

Application # R-84049 Permit # R-13105

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 6-16-11

◆ **Extension Specialist...**

◆ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Jonnine Skaug...**

Publish on Public Notice (initial 30-day comment): Date of notice 6/21/11

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **103142**

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

INVOICE # _____

RECEIVED FROM: City of The Dalles

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK: # 10246 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1000.00

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) R-84049 } \$500 \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) 84050 } each \$ _____
 0240 EXTENSION OF TIME \$ 1000.00

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **103142**

DATED: 6-16-11 BY: JZ

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **139754**

INVOICE # _____

RECEIVED FROM: City of the Dalles
 BY: _____

APPLICATION	R-84049
PERMIT	
TRANSFER	

CASH: CHECK: # 149277 OTHER: (IDENTIFY)

TOTAL REC'D \$ 780.00

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	\$		<u>780.00</u>
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$		\$
0203 GROUND WATER	\$		\$
0205 TRANSFER	\$		
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$		\$
LANDOWNER'S PERMIT			\$
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: **139754**

DATED: 12-15-2007 BY: Mindy Kay

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **27307**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: City of the Dalles
BY: _____

APPLICATION	R84049
PERMIT	
TRANSFER	

CASH: CHECK: # 24-666 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,615.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT. _____

PCA AND OBJECT CLASS _____

VOUCHER # _____

\$ _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____

(Existing) TC168 WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

PCA 66111

EXAM FEE
\$ <u>1,615.00</u>
\$
\$
EXAM FEE
\$ _____

0202

0204

0206

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD # _____

CARD # _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION _____

\$

\$

\$

RECEIPT # **27307**

DATED: 1/21/99

BY: [Signature]

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: December 8, 2023

Copies Mailed

**Application R-84049
Permit R-13105**

By: KMWF
On: DEC 08 2023

Original mailed to permit holder

The City of The Dalles
Attn: Dave Anderson
1215 West 1st St
The Dalles, OR 97058

Copies sent to:

1. WRD - App. File R-84049/ Permit R-13105
2. WRD - Watermaster District 3, Robert Wood
3. WRD - Keith Mills, Dam Safety
4. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

5. None

Receiving via e-mail (10 AM day of signature date)

(DONE BY EXTENSION SPECIALIST)

6. None
7. WRD - Water Master District 3 - Robert Wood

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by _____ Date _____

CASEWORKER: JDP

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

Final Order

**Extension of Time for Permit Number R-13105
Permit Holder: The City of The Dalles**

Permit Information

Application File R-84049 Permit R-13105

Basin: 4 – Hood / Watermaster District 3
Date of Priority: January 21, 1999

Authorized Use of Water

Source of Water:	South Fork Mill Creek with any deficiency in the available supply from South Fork Mill Creek to be made up by diversion from Dog River appropriated under Certificate 14954
Storage Facility:	Crow Creek Reservoir
Purpose of Use:	Storage of Water for Municipal Use
Maximum Rate:	2,100 Acre-Feet

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.248 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Permit R-13105 was issued by the Department on November 20, 2001. The permit called for the reservoir to be filled and complete application of the stored water to the use be made by November 20, 2011. On December 15, 2022, The City of The Dalles submitted to the Department an Application for Extension of Time for Permit R-13105. In accordance with OAR 690-315-0050(2), on October 3, 2023, the Department issued a Proposed Final Order proposing to extend the time to fill the reservoir and apply the water to beneficial use under Permit R-13105 and from November 20, 2011, to November 20, 2031. The protest period closed November 17, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the Proposed Final Order dated October 3, 2023.

The PFO issued October 3, 2023, incorrectly identifies the name of the authorized reservoir as "Cow Creek Reservoir", instead of "Crow Creek Reservoir".

Finding of Fact 3 of the PFO incorrectly identifies the requested date for completion as November 20, 2021. This date should be November 20, 2031.

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

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2028**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

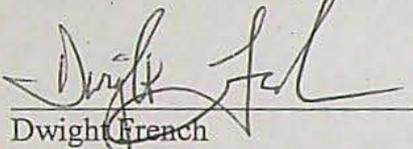
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.248 and OAR 690-315-0040(2).

ORDER

The extension of time for Application R-84049, Permit R-13105, therefore, is approved subject to conditions contained herein. The deadline for beginning construction is extended from November 20, 2021, to November 20, 2031. The deadline to fill the reservoir and apply the water to beneficial use under Permit R-13105 is extended from November 20, 2021, to November 20, 2031

DATED: December 8, 2023



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

-
- If you have any questions about statements contained in this document, please contact Jeffrey Pierceall at (503) 979-3213.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Extension of Time Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES
 DEPARTMENT

Permit Holder: The City of The Dalles

Application R-84049
 Permit R-13105

Report Due no later than October 1, 2028
 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2028

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit R-13105

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between November 20, 2021, and November 20, 2028	FINANCIAL INVESTMENT

2. **Compliance with terms and conditions of the permit and/or previous extension.**

3. **Provide the maximum volume of water stored for beneficial use under this permit, if any, made to date.**

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____



RECEIVED

OCT 06 2023

OWRD
SALEM, OREGON

October 4, 2023

Jeffrey Pierceall
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Mr. Pierceall:

On behalf of the City of The Dalles, GSI Water Solutions, Inc. has reviewed the proposed final order proposing to approve an extension of time for Permit R-13105, which authorizes the storage of up to 2,100 acre-feet of water in Crow Creek Reservoir. We have identified some scrivener's errors that we would like to request be corrected in the final order:

- Several instances refer to "Cow Creek Reservoir" instead of "Crow Creek Reservoir" (p. 1 description of the storage facility, FOF #1, FOF #6)
- FOF #3 states that the request is for an extension of time to 2021; this should be 2031 (this is correct elsewhere in the document)

Please let us know if you have any questions regarding these items, and we look forward to the issuance of the final order.

Sincerely,

A handwritten signature in black ink that reads "Leah Cogan". The signature is fluid and cursive.

Leah Cogan
Water Resources Analyst

Mailing List for Extension PFO Copies

PFO Date: October 3, 2023

Copies Mailed

**Application R-84049
Permit R-13105**

By: KMWF
On: ~~OCT 03~~ 2023

Original mailed to Applicant:

The City of The Dalles
Attn: Dave Anderson
1215 West 1st St
The Dalles, OR 97058

Copies sent to:

1. WRD - App. File R-84049/ Permit R-13105
2. WRD - Watermaster District 3, Robert Wood
3. GSI Water Solutions

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)

5. None
6. PFO: WRD – Watermaster District 3 – Robert Wood,
Done by _____ Date _____

CASEWORKER: JDP

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to begin construction of the water system from November 20, 2001, to November 20, 2031.
- Grant an extension of time for complete construction of the water system from November 20, 2001, to November 20, 2031.
- Grant an extension of time to apply water to full beneficial use from November 20, 2001, to November 20, 2031.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department

PFO – Proposed Final Order

City - The City of The Dalles

Units of Measure

AF – acre-feet

AUTHORITY

Generally, see ORS 537.248 and OAR Chapter 690 Division 315.

ORS 537.248(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause and reasonable diligence shown, extend the date for beginning and completing construction and for completing perfection of the use for a reservoir permit for a new storage project held by a county, municipality or district. The extension shall not exceed 10 years, but the applicant may request additional extensions.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time pursuant to ORS 537. 248 may be approved to begin and complete construction and apply water to full beneficial use.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

1. Permit R-13105 was granted by the Department on November 20, 2001. The permit authorizes storage up to 2,100 AF in Cow Creek Reservoir. The source of the stored water is South Fork Mill Creek with any deficiency in the available supply from South Fork Mill Creek to be made up by diversion from Dog River appropriated under Certificate 14954. The permit specified that the reservoir be filled and water applied to full beneficial use on or before November 20, 2011.
2. One prior permit extension has been granted for Permit R-13105. The extension request resulted in the completion dates to fill the reservoir and apply the water to beneficial use under Permit R-13105 and from November 20, 2011, to November 20, 2021.
3. On December 15, 2022, the permit holder submitted an "Application for Extension of Time" to the Department requesting the time fill the reservoir and apply water to full beneficial under the terms and conditions of Permit R-13105, be extended from November 20, 2011 to November 20, 2021.
4. Notification of the Application for Extension of Time for Permit R-13105 was published in the Department's Public Notice dated January 31, 2023. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to begin and complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.248.¹

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On December 15, 2022, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Duration and Justification of Extension

Under ORS 537.248(2) an extension allowed under this subsection may not exceed 10 years, but the applicant may request additional extensions. Under OAR 690-315-0030 the applicant is required to justify why the requested time is needed to begin construction and fully apply water to beneficial use.

¹ORS 537.248 applies to reservoir permits issued on or after July 4, 1995, to a county, municipality or district for new storage projects.

6. According to the City, the remaining work to be accomplished under Permit R-13105 consists of completing the Dog River Pipeline Replacement Project, finalizing design, permitting, and construction of Cow Creek Dam reservoir expansion, storing the permitted volume of water, expanding treatment capacity of Wicks Water Treatment Plant and applying water to full beneficial use.
7. As of December 15, 2022, the City has not stored any of the water authorized under Permit R-13105.
8. Given the amount of development left to occur, the Department has determined that the City's request to have until 2031, to fill the reservoir and apply water to full beneficial use under the terms and conditions of Permit R-13105 is both reasonable and necessary.
9. An extension of time to begin and complete construction and to complete perfection of the use under the terms of Permit R-13105 may not exceed 10 years.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Work Accomplished [OAR 690-315-0040(3)(a)]

10. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. During the original development time frame under Permit R-13105 the City has:
 - developed a Water Master Plan,
 - conducted a water conservation program including public education,
 - completed USFS cultural and natural resource surveys for pipeline replacement for filling the larger reservoir,
 - completed a wetlands analysis in support of the land exchange with the USFS, and
 - completed various surveys and development of a Proposed Action for Dog River pipeline replacement.

- b. During the extension period, being November 20, 2011, to November 20, 2021, the City has:
- contributed support to the Environmental Assessment for Dog River Pipeline replacement; and
 - Developed a WMCP;
- c. Since November 20, 2021, the City has:
- finalized design of Dog River replacement; and
 - began site preparation of the Dog River replacement.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

11. No water has been stored under Permit R-13105.
12. Beneficial use of water has not yet been demonstrated under this permit because no water has been stored.
13. Delay of full beneficial use of water under Permit R-13105 was due, in part, to the Dog River Pipeline being located within Mount Hood National Forrest. After submittal of Proposed Action to the US Forrest Service in October 2010, an environmental assessment was undertaken. In October 2020 a Decision of Notice was issued.

Compliance with Conditions [OAR 690-315-0040(3)(c)] water right permit holder's conformance with the permit or previous extension conditions:

14. The water right permit holder's conformance with the permit or previous extension conditions.

The Department has considered the permit holder's compliance with conditions, and did not identify any concerns because no water has been stored under Permit R-13105.

Financial Investments [OAR 690-315-0040(3)(d)]

15. Financial investments made toward developing the beneficial water use.
- a. According to the City, as of December 15, 2022, they have invested approximately \$5,248,678, which is approximately 15 percent of the total projected cost for complete development of this project. The City anticipates an additional \$30,101,823 investment is needed for the completion of this project. The Department recognizes that while some of these investment costs are unique to construction and development solely under R-13105, other costs included in this accounting are not partitioned out for R-13105 because (1) they are incurred under the development of a water supply system jointly utilized under other

rights held by the City, and/or (2) they are generated from individual activities counted towards reasonable diligence and good faith which are not associated with just this permit, but with the development and exercise of all the City's water rights.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

16. According to the City, as of December 15, 2022, they have invested approximately \$5,248,678, which is 14.847534975529767 percent of the total projected cost for complete development of this project. The City anticipates a \$30,101,823 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

17. The Department has found good faith of the appropriator under Permit R-13105.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

18. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-13105; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The sources of water for the reservoir, South Fork Mill Creek, a tributary of Mill Creek, and Dog Creek, a tributary of East Fork Hood River, are not located within a Withdrawn Area. The sources are not located within or above any state or federal scenic waterway, however they are located within an area ranked "high and highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and are located within the Upper Columbia Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in

consultation with Oregon Department of Fish and Wildlife. Dog Creek is listed by the Department of Environmental Quality as a water quality limited stream.

19. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of December 15, 2022, the permit holder has invested approximately \$5,248,678.
20. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
21. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
22. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order determine if diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

23. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

24. Delay in the development of this project was due, in part, to an Environmental Assessment process.

Unforeseen Events [OAR 690-315-0040(2)(h)]

25. According to the City, delay of development under Permit R-13105 was due, in part, additional permitting process through the US Forrest Service to replace the Dog River Pipeline on the portion that runs through Mount Hood National Forrest.

CONCLUSIONS OF LAW

1. The City is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).

2. The City has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
4. As required by OAR 690-315-0050(6) and as described in Finding 21, above, the Department has established, as specified in the "Conditions" section of this PFO (Item 2), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit R-13105. Intervals between checkpoints are not to exceed five year periods.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to fill the reservoir and apply the water to beneficial use under Permit R-13105 and from November 20, 2011, to November 20, 2031.

Subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

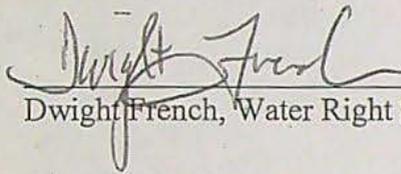
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2028**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit

or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: October 3, 2023



Dwight French, Water Right Services Administrator

If you have any questions, please check the information box on the last page for the appropriate names and phone numbers.

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **November 17, 2023**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Application: R-84049 Permit: R-13105
Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit Holder(s) City of the Dalles
ATTN: DAVE ANDERSON
1215 W. 1st St.
The Dalles, OR 97058

Proposed Completion Date: 10-1-2031

- WRIG...Money Received on: 12-15-2022
- Extension Specialist ...
 - Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

- ^{Kyle} ~~Tonya Miller~~...
- Recent Assignment (Check WRIS for Update)
- Publish on Public Notice (initial 30-day comment): Date of notice 1-31-2023
- Update WRIS Database
- In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- In the "Ext Filed" field... Enter the date the Extension Application was received.
- Yes or No: Return file to Extension Specialist after PN 1-31-2023

NOTES:



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

January 30, 2023

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-84049 (Permit R-13105)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 979-3213. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

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CITY OF THE DALLES
Department of Public Works
1215 West 1st Street
The Dalles, Oregon 97058

October 26, 2022

Jeffrey Pierceall
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Mr. Pierceall:

On behalf of the City of the Dalles, I am submitting the enclosed Application for Extension of Time for Permit R-13105, which authorizes the storage of up to 2,100 acre-feet of water in an enlarged Crow Creek Reservoir. This permit was issued under the provisions of ORS 537.248, and we are requesting processing of this application under section (2) of that statute.

The application and the required application fee of \$780.00 are enclosed. If you need any additional information, please contact me at 541-506-2008.

Sincerely,

Dave Anderson
Public Works Director

Enclosures

Application for
Extension of Time
for Municipal and Quasi-Municipal
Water Use Permits



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

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany the extension of time application.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

I, The City of The Dalles

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

Dave Anderson

NAME OF CONTACT

1215 West 1st Street

ADDRESS

The Dalles

CITY

OR

STATE

97058

ZIP

541-296-5401

PHONE

danderson@ci.the-dalles.or.us

E-MAIL ADDRESS

the permit holder of: Application Number R-84049

Permit Number R-13105
 [OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on November 20, 2021, be extended to October 1, 2031,¹

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on November 20, 2021, be extended to October 1, 2031.²

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

[Signature] _____ 11/22/22
 Signature Date

¹ The Application must demonstrate that the water system construction will be complete within the time being requested.

² The Application must demonstrate that full beneficial use can be made within the time requested.

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**Completing the Extension of Time Application for Quasi-Municipal
or Municipal Use Permits**

Please provide the information requested by item numbers 1-13. OWRD will use this information to evaluate your Application for Extension of Time.

[OAR 690-315-0070(3)]

1. **Submit the appropriate extension of time fee (\$780), as specified under ORS 536.050.**
If the extension application fee has already been paid, please provide indicate why and when it was paid.

A check in the amount of \$780 is enclosed.

[OAR 690-315-0070(3)(c)]

2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.

N/A – Permit R-13105 is for the storage of water for Municipal Use.

Begin Date: N/A. Construction of N/A began.
(month/year) (details)

[OAR 690-315-0070(3)(d)]

3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**

N/A – Permit R-13105 was issued on November 20, 2001. See Attachment A.

Begin Date: N/A. Construction of N/A began.
(month/year) (details)

[OAR 690-315-0070(3)(e) and OAR 690-315-0070(3)(i)]

4. **Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. Present the list in chronological order in Chart-I.**

CHART-I

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – e.g. Well drilled.</i>	COST
Late 1980s-2000	Water conservation program (planning and public education)	\$21,733

11/20/2021	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED <i>List work/actions done after the last authorized date for complete application of water has passed.</i>	COST
2021- March 2022	Final design for Dog River pipeline replacement	\$1,562,377
July 2022 – present	Site preparation and construction of Dog River pipeline replacement	\$1,458,762
Total Cost to Date		\$5,248,678

[OAR 690-315-0070(3)(f)]

5. Provide evidence of compliance with conditions contained in the original permit, in any previous extension(s), and/or in any permit amendments (Chart II), or the reason the condition was not satisfied (Chart III).

- 5-A) Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.

CHART-II

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
3	7/25/2014	The City has submitted its Water Management and Conservation Plan and it was approved by OWRD. The WMCP remains in effect through 2024.
13	9/15/2022	A checkpoint progress report was submitted to OWRD.

** Condition No: Attach a copy of the permit and, if applicable, any prior permit extensions or permit amendments with conditions identified and hand-numbered in a continuous number sequence throughout all such documents. Responses to Items 5-A and 5-B should reference each condition by number to correspond with the hand-written number sequence on the attached documents containing permit conditions. (See Attachment A)

- 5-B) If applicable conditions have NOT complied with all, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

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CHART-III

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	By 2031	Meter installation, water use record keeping, and Watermaster access to the meter has not occurred under Permit R-13105 because the reservoir expansion has not yet occurred (i.e.; water use has not begun under the permit).
2	1999	County approval of land use compatibility will be obtained prior to beginning construction.
4	By 2031	The City has focused its efforts on components of the project that precede the development of plans and specifications for the reservoir. Final plans and specifications will be approved by OWRD prior to construction.
5	By 2031	The City has focused its efforts on components of the project that precede the development of plans and specifications for the reservoir. Final plans and specifications will be approved by OWRD prior to construction.
6	By 2031	The outlet gate has not been cycled once per year under this permit because the reservoir expansion has not yet occurred.
7	By 2031	Routine maintenance of the dam, spillway, and appurtenant structures has not been performed because the structures have not yet been built for the reservoir expansion.
8	By 2031	The embankment dam, resultant reservoir, and emergency spillway have not yet been constructed.
9	By 2031	Preparation of foundation materials for the reservoir expansion has not yet begun.
10	By 2031	Construction of the reservoir expansion has not yet occurred.
11	By 2031, if needed	No alterations have occurred and have required approval because the reservoir expansion has not begun.
12	By 2031	A fully functional conduit/gate assembly with a minimum 8" diameter will be constructed as part of the reservoir expansion.

[OAR 690-315-0070(3)(g)]

6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit. Report water use as of June 29, 2005, or the C-Date of the permit (whichever is later).

6-A) For Surface Water Permit Extensions:

Acre Feet stored as of June 29, 2005, or C-date (whichever is later) = 0 AF (Water has not yet been diverted and stored under this permit.)

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how

that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

Current Population: 12,494 as of Year: 2021

Methodology used to estimate current population served: The Oregon Health Authority's (OHA) Drinking Water Data Online database reports that the population served by the City of The Dalles' public drinking water system in 2021 is 12,494. Portland State University's Population Research Center (PRC) estimated the population of the City of The Dalles in 2021 was 16,047. Part of this population receives water service from the City, and part of the population is served by Chenoweth Water People's Utility District (Chenoweth PUD). OHA's estimated population served by Chenoweth PUD is 4,500. Combining the estimated populations served by the City and Chenoweth PUD gives a total population of 16,994, which is similar to the PRC estimate of total City population.

[OAR 690-315-0070(3)(p)]

8. **Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate.**

Current Peak Water Demand: 13.96 cfs as of Year: 2021

Methodology used to estimate current peak demand:

City production records for 2021 were used to identify the peak day demand. Production records document all water delivered from the water treatment plant and City wells to the distribution system to meet municipal demands.

[OAR 690-315-0070(3)(k)]

9. **Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.**

The City identified the Dog River as a critical source of water to complete the reservoir expansion project and store water for municipal use. The Dog River Pipeline Replacement Project is needed to replace 3.5 miles of aging wooden pipeline that has significant leaks and to expand the capacity of the pipeline in order to fill the expanded Crow Creek Reservoir. Because the pipeline is located on the Mount Hood National Forest, the City submitted a Proposed Action to the US Forest Service in October 2010 for the pipeline replacement. The City then supported the Forest Service throughout development of the Environmental Assessment until a Decision Notice and Finding of No Significant Impact was issued in October 2020. Although construction could not begin until this environmental review process was completed, the City proactively worked to secure funding for the Dog River Pipeline Replacement Project during this time period through a combination of utility rate increases and grant and loan applications.

[OAR 690-315-0070(3)(I)]

- 10-A. Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use. The Application must demonstrate that the full rate authorized by the permit can be put to beneficial use within the time being requested.

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held
List all water rights held, including this permit, currently held by the permit holder. Use the format shown in "Attachment A" (see last page of this Application for Extension of Time). A link to the Water Rights Information System (WRIS), accessed through OWRD's website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> may be a helpful source for compiling this information.

Use the "Use Limitations" column to identify and explain why any water right is not currently utilized to meet current peak water demands, or which is used only in a limited capacity.

Please see inventory of the City's water rights in Attachment B.

- b) Water Supply Contracts and/or Agreements
List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities.

The City has an intertie with Chenoweth PUD that, under a verbal agreement, can be activated by the City in an emergency to supply water to most of Chenoweth PUD's service area, if needed.

List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

The City does not depend on water supply from other water providers, including Chenoweth PUD, to meet its current or anticipated future water needs, but the City can receive water from Chenoweth PUD in an emergency through the system intertie.

- c) Projected Population

Identify the projected population growth rate. The population projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the population projections such as historical growth rates or any factors affecting growth trends.

