) | | Railroad |
| | Authorized Place of Use (POU) | | Major Road |
| | City of Philomath Service Area Boundary | | Watercourse |
| | Water Treatment Plant | | Waterbody |
| | Proposed Pipeline | | |
| | Existing Pipeline | | |
| | Government Lot (GL) | | |

LOCATION DESCRIPTION

Authorized Point of Diversion
1550 feet North and 715 feet West from SE Corner, Section 11, Township 12 South, Range 6 West (W.M.)

Proposed Additional Point of Diversion
875 feet North and 330 feet West from SE Corner, Section 11, Township 12 South, Range 6 West (W.M.)

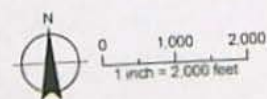
Application for a Permit Amendment
in the Name of City of Philomath
Authorized Place of Use
Permit S-49245
Township 12 South, Range 5/6 West (W.M.)

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DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: June 27, 2023
Data Sources: BLM, ESRI, OWRD, USGS



From: [STARNES Patrick K * WRD](#)
To: [Zach Pike-Urlacher](#)
Cc: [Cassie Slattery](#)
Subject: RE: Map Scale Waiver for Permit Amendment in Name of City of Philomath
Date: Thursday, June 29, 2023 9:21:37 AM

Good Morning Zach,

The Department grants a map scale waiver for that attached permit amendment application map for the City of Philomath.

Please include a printed copy of this e-mail when you submit the permit amendment application.

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: Zach Pike-Urlacher <zpikeurlacher@gsiws.com>
Sent: Wednesday, June 28, 2023 2:38 PM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Cc: Cassie Slattery <cslattery@gsiws.com>
Subject: Map Scale Waiver for Permit Amendment in Name of City of Philomath

Hi Kelly,

Attached is a PDF containing two maps for a permit amendment we are putting together for the City of Philomath.

We are requesting a map scale waiver for the place of use map, which uses a non-standard scale. (The point of diversion map uses a standard scale of 1in=400ft.)

Let us know if you have any questions.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Applicant(s): City of Philomath ATTN: Chris Workman

Mailing Address: PO Box 400, 980 Applegate St.

City: Philomath

State: OR

Zip Code: 97370

Daytime Phone: 541-929-6148

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>12S</u>	<u>6W</u>	<u>11</u>	<u>SESE</u>	<u>1100</u>	<u>LDR</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Municipal</u>
<u>12S</u>	<u>6W</u>	<u>11</u>	<u>SESE</u>	<u>1200</u>	<u>LDR</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Municipal</u>
<u>12S</u>	<u>6W</u>	<u>11</u>	<u>SESE</u>	<u>1000</u>	<u>IL</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Municipal</u>
<u>12S</u>	<u>6W</u>	<u>11</u>	<u>NESE</u>	<u>1000</u>	<u>IL</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Municipal</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Philomath

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☒ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Marys River

Estimated quantity of water needed: 3.5 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Applicant is proposing to add an additional point of diversion to Permit S-49245.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: CHRIS WORKMAN Title: CITY MANAGER
 Signature: [Signature] Phone: 5419296148 Date: 7/13/23
 Government Entity: CITY OF PHILMATH

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



July 14, 2023

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Permit Amendment Application for Permit S-49245 in the name of City of Philomath

Dear Kelly:

The City of Philomath is the holder of water right Permit S-49245, which authorizes the diversion of 3.5 cfs from the Marys River for municipal use. The City is filing the enclosed permit amendment application to add an additional point of diversion to the Permit.

Also enclosed is a check for the required processing fee of \$1,360.

Please contact me if you have any questions or concerns. My phone number is 541-753-0933.

Sincerely,

A handwritten signature in blue ink that reads "Zach Pike-Urlacher".

Zach Pike-Urlacher
Water Resources Consultant

Cc: Chris Workman, City of Philomath

Enclosures: Permit Amendment Application
Check for application fee in the amount of \$1,360

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PHILLIPS Stacy H * WRD

From: DAVIS Arla L * WRD
Sent: Wednesday, August 2, 2023 12:24 PM
To: Chelsea Starner; Zach Pike-Urlacher
Cc: Kevin Fear; Adam Sussman; PHILLIPS Stacy H * WRD
Subject: RE: Land Use Signature for Permit Amendment T-14292 for Permit S-49245 for the City of Philomath

Chelsea and Zach,

Thank you both so much for your replies. We will move forward with the application and include this email thread in the file. Please let me know if you have any other questions or concerns.

Arla L. Davis

She/Her/Hers
Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: Chelsea Starner <Chelsea.Starner@philomathoregon.gov>
Sent: Wednesday, August 2, 2023 12:22 PM
To: Zach Pike-Urlacher <zpikeurlacher@gsiws.com>
Cc: Kevin Fear <Kevin.Fear@philomathoregon.gov>; DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>; Adam Sussman <asussman@gsiws.com>
Subject: RE: Land Use Signature for Permit Amendment T-14292 for Permit S-49245 for the City of Philomath

You don't often get email from chelsea.starner@philomathoregon.gov. [Learn why this is important](#)

Great, thank you.