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Population Growth Rate: 1.1%

Projected Population: 14,568 as of Year: 2031

Methodology used to estimate projected population and population growth rate:

The City's 2006 Water System Master Plan (WSMP) estimated the population growth rate at 1.1 percent, and the City's 2014 Water Management and Conservation Plan (WMCP) continued to use a projected population growth rate of 1.1 percent through its planning period, ending in 2033. The City requests an extension of time to complete development of the permit to October 1, 2031. Applying the 1.1 percent growth rate to the 2013 population of 11,964 yields a projected population of 14,568 in 2031. This population projection is for the City water service area only and does not include the portion of the city served by Chenoweth PUD.

d) Future Peak Water Demands

Identify the projected peak water. The peak water demand projection must be extended out, at a minimum, to the year requested for complete application of water, and must demonstrate that full beneficial use may be accomplished within the time requested. Describe the methodology used to create the water demand projection, such as historical growth rates or any factors affecting growth trends. Include a summary of how the subject permit, and other water rights and /or supply contracts held by the permit holder are planned or expected to be used to meet anticipated future water needs

Projected Peak Water Demand: 14.51 – 31.76 cfs as of Year: 2031

Methodology used to estimate peak water demand:

The City is requesting an extension of time to 2031, when projected peak water demand is expected to range from 14.51 cfs to 31.76 cfs. The methodology used to project the estimated peak water demand is based on methods used in the City's 2014 WMCP (see excerpt in Attachment C). A demand per capita approach was used to project baseline demand and was then combined with additional estimated demand allowances for weather conditions and industrial growth.

To determine the per capita maximum day demand (MDD), the per capita MDD for several years with readily available data was averaged. These years include trendline MDD values for 2002 and 2003 from the City's WSMP, and 2010 and 2012 from the City's WMCP. The resulting per capita MDD of 644 gallons per capita per day (gpcd) was multiplied by the projected population of 14,568 in 2031 to determine the baseline projected MDD of 9.38 million gallons per day (mgd) or 14.51 cfs.

Next, a "weather allowance" of 1 mgd was added to the baseline projected MDD each year based on data showing that the MDD fluctuates from year to year and can exceed the trendline by 0.9 mgd during hot summer weather conditions. An additional "industrial allowance" was developed to account for an anticipated increase in demand for water for industrial use. A substantial amount of land zoned for industrial use is expected to become available within the City, and annexation of lands within the City's UGB is projected to increase the lands available for industrial development. In its 2014 WMCP, the City added an industrial allowance of 5.65 mgd per year to the baseline projected MDD through 2025, and 10.15 mgd per year after 2025 to account for potential future industrial demand. Using these methods, the City's total projected peak water demand in 2031 ranges from a baseline of 9.38 mgd (14.51 cfs) to up to 20.53 mgd (31.76 cfs) including allowances for weather patterns and industrial development.

The 2014 WMCP described the City's total water supply capacity as 16.1 cfs, including 5.4 cfs of surface water and 10.7 cfs of groundwater, and the estimated reliable capacity in the event of the loss of the single largest source of supply, the Jordan Street Well, as 12.1 cfs (5.4 cfs surface water + 6.7 cfs groundwater). Since that time, the City has invested in groundwater infrastructure improvements, and as of 2021, its total groundwater production capacity is 11.9 cfs. The City considers the entire 5.4 cfs of surface water supply to be reliable during the summer. Using all surface water and groundwater sources, the City's water supply capacity is 17.3 cfs (5.4 cfs of surface water + 11.9 cfs of groundwater), and the reliable capacity without the Jordan Street Well being operational would be 13.3 cfs (5.4 cfs surface water + 7.9 cfs groundwater).

Therefore, the firm capacity will not be sufficient to meet projected baseline demands through 2031, and even with all water sources operational, it would be difficult to meet peak demands if the City approaches the high end of the projected demand range due to hot weather and increased industrial development.

The City intends to meet the projected demands through a combination of upgrades to increase the capacity of its groundwater and surface water systems. The City has also obtained a limited license to implement Aquifer Storage and Recovery (ASR). This limited license allows the City to use up to four proposed ASR wells to store up to 1,200 million gallons (MG) of treated surface water in The Dalles Pool Aquifer for subsequent recovery and use. To date, ASR wells have not yet been constructed. The expansion of Crow Creek Reservoir and upgrades to the Wicks Water Treatment Plant would allow additional storage under Permit R-13105 and use of that stored water under Permit S-53930. The completion of these projects is anticipated to provide the City with an additional 10.1 cfs of water supply, resulting in a total surface water capacity of 15.5 cfs (5.4 cfs + 10.1 cfs). Thus, the City's reliable supply (not including any potential ASR) is projected to be 23.4 cfs (15.5 cfs from surface water + 7.9 cfs from groundwater). Assuming all of the City's groundwater and surface water sources are operational, the estimated supply would be 27.4 cfs (15.5 cfs surface water + 11.9 cfs groundwater). This supply would be sufficient to meet baseline demands in 2031 and a significant portion of any industrial development that occurs, and additional demand may be met through ASR and additional well capacity upgrades.

e) Potential Growth

Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

In 1986, the Columbia River Gorge Scenic Area Act established the current Urban Growth Boundary (UGB), which has limited growth. There is concern that the City may not have a sufficient 20-year supply of buildable lands to support employment opportunities, and a study is currently being finalized on this topic. The City desires to expand its UGB and has been annexing lands inside the current UGB. The City has continued to work with the Columbia Gorge Scenic Area Commission to explore options for expanding the UGB in a meaningful and thoughtful manner. These efforts are supported by the Port of The Dalles and Wasco County. The "industrial allowance" described above incorporates the anticipated increase in water demands due to annexation and new industrial uses, which is estimated at 5.65 mgd annually through 2025 and 10.15 mgd annually after 2025.

f) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2031**

[OAR 690-315-0070(3)(l)]

- 10-B. **Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.**

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

N/A – This application for extension of time requests only 10 years.

[OAR 690-315-0070(3)(j) and OAR 690-315-0070(3)(m)]

11. **Provide an estimate of the costs to complete water development and summary of the future plan and schedule to complete construction and/or perfect the water right.**

Considering the demand projections in Item 10-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the major planning, work and/or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit.

The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plans may help when formulating a response.

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
July 2022 – December 2023	Complete the Dog River Pipeline Replacement Project	\$13,601,823
Present – 2031	Final design, permitting, and construction of Crow Creek Dam reservoir expansion	\$9,050,000
Present – 2031	Expand treatment capacity of Wicks Water Treatment Plant	\$7,450,000
Year: <u>2031</u>	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		\$30,101,823

[OAR 690-315-0070(3)(n)]

12. Justify the time requested to complete the project and/or apply the water to full beneficial use.

A justification should integrate information from Items 5-B, 6-A or 6-B, 9, 10-A, and 11 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

The time requested to develop Permit R-13105 is based on the time needed to complete the Dog River Pipeline Replacement and the Crow Creek Dam reservoir expansion. The reservoir expansion will require permitting with various state and federal agencies, including a Special Use Permit because a portion of the reservoir is located on US Forest Service lands. Upgrades to the Wicks Water Treatment Plant will also be needed to expand the treatment capacity for the City's surface water sources. This expansion is a planned capital improvement project identified by the City's 2006 WSMP and the City's 2013 Public Facilities Plan. The City anticipates that permitting and construction of the Dog River Pipeline Replacement, Crow Creek Dam reservoir expansion, and upgrades to the Wicks Water Treatment Plant will be completed by 2031, allowing the City to fully develop Permit R-13105 by that time. For these reasons, an extension of time for Permit R-13105 is both reasonable and necessary.

[OAR 690-315-0070(3)(o)]

13. Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time

N/A

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[OAR 690-315-0070(3)(q)]

14. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

N/A – Permit R-13105 was issued on November 20, 2001.

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STATE OF OREGON

COUNTY OF WASCO

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF THE DALLES
6780 RESERVOIR ROAD
THE DALLES, OREGON 97058

(541) 298-1242

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

APPLICATION FILE NUMBER: R-84049

SOURCE OF WATER: SOUTH FORK MILL CREEK WITH ANY DEFICIENCY IN THE AVAILABLE WATER SUPPLY FROM SOUTH FORK MILL CREEK TO BE MADE UP BY DIVERSION FROM DOG RIVER APPROPRIATED UNDER CERTIFICATE 14954.

STORAGE FACILITY: ENLARGEMENT OF CROW CREEK RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MUNICIPAL USE.

MAXIMUM VOLUME: 2100 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FROM THE SOUTH FORK MILL CREEK FOR STORAGE: JANUARY 1 THROUGH APRIL 14 AND OCTOBER 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 21, 1999

The area submerged by the reservoir, when full, will be 60.0 acres and the maximum depth of water will be 115 feet. The maximum height of the dam shall not exceed 140 feet.

DAM LOCATION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T1S, R11E, W.M.

DOG RIVER POINT OF DIVERSION LOCATION: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, T2S, R10E, W.M.; 1800 FEET NORTH & 890 FEET EAST FROM SW CORNER SECTION 11

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 17

NE $\frac{1}{4}$ NW $\frac{1}{4}$

Application R-84049 Water Resources Department

PERMIT R-13105

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SALEM, OREGON

NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SECTION 20

TOWNSHIP 1 SOUTH, RANGE 11 EAST, W.M.

- 1 Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- 2 Prior to beginning construction under this permit the applicant shall obtain written approval from Wasco County indicating the proposed use complies with county land-use planning, and shall submit a copy of the approval to the Department's water right file.
- 3 Within 1 year of NEPA approval, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management and Conservation Plan.
- 4 The dam shall be constructed, operated, and maintained according to plans and specifications approved and on file with the Water Resources Department (WRD). Construction shall not begin prior to the Department's approval of plans and specifications for the reservoir.
- 5 Construction shall not begin until plans and specifications prepared by an Oregon licensed professional engineer have been reviewed and approved in writing by WRD Dam Safety.
- 6 The outlet gate shall be cycled at least once each year and shall be

Application R-84049 Water Resources Department

PERMIT R-13105

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fully operational at all times.

7 Routine maintenance of the dam, its spillway and all appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

8 The embankment dam, the resultant reservoir, and the emergency spillway, shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Dam Safety program. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

9 No new fill shall be placed until preparation of the foundation materials have been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

10 No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specification. If construction deviates from the approved design a set reproducible asbuilt drawings, including a revised reservoir capacity graph/table, must accompany the engineer's written certification of completion.

11 The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any significant modification, alteration, or rehabilitation of the dam, spillway or appurtenant structures.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

12 The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil

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penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

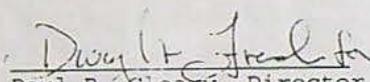
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at time when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before November 20, 2011. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report prepared by a Certified Water Rights Examiner (CWRE).

Issued November 20, 2001


Paul R. Cleary, Director
Water Resources Department

Application R-84049
Basin 6

Water Resources Department
Volume 2 LONG CR MISC

PERMIT R-13105
District 4

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

Water Rights Application
Number R-84049

Final Order

**Extension of Time for Permit Number R-13105
Permit Holder: City of The Dalles**

Permit Information

Application File R-84049 Permit R-13105

Basin: 4 – Hood / Watermaster District 3

Date of Priority: 1/21/1999

Authorized Use of Water

Source of Water: South Fork Mill Creek, tributary of Mill Creek, with any deficiency in the available water supply from South Fork Mill Creek to be made up by diversion from Dog River appropriated under Certificate 14954.

Storage Facility: Enlargement of Crow Creek Reservoir

Purpose of Use: Municipal

Maximum Rate: 2100 Acre-Feet (AF)

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit R-13105 was issued by the Department on November 20, 2001. The permit specified that the enlarged reservoir be filled and water applied to full beneficial use on or before November 20, 2011. On June 16, 2011, the city of The Dalles submitted to the Department an Application for Extension of Time for Permit R-13105. In accordance with OAR 690-315-0050(2), on August 16, 2011, the Department issued a Proposed Final Order proposing to extend the time to fill the reservoir and fully apply water to beneficial use to November 20, 2021. The protest period closed September 30, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated August 16, 2011.

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

CONDITIONS13 1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.248 and OAR 690-315-0040(2).

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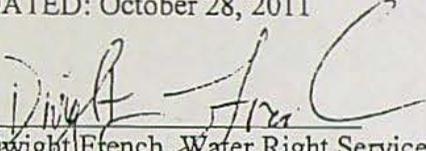
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Order

The extension of time for Application R-84049, Permit R-13015, therefore, is approved subject to conditions contained herein. The deadline for filling the reservoir and applying water to full beneficial use within the terms and conditions of the permit is extended from November 20, 2011 to November 20, 2021.

DATED: October 28, 2011


Dwight French, Water Right Services Division Administrator, for
PHILLIP C. WARD, DIRECTOR

-
- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Water Rights Inventory for (Name of Entity) City of The Dalles
 (List of All Permits, Permit Amendments, Certificates, Transfers, New Applications)

Ground Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. ¹ or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion		Authorized Completion Date ²	Notes or Limitations to water use ³
									Maximum Instantaneous Rate Diverted to Date (cfs)			
--	--	10/11/1923	GR-4258	GR Mod. T-10865; GR Mod. T-12893	4 Wells	Lone Pine, Jordan, Marks, and ASR 1 Wells	Municipal, domestic, irrigation, manufacturing, and industrial	2300 gpm (5.124 cfs)	5.124	--	Located within The Dalles Critical Groundwater Area.	
U-135	U-127	11/1/1940	15543		A well	Marks Well	Municipal	2.68	2.68	--	Located within The Dalles Critical Groundwater Area. Used for supplemental supply and emergency back-up due to elevated iron and manganese.	
U-181	U-189	10/4/1945	86380	T-7258	A well	Marks Well	Municipal	0.69	0.69	--	Located within The Dalles Critical Groundwater Area. Used for supplemental supply and emergency back-up due to elevated iron and manganese. Period of use limited to April 1 through October 1.	
U-181	U-189	10/4/1945	85886	T-7258	A well	Mill Creek Well	Municipal	0.81	0.81	--	Located within The Dalles Critical Groundwater Area. Period of use limited to April 1 through October 1.	
G-23	G-7806	10/16/1953	48991		A well	Jordan Street Well	Municipal	5.5	5.5	--	Located within The Dalles Critical Groundwater Area. Used for supplemental supply and emergency back-up due to elevated iron and manganese.	

¹ P.A. = Permit Amendment

² Date by which full application of water is to be made within the terms and conditions of the permit (date will be specified in the permit or on the last extension Final Order).

³ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is somehow limited due to quality, seasonal, etc. limitations, or if a the actual diversion rate is less than a certificated rate, please explain why.

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Application No.	Permit No.	Priority Date	Certificate No.	P.A. ¹ or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion		Authorized Completion Date ²	Notes or Limitations to water use ³
									Maximum Instantaneous Rate Diverted to Date (cfs)			
G-1415	G-7807	3/13/1959	60026		A well	Lone Pine Well	Municipal	4.46	4.46	--	Located within The Dalles Critical Groundwater Area.	
G-2076	G-2132	7/2/1962	44915		A well	Wicks Well	Municipal	1.56	1.56	--	Used for emergency back-up only due to elevated hydrogen sulfide and temperature.	
--	--	1910	GR-4257		Pump well	Stadelman Well	Domestic, manufacturing	165 gpm (0.368 cfs)	0.368	--	Located within The Dalles Critical Groundwater Area. Currently not usable due to poor water quality.	
G-15518	G-15149	6/4/2001	87278		3 wells	Well 1, Well 5, Well 9	Commercial	0.338	0.338	--	Located within The Dalles Critical Groundwater Area. Non-potable and not connected to the municipal system. Used for heating and cooling at a middle school and irrigation of school grounds.	

Surface Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion		Authorized Completion Date	Notes or Limitations to water use
									Maximum Instantaneous Rate Diverted to Date (cfs)			
<i>(Mill Creek Decree)</i>	--	1862	5691		South Fork Mill Creek	South Fork Mill Creek	Municipal	2 cfs	2 cfs	--	Water from South Fork Mill Creek, Dog River, and stored water from Crow Creek Reservoir is withdrawn from a single intake on South Fork Mill Creek at the Wicks Water Treatment Plant (WTP). The Wicks WTP has a maximum finished water production capacity of 7.42 cfs (4.8 mgd). The firm capacity available based on the reliability	
<i>(Hood River Decree)</i>	--	8/1/1870	14954		Dog River	Dog River	Municipal	"All water in stream at point of diversion"	All the water instream at point of diversion	--		
R-43667	R-4988	5/29/1967	44917		South Fork Mill Creek and Dog River	South Fork Mill Creek and Dog River	Storage for municipal use in Crow Creek Reservoir	955 AF	955 AF	--		

7/19/2021

Application for Extension of Time
Municipal and Quasi-Municipal Water Use Permits
Page 2 of 3

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Application No.	Permit No.	Priority Date	Certificate No.	P.A. or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion		Authorized Completion Date	Notes or Limitations to water use
									Maximum Instantaneous Rate Diverted to Date (cfs)			
S-43668	S-32479	5/29/1967	60410		Crow Creek Reservoir	Crow Creek Reservoir	Municipal	955 AF	955 AF	--		of the surface water sources during the summer is 5.4 cfs (3.5 mgd).
R-84049	R-13105	1/21/1999	--		South Fork Mill Creek and Dog River	South Fork Mill Creek and Dog River	Storage for municipal use in Crow Creek Reservoir	2100 AF	0	11/20/2021		Currently undeveloped. Any deficiency in supply from South Fork Mill Creek is to be made up by diversion from Dog River.
S-84050	S-53930	1/21/1999	--		Crow Creek Reservoir	Crow Creek Reservoir	Municipal	2100 AF	0	10/1/2041		Currently undeveloped.
S-55346	S-49653	1/13/1986	--		Columbia River	Columbia River	Municipal	40 cfs	0	10/1/2073		Currently undeveloped. Subject to "fish persistence" conditions.

Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate
N/A				

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Water Management and Conservation Plan

Prepared for
City of The Dalles, Oregon

November 2014

Prepared by



1600 SW Western Blvd., Suite 240 Corvallis, OR 97333
P: 541.753.0745 F: 541.754.4211
info@gsiws.com www.gsiws.com

Demand Forecast

OAR 690-086-0170(3)

A per capita demand approach was used to project the baseline demand within The Dalles water service area. Demand was also estimated considering variation due to weather conditions and demand from anticipated industrial development.

To determine the per capita maximum day demand (MDD), the per capita MDD for several years was averaged using the following method. First, the City's 2006 Water System Master Plan divided trendline MDD values for 2002 and 2003 by the service area population for each year. (Trendline MDD values were used instead of actual MDD values for those years to minimize the effect of MDD variability.) The result of averaging those two years was a per capita MDD of 640 gpcd. Second, the actual MDD values for 2010 and 2012 were divided by the service area population for each year to get 679 gpcd and 616 gpcd, respectively. Finally, the three per capita MDD values were averaged, resulting in a per capita MDD of 644 gpcd. Those four years were used in the per capita MDD analysis due to the readily available information for those years.

The City then used the per capita MDD of 644 gpcd to develop a range of projected demands that considers potential water demands with allowances for weather conditions and industrial growth (Baseline Projected MDD + Allowances) and without these allowances (Baseline Projected MDD). The following describes how the components of the demand projections were determined:

- **Baseline Projected MDD** - To estimate the baseline projected MDD without any allowances, the average per capita MDD was multiplied by the projected population.
- **Weather Allowance** - A "Weather Allowance" of 1 mgd was added to the baseline projected MDD each year. This approach is based on water production data from 1996-2004 that revealed the MDD fluctuates from year to year and can exceed the trendline by as much as 0.9 mgd, largely due to hot summer weather conditions.
- **Industrial Allowance Projected MDD** - An "Industrial Allowance" was developed to address several factors that could significantly increase the City's industrial water demand, including: the fact that current industrial growth is already resulting in an increase in demand for water for industrial use, the substantial amount of land zoned industrial available in the near future, and the City's concerted efforts to attract industrial companies to locate in the City. Specifically, the City anticipates future water demand for three industrial areas. The Port of The Dalles is preparing to develop an approximately 60-acre business park, requiring an 18-inch waterline and an estimated 3 mgd. The City is currently pursuing an expansion of its UGB, and in the process, is annexing all lands inside the UGB, which includes 265 acres of industrial land available for redevelopment. The City is also in the process of establishing an Urban Reserve Area that includes an additional 450 acres of industrial lands for development within the next 50 years. The City estimates that each 100 acres of the lands within these latter two areas will require approximately 1 mgd of water supply, resulting in a total anticipated demand of 2.65 mgd from the developable industrial land within the UGB and 4.5 mgd from the potential Urban Reserve Area industrial demand. Based on these potential industrial demands, an "Industrial Allowance" of 5.65 mgd (3 mgd + 2.65 mgd) per year

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was added to the baseline projected MDD through 2025, and 10.15 mgd (3 mgd + 2.65 mgd + 4.5 mgd) per year was added to the baseline projected MDD after 2025 to account for potential future industrial demand.

Thus, the total demand projection allowances were 6.65 mgd per year through 2025 (1 mgd Weather Allowance + 5.65 mgd Industrial Allowance) and 11.15 mgd per year after 2025 (1 mgd Weather Allowance + 10.15 mgd Industrial Allowance), which were added to the baseline projected MDD. Exhibit 5-2 presents the City's 10-year and 20-year demand projections with and without allowances.

Exhibit 5-2. Projected MDD.

Year	Population ¹	MDD (mgd)	MDD (cfs)	MDD + Allowances ² (mgd)	MDD + Allowances (cfs)
2013	11,964	7.70	11.92	14.35	22.21
2014	12,096	7.79	12.05	14.44	22.34
2015	12,229	7.88	12.18	14.53	22.47
2016	12,363	7.96	12.32	14.61	22.60
2017	12,499	8.05	12.45	14.70	22.74
2018	12,637	8.14	12.59	14.79	22.88
2019	12,776	8.23	12.73	14.88	23.02
2020	12,916	8.32	12.87	14.97	23.16
2021	13,058	8.41	13.01	15.06	23.30
2022	13,202	8.50	13.15	15.15	23.44
2023	13,347	8.60	13.30	15.25	23.58
2024	13,494	8.69	13.44	15.34	23.73
2025	13,642	8.79	13.59	15.44	23.88
2026	13,792	8.88	13.74	20.03	30.99
2027	13,944	8.98	13.89	20.13	31.14
2028	14,098	9.08	14.04	20.23	31.29
2029	14,253	9.18	14.20	20.33	31.45
2030	14,409	9.28	14.36	20.43	31.60
2031	14,568	9.38	14.51	20.53	31.76
2032	14,728	9.48	14.67	20.63	31.92
2033	14,890	9.59	14.83	20.74	32.08

¹All population projections presented above are for the City water service area and do not include areas served by the Chenoweth PUD. The 1.1% growth rate was applied to the population in the existing water service area.

²A total allowance of 6.65 mgd per year was added through 2025 (1 mgd Weather Allowance + 5.65 mgd Industrial Allowance) and of 11.15 mgd per year was added after 2025 (1 mgd Weather Allowance + 10.15 mgd Industrial Allowance).



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

November 18, 2022

City of the Dalles
Dave Anderson:
1215 West First St.
The Dalles, OR 97058

REFERENCE: Application R-84049 / Permit R-13105

Dear Permit Holder:

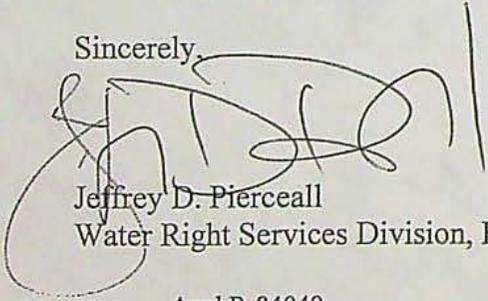
The Water Rights Section received your written progress report for Permit R-13105. Receipt of the progress report was published on the Department's weekly Public Notice, dated September 27, 2022. The Department did not receive any public comment on the progress report.