Chelsea Starner
Assistant City Manager
City of Philomath
541-929-9706

From: Zach Pike-Urlacher <zpikeurlacher@gsiws.com>
Sent: Wednesday, August 2, 2023 11:19 AM
To: Chelsea Starner <Chelsea.Starner@philomathoregon.gov>

Cc: Kevin Fear <Kevin.Fear@philomathoregon.gov>; DAVIS Arla L WRD <Arla.L.DAVIS@water.oregon.gov>; Adam Sussman <asussman@gsiws.com>

Subject: RE: Land Use Signature for Permit Amendment T-14292 for Permit S-49245 for the City of Philomath

Hi Chelsea,

Thank you for reaching out. The permit amendment that we submitted on behalf of the City requests to add the new water treatment plant intake as an additional point of diversion to Permit S-49245. The additional point of diversion is located within the Philomath city limits and is the only change requested in the permit amendment. Because the entirety of the lands involved in the permit amendment are within the Philomath city limits, a land use form from the county should not be required.

I've cc'd Arla on this email and can answer any additional questions about the permit amendment as needed.

Thanks,
Zach

Zach Pike-Urlacher

Water Resources Consultant

direct: 541.753.0933 | mobile: 360.739.2303

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

GSI Water Solutions, Inc. | www.gsiws.com

pronouns: he, him

From: Chelsea Starner <Chelsea.Starner@philomathoregon.gov>

Sent: Wednesday, August 2, 2023 10:17 AM

To: Zach Pike-Urlacher <zpikeurlacher@gsiws.com>

Cc: Kevin Fear <Kevin.Fear@philomathoregon.gov>

Subject: Land Use Signature for Permit Amendment T-14292 for Permit S-49245 for the City of Philomath

Hi Zach,

Chris Workman is out so I am acting City Manager and need to resolve something related to the recent submission of this permit amendment. It is my understanding that we are requesting to move water rights from our property which is outside the city limits (Benton County jurisdiction) to our property inside the city limits.

Our application was flagged because Chris was both the applicant and the land use signatory. On closer inspection, they want someone other than Chris to confirm that the property for the amendment is inside city limits, therefore Chris is both the land use and city authority for signatures. Could you please confirm that this is true?

Thank you,

Chelsea Starner

Assistant City Manager

City of Philomath

541-929-9706

From: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>

Sent: Wednesday, August 2, 2023 9:09 AM

To: Chelsea Starner <Chelsea.Starner@philomathoregon.gov>

Cc: LOVRIEN Corie L * WRD <corie.lovrien@water.oregon.gov>; PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>

Subject: Land Use Signature for Permit Amendment T-14292 for Permit S-49245 for the City of Philomath

Good Morning Chelsea,

I apologize for not getting back to you yesterday, the day was much busier than I had anticipated.

As we discussed yesterday 8/1/2023, Chris Workman (City Manager) signed the Land Use Form submitted with Permit Amendment Application we received for the City of Philomath, involving Permit S-49245, which he also signed as the authorized party for the Permit Amendment Application. I attached a copy of the application we received at your request. Our conversation yesterday was to verify that the entirety of the lands that are involved in Permit Amendment T-14292 for the City of Philomath are within the city limits of the City of Philomath, which would make Chris Workman's signature valid on the land use form as he is the City Manager. We are accepting the application, however if the conclusion is that the County needs to sign off on the land use form, we will require a new one, and we will work with you to accomplish that. I appreciate your help and patience and again I apologize for the tardiness of this email. Please let me know if there are any questions or concerns.

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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This email is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this email by persons or entities other than the addressee is prohibited. If you have received this email in error, please contact the sender immediately, and delete the material from your computer.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 7, 2023

CHRIS WORKMAN

PO BOX 400

PHILOMATH, OR 97370

Reference: Application T-14292

On July 31, 2023, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1360.00. Our receipt number 141298 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the application has been issued by the Department.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Zach Pike-urlacher, Agent

Enclosure

Permit Amendment Application Intake Checklist

Permit Amendment # T-

Reviewer <u>Stacy</u> Date <u>8-1-2023</u>	Type of Change(s) Proposed: <input type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> SW to GW
Calculated Fee \$ Use fee calculator on back of this form	Fee Received \$ <u>1360.00</u>
Permit: <u>8-49245</u> Completion Date: <u>10-1-2043</u> Permit: Completion Date: Permit: Completion Date:	Check <u>ALL</u> Permits in WRIS to confirm completion date is not expired
Notes:	

Application:			
1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For multiple permits: Each permit proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which permit(s) are missing separate Part 5, Tables 1 & 2?			

Map Requirements:			
4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Map included & to scale? (Separate map for each permit if more than 3 permits)
5.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Map Waiver? The map waiver must be issued by the Department			
Notes:			

Attachments:			
6.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Has the Permit Completion Date expired? (If yes, we cannot accept)
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Land Use Form included and signed by <u>the County?</u>			
8.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Consent Form included, signed, & notarized (for applicants who are not a permit holder of record)?			
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For changes in POA/APOA – are the well logs included?			
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For change in POU within Umatilla County, Supplemental Form U included?			

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

Permit Amendment Application Intake Checklist

FEE WORKSHEET for PERMIT AMENDMENT			
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i> Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » »	2	
3	Number of permits included in Permit Amendment _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) <i>If only one permit, this will be 0</i> Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)	4	
5	Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » Do you propose to change the place of use? <input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c)	5	
6	Multiply 5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	
	Is this Permit Amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	7	
8	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Permit Amendment Fee:	8	