After reviewing your Diligence Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension is questionable because construction of the reservoir has not begun.

Please be aware that the deadline for beginning construction was November 20, 2021, and the deadline for filling of the reservoir and application of water under Permit R-13105 was November 20, 2021. Because diligence is questionable, an additional extension of time for Permit R-13105 will likely not be approved by the Department.

If you have any questions, please feel free to contact me by telephone at (503) 979-3213.

Sincerely,



Jeffrey D. Pierceall
Water Right Services Division, Extensions

cc: Appl R-84049
Watermaster District 3 -Robert Wood



Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: October 1, 2016 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: September 15, 2022

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: October 28, 2022

2. Support Staff: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 9/27/2022

Update workflow in WRIS

(Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

add record for Checkpoint Public Notice ("EPR" or "EP2")

Return file to Jeffrey Pierceall

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: October 28, 2022

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: City of the Dalles Attn: Dave Anderson

Application: R-84049

Permit: R-13105

County: Wasco

Source: South Fork Mill Creek with any deficiency in the available supply from South Fork Mill Creek to be made up by diversion from Dog River appropriated under Certificate 14954

Use: storage for municipal use



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058

September 13, 2022

Jeffrey Pierceall
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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Dear Mr. Pierceall:

The City of The Dalles (the City) is submitting the enclosed progress report for extended Permit R-13105, which authorizes the storage of up to 2,100 acre-feet of water in an enlarged Crow Creek Reservoir. This permit was issued, and granted a 10-year extension of time to begin construction, under the provisions of ORS 537.248.

The City's development efforts under Permit R-13105 have focused primarily on replacement of the Dog River Pipeline, which will be essential for securing sufficient water supply for the reservoir expansion. The US Forest Service has required completion of an Environmental Assessment as a precursor to construction because portions of the pipeline are located on US Forest Service lands.

The enclosed progress report describes the City's diligence in complying with the terms of the permit and efforts toward development, which have been somewhat delayed by the administrative process with the US Forest Service. If you have any questions, please contact me at 541-506-2008.

Respectfully submitted,

Dave Anderson

Dave Anderson
Public Works Director
City of The Dalles



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

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Extension of Time
Progress Report Form
 For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: City of the Dalles

Application R-84049

Permit R-13105

Report Due no later than October 1, 2016

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2016

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit R-13105

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between November 20, 2011 and October 1, 2016	FINANCIAL INVESTMENT
2011-2016	Support US Forest Service development of Environmental Assessment for Dog River Pipeline Replacement project (prerequisite to securing supply for reservoir expansion)	\$66,077
2014	Develop Water Management and Conservation Plan (permit condition)	\$30,383

2. Compliance with terms and conditions of the permit and/or previous extension.

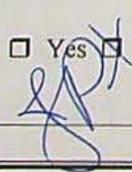
Conditions of Permit R-13105:

- Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device.
IN COMPLIANCE – Water use has not begun under this permit. The permittee will install a meter prior to use.
- A complete record must be kept of the amount of water used each month, and a report of water use measurements must be submitted annually. General water use information, including the place of use and nature of water use, must be reported if required.
IN COMPLIANCE – The permittee has submitted annual reports indicating that no water has been stored yet under this permit. OWRD has not required the permittee to report general water use information.
- Prior to beginning construction under this permit, the applicant shall obtain written approval from Wasco County indicating the proposed use complies with county land-use planning and shall submit a copy of the approval to the Department’s water right file.
IN COMPLIANCE – The permittee will obtain written approval from Wasco County prior to beginning construction.

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: 9-27-2022

Reviewed by: 

Date: 9-16-22

- Within 1 year of NEPA approval, the permittee shall submit a Water Management and Conservation Plan.
IN COMPLIANCE – The City’s Water Management and Conservation Plan was approved by OWRD in a Final Order dated November 14, 2014.
- The dam shall be constructed, operated, and maintained according to plans and specifications approved and on file with OWRD. Construction shall not begin prior to OWRD’s approval of plans and specifications for the reservoir.
IN COMPLIANCE – Construction has not begun. Plans and specifications will be submitted for approval prior to construction.
- Construction shall not begin until plans and specifications prepared by an Oregon licensed professional engineer have been reviewed and approved in writing by OWRD Dam Safety.
IN COMPLIANCE – Construction has not begun. Plans and specifications will be submitted for approval prior to construction.
- The outlet gate shall be cycled at least once each year and shall be fully operational at all times.
IN COMPLIANCE – Construction to complete the enlargement of Crow Creek Reservoir has not yet occurred. Once complete, the outlet gate will be fully operational and will be cycled at least once a year.
- Routine maintenance of the dam, spillway, and appurtenant structures shall be performed as necessary to remove trees, brush, and debris, and to repair slumps, areas of erosion, or defective equipment.
IN COMPLIANCE – Once construction has been completed, routine maintenance will be performed as necessary.
- The embankment dam, the resultant reservoir, and the emergency spillway shall be constructed and maintained according to the approved plans and specifications. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.
IN COMPLIANCE – Construction has not begun but will be undertaken according to approved plans and specifications.
- No new fill shall be placed until preparation of the foundation materials has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.
IN COMPLIANCE – No fill has been placed. Preparation and examination of foundation materials will be completed prior to placing new fill.
- No water shall be stored until OWRD receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications.
IN COMPLIANCE – No water has been stored under this permit. Construction will be undertaken in accordance with approved plans and specifications.
- The completed structure shall not be enlarged, modified, altered, or otherwise changed without the prior written approval of OWRD.
IN COMPLIANCE – No construction has taken place.

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

- The storage of water is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.
IN COMPLIANCE – Water has not been stored under this permit, but the reservoir will include the required gate assembly.

Conditions of Extension Final Order dated October 28, 2011:

- Checkpoint condition: The permit holder must submit a completed Progress Report Form to the Department by October 1, 2016.

This progress report describes activities completed between November 20, 2011 and October 1, 2016.

3. Total number of acres irrigated to date = N/A (if applicable)
4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = 0 AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature *Don Anderson*

Date 9/13/22

RECEIVED

SEP 15 2022

OWRD

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: 9-27-2022

Reviewed by: *[Signature]*

Date: 9-16-22

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number R-84049

Final Order

Extension of Time for Permit Number R-13105
Permit Holder: City of The Dalles

Permit Information

Application File R-84049 Permit R-13105

Basin: 4 – Hood / Watermaster District 3

Date of Priority: 1/21/1999

Authorized Use of Water

Source of Water: South Fork Mill Creek, tributary of Mill Creek, with any deficiency in the available water supply from South Fork Mill Creek to be made up by diversion from Dog River appropriated under Certificate 14954.

Storage Facility: Enlargement of Crow Creek Reservoir

Purpose of Use: Municipal

Maximum Rate: 2100 Acre-Feet (AF)

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit R-13105 was issued by the Department on November 20, 2001. The permit specified that the enlarged reservoir be filled and water applied to full beneficial use on or before November 20, 2011. On June 16, 2011, the city of The Dalles submitted to the Department an Application for Extension of Time for Permit R-13105. In accordance with OAR 690-315-0050(2), on August 16, 2011, the Department issued a Proposed Final Order proposing to extend the time to fill the reservoir and fully apply water to beneficial use to November 20, 2021. The protest period closed September 30, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated August 16, 2011.

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

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016**. *A form will be enclosed with your Final Order.*

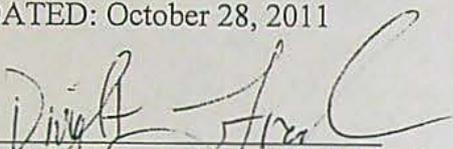
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.248 and OAR 690-315-0040(2).

Order

The extension of time for Application R-84049, Permit R-13015, therefore, is approved subject to conditions contained herein. The deadline for filling the reservoir and applying water to full beneficial use within the terms and conditions of the permit is extended from November 20, 2011 to November 20, 2021.

DATED: October 28, 2011


Dwight French, Water Right Services Division Administrator, for
PHILLIP C. WARD, DIRECTOR

-
- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: October 28, 2011

Copies Mailed

Application R-84049
Permit R-13105

By: Connie Vance
On: 10/28/2011

Original mailed to permit holder

City of The Dalles
Attn: Dave Anderson, Public Works
1215 West 1st Street
The Dalles, OR 97058-3542

Copies sent to:

1. WRD - App. File R-84049/ Permit R-13105 ✓
2. WRD - Watermaster District 3, Bob Wood ✓
3. WRD - NCR Regional Manager, Mike Ladd ✓
4. WRD - Keith Mills, Dam Safety *(for standard reservoir permits only)* ✓
5. Adam Sussman, GSI Water Solutions, Inc., 1600 SW Western Blvd, Suite 240, Corvallis, OR 97333 ✓

Fee paid as specified under ORS 536.050 to receive copy:

6. None

Receiving via e-mail (10 AM day of signature date)

(DONE BY EXTENSION SPECIALIST)

7. None

Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by ALR Date 10/28/2011

CASEWORKER: ALR

Final Order: Permit R-13105

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit R-13105, Water Right Application R-84049) **PROPOSED FINAL ORDER**
in the name of City of The Dalles)

Permit Information

Application File R-84049 Permit R-13105

Basin: 4 – Hood / Watermaster District 3

Date of Priority: 1/21/1999

Authorized Use of Water

Source of Water: South Fork Mill Creek, tributary of Mill Creek, with any deficiency in the available water supply from South Fork Mill Creek to be made up by diversion from Dog River appropriated under Certificate 14954.

Storage Facility: Enlargement of Crow Creek Reservoir

Purpose of Use: Municipal

Maximum Rate: 2100 Acre-Feet (AF)

This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

This Proposed Final Order applies only to Permit R-13105, water right Application R-84049. A copy of Permit R-13105 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to fill the reservoir and apply water to full beneficial use from November 20, 2011 to November 20, 2021.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department
PFO – Proposed Final Order
City - City of The Dalles

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute
AF – acre-feet

AUTHORITY

Generally, see **ORS 537.248 and OAR Chapter 690 Division 315.**

ORS 537.248(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause and reasonable diligence shown, extend the date for beginning and completing construction and for completing perfection of the use for a reservoir permit for a new storage project held by a county, municipality or district. The extension shall not exceed 10 years, but the applicant may request additional extensions.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time pursuant to ORS 537. 248 may be approved to begin and complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit R-13105 was granted by the Department on November 20, 2001. The permit authorizes storage up to 2100 AF of water in the enlargement of Crow Creek Reservoir. The source of the stored water is South Fork Mill Creek, tributary to Mill Creek, with any deficiency in the available water supply to be made up by diversion from Dog River,

tribuary to East Fork Hood River, appropriated under Certificate 14954. The purpose of the stored water is municipal use. The permit specified that the reservoir be filled and water applied to full beneficial use on or before November 20, 2011.

2. The permit holder submitted an "Application for Extension of Time" to the Department on June 16, 2011, requesting the time fill the reservoir and apply water to full beneficial under the terms and conditions of Permit R-13105, be extended from November 20, 2011 to November 20, 2021. This is the first extension of time request for Permit R-13105.
3. Notification of the Application for Extension of Time for Permit R-13105 was published in the Department's Public Notice dated June 21, 2011. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to begin and complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.248.¹

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On June 16, 2011, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Duration and Justification of Extension

Under ORS 537.248(2) an extension allowed under this subsection may not exceed 10 years, but the applicant may request additional extensions. Under OAR 690-315-0030 the applicant is required to justify why the requested time is needed to begin construction and fully apply water to beneficial use.

5. According to the City, the remaining work to be accomplished under Permit R-13105 consists of submitting a WMCP to the Department, completing a land exchange with the USFS, surveying, designing, and constructing pipeline replacements, completing the final design and permitting for the Crow Creek Dam expansion, constructing the reservoir expansion, and filling the reservoir and applying water to full beneficial use. The City as estimated that it will need until the year 2021 to accomplish these tasks.
6. As of June 16, 2011, the permit holder has not stored any of the water authorized under Permit R-13105.
7. According to the City, the expansion of the Crow Creek Reservoir is needed to increase the ability of the City to meet peak demand during the summer months as water demand increases over time.

¹ORS 537.248 applies to reservoir permits issued to a county, municipality or district for new storage projects.

8. Given the amount of development left to occur, the Department has determined that the City's request to have until November 20, 2021, to fill the reservoir and apply water to full beneficial use under the terms and conditions of Permit R-13105 is both reasonable and necessary.
9. As per ORS 537.248, an extension of time for completing perfecting of the use under the terms and conditions of Permit R-13105 may not exceed 10 years.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Work Accomplished [OAR 690-315-0040(3)(a)]

10. Work was accomplished within the time allowed in the permit as follows:
 - a. During the original development time frame under Permit R-13105 the City has:
 - developed a Water Master Plan,
 - conducted a water conservation program including public education,
 - completed USFS cultural and natural resource surveys for pipeline replacement for filling the larger reservoir,
 - completed a wetlands analysis in support of the land exchange with the USFS, and
 - completed various surveys and development of a Proposed Action for Dog River pipeline replacement.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

11. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit R-13105 on November 20, 2001, the City has not diverted any water from South Fork Mill Creek for the storage of water in the enlargement of Crow Creek Reservoir.
 - b. Delay of full beneficial use of water under Permit R-13105 was due, in part, to reduced water demands due to water conservation, water no longer being supplied

to Chenoweth Public Utility District's new service area, slower than expected population, business and industrial growth, slow economic growth, and financial constraints for a large-scale project.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

12. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

13. Financial investments made toward developing the beneficial water use.
 - a. According to the City, as of June 16, 2011, they have invested approximately \$2,131,079, which is approximately 11 percent of the total projected cost for complete development of this project. The City anticipates an additional \$17,187,500 investment is needed for the completion of this project. The Department recognizes that while some of these investment costs are unique to construction and development solely under R-13105, other costs included in this accounting are not partitioned out for R-13105 because (1) they are incurred under the development of a water supply system jointly utilized under other rights held by the City, and/or (2) they are generated from individual activities counted towards reasonable diligence and good faith which are not associated with just this permit, but with the development and exercise of all the City's water rights.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

14. According to the City, as of June 16, 2011, they have invested approximately \$2,131,079, which is 11 percent of the total projected cost for complete development of this project. The City anticipates a \$17,187,500 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

15. The Department has found good faith of the appropriator under Permit R-13105.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

16. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-13105; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The sources of water for the reservoir, South Fork Mill Creek, a tributary of Mill Creek, and Dog Creek, a tributary of East Fork Hood River, are not located within a Withdrawn Area. The sources are not located within or above any state or federal scenic waterway, however they are located within an area ranked "high and highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and are located within the Upper Columbia Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Dog Creek is listed by the Department of Environmental Quality as a water quality limited stream.
17. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of June 16, 2011, the permit holder has invested approximately \$2,131,079.
18. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
19. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
20. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

21. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

22. Delay in the development of this project was caused in part, by other governmental requirements including Wetland Analysis, Spotted owl surveys, and USFS Cultural and Natural Resource Surveys.

Unforeseen Events [OAR 690-315-0040(2)(h)]

23. According to the City, delay of development under Permit R-13105 was due, in part, to the size and scope of the municipal water system, which was designed to be phased in over a period of years and to slower than expected population, business and industrial growth, slow economic growth.

CONCLUSIONS OF LAW

1. The City is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The City has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
4. As required by OAR 690-315-0050(6) and as described in Finding 20, above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit R-13105.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to fill the reservoir and apply the water to beneficial use under Permit R-13105 and from November 20, 2011 to November 20, 2021.

Subject to the following conditions:

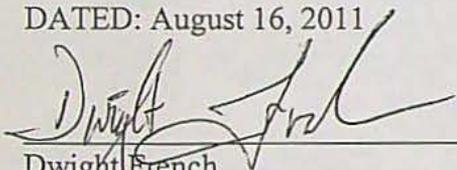
CONDITIONS

1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: August 16, 2011


Dwight French
Water Right Services Administrator

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **September 30, 2011**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

Mailing List for Extension PFO Copies

PFO Date: August 16, 2011

Copies Mailed

**Application R-84049
Permit R-13105**

By: La
On: 8/16/11

Original mailed to Applicant:

- ✓ City of The Dalles
Attn: Dave Anderson, Public Works
1215 West 1st Street
The Dalles, OR 97058-3542

Copies sent to:

- ✓ 1. WRD - App. File R-84049/ Permit R-13105
- ✓ 2. WRD - Watermaster District 3, Bob Wood
- ✓ 3. Adam Sussman, GSI Water Solutions, Inc., 1600 SW Western Blvd, Suite 240, Corvallis, OR 97333

Fee paid as specified under ORS 536.050 to receive copy:

- 4. None

Receiving via e-mail (10 AM Tuesday of signature date)

- 5. None

CASEWORKER: ALR

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued after November 2, 1998
(OAR 690-315-0010 through OAR 690-315-0060)

Application: R- 84049 Permit: R- 13105 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: City of The Dalles Attn: Dave Anderson, Public Work Dept.

Permit Holder's Mailing Address: ~~7515~~ 1215 West 1st St e-mail 97058-3542

Phone Number: 541-506-2008

POD Location: Township 1S Range 11E Section 17 ¼¼ SESW; Township 2S Range 10E Section 11 ¼¼ NWSW

Drainage Basin: 4 County: WASCO Watermaster District: 3 Watermaster: Bob Wood

Date Permit was issued: 11/20/2001

Priority Date: 1/21/1999

Date of PN: 6/21/2011

Source: S FK Mill Creek, with any deficiency made up from Dog River appropriated under Certificate 14954
Storage Facility: Enlargement of Crow Creek Reservoir

Use: Municipal Quasi Municipal _____

"Q": - 2100 AF / year

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 11/20/2011

Extension request rec'd: June 16, 2011

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 11/20/2011

Request Number (1, 2, 3...): 1st

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2021

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input type="checkbox"/>	Install meter – ok no water use yet
<input type="checkbox"/>	<input type="checkbox"/>	annual water use reporting – ok no water use yet
<input type="checkbox"/>	<input type="checkbox"/>	land use approval from Wasco County - w/ copy to OWRD – ok no construction yet
<input type="checkbox"/>	<input type="checkbox"/>	WMCP due 1 year after NEPA approval – OK no NEPA approval yet
<input type="checkbox"/>	<input type="checkbox"/>	specs to be approved by OWRD before construction and approved by Dam Safety – ok no const.
<input type="checkbox"/>	<input type="checkbox"/>	Install 8" Outlet gate – ok no const.

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

Work was accomplished within the time allowed in the permit or previous extension

Water right permit holder conformed with the permit or previous extension conditions

Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0.0 cfs gpm af Undeveloped portion 2100 cfs gpm af

Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$2,131,079 Estimated Remaining Cost: \$17,187,500

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Population 11930 (Year) 2010 Growth 1.1% Population 13112 by (Year) 2021 Calculated? Yes

As of Projected
Peak Demand 10.89 cfs/gpm (Year) 2010 Peak Demand 12.98 cfs/gpm by (Year) 2021 Calculated? Yes

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. S FK Mill Creek and Dog River

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/>within a critical or limited Ground Water Area? Name of area _____
- within a Withdrawn Area? Name of area _____
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

Max "Q" Development Limitations and Div. 86 Water Management and Conservation Plan

Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

CC: Adam Sussman
GSI Water Solutions Inc
1600 SW Western Blvd Ste 240
Corvallis OR 97333-4096

Extension "PFO" Dates



Oregon

John A. Kitzhaber, MD, Governor

file

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 20, 2011

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: R-84049 (PERMIT#: R-13105)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Jerry Gainey at (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany the extension of time application.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

I, The City of The Dalles

Dave Anderson

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

NAME OF CONTACT

1215 West 1st Street
 ADDRESS

The Dalles
 CITY

OR
 STATE

97058-3542
 ZIP

541-506-2008
 PHONE

danderson@ci.the-dalles.or.us
 E-MAIL ADDRESS

the permit holder of: Application Number R-84049

Permit Number R-13105
 [OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2011, be extended to October 1, 2021,

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2011, be extended to October 1, 2021.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Dave Anderson
 Signature

6/14/11
 Date

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Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

Please provide the information requested by item numbers 1-13. OWRD will use this information to evaluate your Application for Extension of Time.

- [OAR 690-315-0070(3)]
1. **Submit the appropriate extension of time fee (\$500), as specified under ORS 536.050.**
If the extension application fee has already been paid, please provide indicate why and when it was paid. *The statute for this fee may be viewed at www.leg.state.or.us/ors/536.html.*

A check in the amount of \$500 is enclosed.

[OAR 690-315-0070(3)(c)]

 2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.

N/A – Permit R-13105 is for the storage of water for municipal purposes. See Attachment A.

[OAR 690-315-0070(3)(d)]

 3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**

N/A - Permit R-13105 was issued on November 20, 2001. See Attachment A.

[OAR 690-315-0070(3)(e) and OAR 690-315-0070(3)(i)]

 4. **Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. *Present the list in chronological order in Chart-I.***

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CHART-I

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – e.g. Well drilled.</i>	COST
Late 1980s-2000	Water conservation program (planning and public education)	\$21,733
1990-1992	Developed Water Master Plan	\$100,000
Mid-1990s	Leak detection surveys	\$35,000
1995	Installed residential water meters and consumption-based billing	\$1,600,000
1996	Dam Augmentation Analysis	\$12,450
1997-1999	Water Rights consultant work to apply for water right	\$4,830
1997-1999	Water Rights legal work to apply for water right and defend supporting rights	\$609
1999	Water Right application fee	\$1,615
INSERT	ALL WORK AND ACTIONS ACCOMPLISHED	COST

Nov 20, 2001 → Nov 20, 2011 Development time period 2



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058

June 14, 2011

Ann Reece
Water Resources Department
North Mall Office Building
725 Summer Street, NE, Suite A
Salem, OR 97301-1266

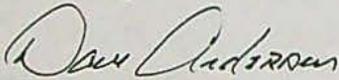
RE: The City of The Dalles Permit Extension for Permit R-13105

Dear Ann,

The City of The Dalles is submitting an Application for Extension of Time for Permit R-13105. The required application fee of \$500 is enclosed.

If you have any questions or need any additional information, please contact Adam Sussman of GSI Water Solutions, Inc. at 541-753-0745, extension 201. GSI Water Solutions, Inc. is an authorized agent for the purposes of this extension application.

Sincerely,


Dave Anderson
Public Works Director

Enclosures

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DATES	DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	
11/20/01	Date the permit was signed - find date above signature on last page of permit.	
2001-2010	Water conservation program (public education)	\$9,467
2003	Water Right processing fee	\$182
2006	Developed updated Water Master Plan	\$189,000
2008	USFS Cultural and Natural Resource Surveys for pipeline replacement to fill larger reservoir	\$23,191
2009	Wetlands Analysis in support of land exchange with USFS for Dam raise	\$37,157
2010	Surveys and development of Proposed Action for Dog River pipeline replacement	\$45,445
2010	Spotted Owl surveys for Dog River pipeline replacement	\$8,600
2011	Spotted Owl Surveys for Dog River pipeline replacement	\$9,800
2011	Survey alignment/topo for Dog River pipeline replacement	\$32,000
N/A	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
11/20/11	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request.</i> <i>For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
	N/A	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED <i>For Other than 1st Application for Extension of Time: List any work/actions done during the time period most recent extension.</i>	COST
10/1/	Date of the last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
	N/A	
10/1/	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED <i>List work/actions done after the last authorized date for complete application of water has passed.</i>	COST
	N/A	
Total Cost to Date		\$2,131,079

[OAR 690-315-0070(3)(f)]

5. Provide evidence of compliance with conditions contained in the original permit, in any previous extension(s), and/or in any permit amendments (Chart II), or the reason the condition was not satisfied (Chart III).

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- 5-A) Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.

Not Applicable.

- 5-B) If applicable conditions have NOT complied with all, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-III

Condition No.	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	By 2021	Meter installation, water use record keeping, report submittal, and Watermaster access to the meter has not occurred under Permit R-13105, because the reservoir expansion has not yet occurred.
2	By 2021	Reservoir expansion has not begun.
3	By 2021	NEPA approval has not yet been obtained.
4	By 2021	Final plans and specifications are not yet approved by OWRD.
5	By 2021	Final plans and specifications are not yet approved by OWRD Dam Safety.
6	By 2021, Ongoing	An outlet gate has not been cycled at least once each year and is not fully operational under Permit R-13105, because the reservoir expansion has not yet occurred.
7	By 2021, Ongoing	Routine maintenance of the dam, spillway, and appurtenant structures has not been performed under Permit R-13105, because the structures have not yet been built for the reservoir expansion.
8	By 2021, Ongoing	The embankment dam, resultant reservoir, and emergency spillway have not yet been constructed and their plans submitted to Oregon Water Resources Dam Safety for the reservoir expansion.
9	By 2021	Preparation of the foundation materials has not been initiated for the reservoir expansion.
10	By 2021	Reservoir expansion has not begun.
11	By 2021, if needed	No alterations have occurred and have required approval, because reservoir expansion has not begun.
12	By 2021	A fully functional conduit/gate assembly of a minimum 8" diameter has not yet been constructed for the reservoir expansion.

[OAR 690-315-0070(3)(g)]

6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

Water has not been diverted and stored under this water use permit to date.

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

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Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

Current Population: 11,930 as of Year: 2010

Methodology used to estimate current population served: The population estimate provided above is based on the population of the City of The Dalles minus the population within the City that is served by the Chenoweth PUD. The population for the City (13,430) is from the 2010 Certified Oregon Population Estimate for the The Dalles developed by Portland State University's Population Research Center. The estimated service population of Chenoweth PUD (1,500) is from The Dalles Water System Master Plan 2006 (pg 2-1) (Attachment B).

[OAR 690-315-0070(3)(p)]

8. **Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate.**

Current Peak Water Demand: 10.89 cfs (7.04 mgd) as of Year: 2010

Methodology used to estimate current peak demand: City production records for 2010 were used to identify the current peak day demand. Production records document all water delivered from the water treatment plant and wells to the distribution system to meet municipal demands.

[OAR 690-315-0070(3)(k)]

9. **Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.**

The City has moved towards development of this permit based on its water demand and the available financing. Permit R-13105 has not been developed to date because of slower than expected growth in water demand, available financing for the project, and the size and scope of this project.

Specific events/factors that delayed development of the permit include:

- Installation of residential water meters and implementation of metered water rates reduced water demands and deferred the need for the project.
- Implementation of a water conservation and public education program helped reduce water demands.
- Creation of the Chenoweth PUD, previously an irrigation district, as an independent water utility has eliminated or deferred the need for the City to supply this service area with water.
- Population growth in the community leveled off in the mid-1990s rather than continuing to increase as projected in the 1991 Water System Master Plan. The national recession of 2001-2003 significantly affected the City and made any large-scale project financially unfeasible until significant economic recovery occurred.
- The City anticipated that development of The Dalles Industrial Port would contribute to water demands as new businesses and industries moved into the area. However, development of the Port was delayed, subsequently delaying growth in water demand.

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- The Columbia River Gorge Scenic Area Act was passed in 1986, which established an Urban Growth Boundary (UGB) and temporarily limited the City's room to grow. Efforts are currently underway to expand the City's UGB.

[OAR 690-315-0070(3)(I)]

- 10-A. Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held

See inventory of the City's water rights in Attachment C.

The City's primary water supplies are surface rights from the protected watersheds of Dog River and South Fork Mill Creek (including the sub-drainages of Alder Creek and Crow Creek). Water from these sources is impounded in Crow Creek Reservoir. This stored water, in addition to available live flow, is used during peak demand summer months. Reliable late summer supply from the treated surface water sources, including available live flows and stored releases, are currently 5.4 cfs (3.5 mgd). Expansions of Crow Creek Dam and the Wicks Water Treatment Plant, as identified in the 2006 Water System Master Plan, will increase the reliable summer supply from these sources to 15.5 cfs (10 mgd). These surface water supplies are supplemented by groundwater sources during peak demand summer months and emergencies.

The City holds a total of 22.3 cfs (14.4 mgd) in groundwater rights for municipal use. Three wells are used as the primary municipal groundwater sources: Lone Pine Well, Marks Well, and Jordan Street Well. However, the Marks and Jordan Street Wells have less desirable water quality due to elevated iron, manganese, and turbidity levels, and must be blended with treated surface water supplies. Of the 22.3 cfs in municipal groundwater rights, 7.0 cfs (4.52 mgd) are for rights currently not fully used due to degraded water quality, 1.1 cfs (0.72 mgd) under G-13421 is to supply a tourist facility outside the City limits that is not connected to the City water system, and 1.56 cfs (1 mgd) is for a well with very poor water quality (Certificate 44915) that can only be used in emergencies to supplement surface water supplies after full treatment through the water treatment plant. That leaves the City with 12.63 cfs (8.16 mgd) of currently usable municipal groundwater rights, those being associated with Lone Pine, Marks, and Jordan Street Wells. The City also holds commercial water rights on three dewatering wells used to stabilize a landslide area, which allow for some non-potable, non-municipal uses. The commercial water rights are not included in this evaluation of usable municipal water supply groundwater rights. All wells are located within The Dalles Critical Groundwater Area.

To determine total reliable municipal groundwater supply, industry guidelines instruct water utilities to anticipate the loss of the single largest source, which for the City, is the Jordan Street Well at 5.5 cfs. Subtracting 5.5 cfs from the 12.63 cfs of the City's primary municipal groundwater sources results in 7.13 cfs (4.61 mgd) of current reliable municipal groundwater supply.

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Combining the current reliable sources of surface water (5.4 cfs) and groundwater (7.13 cfs), the City's total current reliable water supply during peak summer demand, is 12.53 cfs (8.10 mgd).

The expansion of the Crow Creek reservoir under Permit R-13105 is needed to increase the ability of the City to meet peak demand during summer month as water demand increases over time.

b) Water Supply Contracts and/or Agreements

List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities.

The City has an intertie with Chenoweth PUD that, under a verbal agreement, the City can activate in an emergency to supply water to most of Chenoweth PUD's system, if needed.

List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

The City has an intertie with Chenoweth PUD that, under a verbal agreement, the City can activate in an emergency to receive water and supply a limited portion of the City's system, if needed. The City will not, however, depend on water supply from Chenoweth PUD to meet its current or anticipated future water needs.

c) Projected Population

Population Growth Rate: 1.1%

Projected Population: 13,112 as of Year: 2021

Methodology used to estimate projected population and population growth rate: The 2005 Land Use Needs and Location Analysis and the 2006 Water System Master Plan (Attachment B) projected growth rates of approximately 1.1 percent. This closely corresponds with an annual growth rate of 1.0 percent found between the 1990 and 2000 U.S. census population figures. Applying the 1.1 percent growth rate to the current population provides a population of 13,112 in the year 2021.

d) Future Peak Water Demands

Projected Peak Water Demand: 12.98 cfs to 23.27 cfs as of Year: 2021

Methodology used to estimate peak water demand:

The City is requesting an extension of time until 2021, when the City's projected peak water demand is expected to range from 12.98 cfs to 23.27 cfs.

The methodology used to project the estimated peak water demand is based on methods used in the City's 2006 Water System Master Plan (Attachment B). A demand per capita approach was used to project the baseline demand within The Dalles water system, with additional demand estimated for planning purposes to reflect higher demands due to weather conditions and industrial development.

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To determine the maximum day demand (MDD) per capita, trendline MDD values for 2002 and 2003 (used to minimize the effect of MDD variability) were divided by the service area population for each year. These MDD per capita values were found to have an average of 640 gpcd. To project the future MDD, the average MDD per capita was multiplied by the projected population in 2021 to arrive at the projected MDD. This resulted in a peak water demand of 12.98 cfs.

If the weather is particularly dry or significant industrial development occurs, then the peak demand could reach 23.27 cfs. This is based on the addition of a "Weather Allowance" and an "Industrial Allowance." In this case, a "Weather Allowance" of 1 mgd was added to the MDD each year, because water production data from 1996-2004 revealed that the MDD fluctuates from year to year and can exceed the trendline by as much as 0.9 mgd, largely due to summer weather conditions. As further described below, an "Industrial Allowance" of 5.65 mgd per year through 2021 for industrial development was also added to the MDD. Thus, the total allowance added to the baseline MDD was 6.65 mgd (10.29 cfs) per year through 2021 (1 mgd Weather Allowance + 5.65 mgd Industrial Allowance).

Depending on industrial development and weather patterns, peak water demand in 2021 could fall anywhere in the range of 12.98 cfs to 23.27 cfs. Even using the most conservative value of 12.98 cfs, the City's peak day demand will exceed its reliable municipal water supply.

e) Potential Growth

Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

Commercial and industrial development has occurred within a 225 acre area designated for industrial development within the UGB. Currently about 60 acres of the 225 acres are still available for industrial development. Since demand projections based on population growth do not directly account for future industrial use, an Industrial Allowance of 3 mgd was used to account for this potential industrial growth on the 225 acre area. This allowance was validated in 2004, during the Water System Master Plan development, when the City received an inquiry from an industry that was considering locating in The Dalles and estimated its water needs at 3 mgd. Thus far, 1 mgd of the 3 mgd Industrial Allowance has been used.

In 1986, the Columbia River Gorge Scenic Area Act established the current UGB, which has limited growth. The City is currently pursuing an expansion of the UGB, and in the process, is annexing all lands inside the UGB. For the most part, water demands within these areas have been anticipated in the projections outlined above. However, an industrial facility spanning 450 acres was recently closed and demolished, making more land available for industrial development, which was not included in the Master Plan water demand projections. Of the 450 acres, only 265 acres will be available for redevelopment due, in part, to wetland protection issues. The City estimates that each 100 acres of developed industrial land will require approximately 1 mgd of water supply. Consequently, the City anticipates a demand of 2.65 mgd for the 265 acres available for industrial redevelopment. This yields a total "industrial allowance" of 5.65 mgd (3 mgd + 2.65 mgd).

In addition, The Dalles Urban Renewal Agency has completed infrastructure improvements in support of private redevelopment of an old grain elevator into a winery and motel. Redevelopment of this property could have significant water demands, but the estimated

demands are unknown at this time. The Dalles Urban Renewal Agency also recently purchased most of the properties in a downtown block to stimulate redevelopment, but specifics on what type of commercial water demands may result are also unknown at this time. Although development of these sites will certainly add to water demand, an Industrial Allowance has not yet been allocated to them due to the early stages of the projects.

f) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2021**

The current reliable water supply will fall short of projected demand (with no allowances) by as early as 2018. Under currently approved planning documents, the City anticipates reservoir expansion and water storage under Permit R-13105 to occur by 10/1/2021. See Attachment D for a table of the MDD projections.

[OAR 690-315-0070(3)(l)]

- 10-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.

N/A. This application for extension of time requests only 10 years.

[OAR 690-315-0070(3)(j) and OAR 690-315-0070(3)(m)]

11. Provide an estimate of the costs to complete water development and summary of the future plan and schedule to complete construction and/or perfect the water right.

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
Present-2011	Division 86 Water Management and Conservation Plan	\$250,000
Present-2012	Land exchange with USFS	\$200,000
Present-2012	Detailed surveying/preliminary design for pipeline replacement	\$37,500
2012-2013	Final design for Dog River pipeline replacement	\$600,000
2012-2015	Construction of Dog River pipeline replacement	\$6,800,000
2016	Update Water Master Plan	\$250,000
Present-2021	Final design/permitting for Crow Creek Dam expansion and construction of the reservoir expansion.	\$9,050,000
Year: <u>2021</u>	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		\$17,187,500

[OAR 690-315-0070(3)(n)]

12. Justify the time requested to complete the project and/or apply the water to full beneficial use.

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A justification should integrate information from Items 5-B, 6-A or 6-B, 9, 10-A, and 11 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

The time requested to develop Permit R-13105 is based on the City's currently approved 2006 Water Master Plan and associated Capital Improvement Plan. As previously described, due to various factors, demand has lagged behind the 2006 projections; however, economic upswings may occur that make fully developing Permit R-13105 feasible by 2021.

- [OAR 690-315-0070(3)(o)]
13. **Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time**

None.

- [OAR 690-315-0070(3)(q)]
14. **For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.**

N/A. Permit R-13105 was issued November 20, 2001.

STATE OF OREGON

COUNTY OF WASCO

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF THE DALLES
6780 RESERVOIR ROAD
THE DALLES, OREGON 97058

(541) 298-1242

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

APPLICATION FILE NUMBER: R-84049

SOURCE OF WATER: SOUTH FORK MILL CREEK WITH ANY DEFICIENCY IN THE AVAILABLE WATER SUPPLY FROM SOUTH FORK MILL CREEK TO BE MADE UP BY DIVERSION FROM DOG RIVER APPROPRIATED UNDER CERTIFICATE 14954.

STORAGE FACILITY: ENLARGEMENT OF CROW CREEK RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MUNICIPAL USE.

MAXIMUM VOLUME: 2100 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FROM THE SOUTH FORK MILL CREEK FOR STORAGE: JANUARY 1 THROUGH APRIL 14 AND OCTOBER 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 21, 1999

The area submerged by the reservoir, when full, will be 60.0 acres and the maximum depth of water will be 115 feet. The maximum height of the dam shall not exceed 140 feet.

DAM LOCATION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T1S, R11E, W.M.

DOG RIVER POINT OF DIVERSION LOCATION: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, T2S, R10E, W.M.; 1800 FEET NORTH & 890 FEET EAST FROM SW CORNER SECTION 11

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 17

NE $\frac{1}{4}$ NW $\frac{1}{4}$

Application R-84049 Water Resources Department

PERMIT R-13105

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NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
SECTION 20

TOWNSHIP 1 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- ① A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

② Prior to beginning construction under this permit the applicant shall obtain written approval from Wasco County indicating the proposed use complies with county land-use planning, and shall submit a copy of the approval to the Department's water right file.

③ Within 1 year of NEPA approval, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management and Conservation Plan.

④ The dam shall be constructed, operated, and maintained according to plans and specifications approved and on file with the Water Resources Department (WRD). Construction shall not begin prior to the Department's approval of plans and specifications for the reservoir.

⑤ Construction shall not begin until plans and specifications prepared by an Oregon licensed professional engineer have been reviewed and approved in writing by WRD Dam Safety.

⑥ The outlet gate shall be cycled at least once each year and shall be

Application R-84049 Water Resources Department PERMIT R-13105

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fully operational at all times.

- 7 Routine maintenance of the dam, its spillway and all appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

8 The embankment dam, the resultant reservoir, and the emergency spillway, shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Dam Safety program. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

9 No new fill shall be placed until preparation of the foundation materials have been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

10 No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specification. If construction deviates from the approved design a set reproducible asbuilt drawings, including a revised reservoir capacity graph/table, must accompany the engineer's written certification of completion.

11 The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any significant modification, alteration, or rehabilitation of the dam, spillway or appurtenant structures.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

12 The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil

Application R-84049 Water Resources Department

PERMIT R-13105

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penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

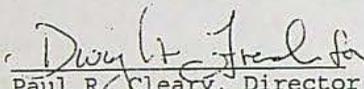
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at time when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before November 20, 2011. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 20, 2001


Paul R. Cleary, Director
Water Resources Department

Application R-84049
Basin 6

Water Resources Department
Volume 2 LONG CR MISC

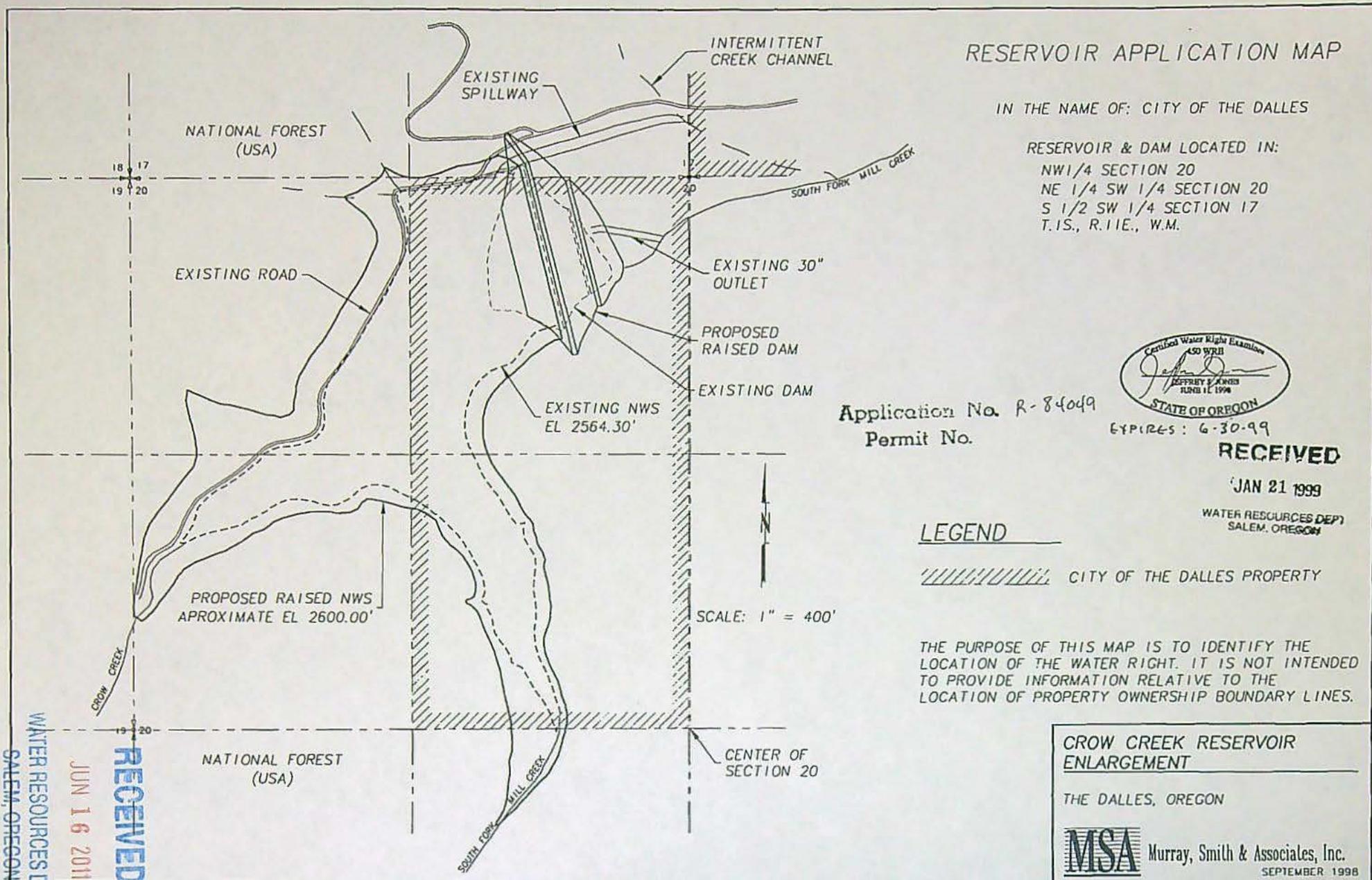
PERMIT R-13105
District 4

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This map has been reduced from 11X17. KZ



RESERVOIR APPLICATION MAP

IN THE NAME OF: CITY OF THE DALLES

RESERVOIR & DAM LOCATED IN:
 NW 1/4 SECTION 20
 NE 1/4 SW 1/4 SECTION 20
 S 1/2 SW 1/4 SECTION 17
 T. 15S., R. 11E., W.M.



Application No. R-84049
 Permit No.

EXPIRES: 6-30-99

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LEGEND

//// //// CITY OF THE DALLES PROPERTY

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

CROW CREEK RESERVOIR ENLARGEMENT

THE DALLES, OREGON

MSA Murray, Smith & Associates, Inc.
 SEPTEMBER 1998

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Report

Water System Master Plan

Prepared for
City of The Dalles

May 2006

Prepared by
CH2MHILL

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CHAPTER 2

System Description

The City of The Dalles operates a community water system serving most residents of The Dalles, Oregon, and a small number of customers located outside the city limits. The city's water system has been assigned the state and federal Public Water System Identification No. 4100869.

This chapter provides an overview of the system by describing the customer base, recent water use history, water rights, and the facilities that make up the system.

Service Area and Population

Exhibit 2-1, at the end of this chapter, provides an overview map of The Dalles service area. The estimated service population for year 2004 is 11,000 out of a total city population of approximately 12,500. Most of the city's residents who are not served by the The Dalles water system obtain their drinking water from the Chenoweth PUD.

Water Use

The city's system provides an average of 3.0 million gallons per day (mgd) of drinking water to the community. The average annual production has remained relatively constant since 1996, which was the first year that the city began billing customers according to their metered consumption. Prior to that time, all residential customers were charged a fixed monthly rate. The metered rate has resulted in reduced consumption. Since 1996, the average annual use has remained nearly constant even though the city's service population has increased.

The Dalles' demands show a marked increase during the summer months because of outdoor irrigation. The maximum summer day demand is approximately 2.2 times the annual average. The highest recorded single day demand for the system since 1996 was 7.8 mgd in 2003.

About 55 percent of water use in The Dalles system is by residential customers, with the remaining 45 percent used by commercial, industrial, and governmental customers.

Water Supply

The city has in recent years obtained approximately 94 percent of its water from surface water supplies located south of the city. The remaining 6 percent is provided by groundwater wells. The proportion of groundwater was slightly higher in 2005 because of a drought that limited the surface water supply.

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Residential Consumption

Exhibit 3-15 displays the average residential use by month over the 3-year period from July 2001 through June 2004. While the average residential consumption during the month of July for this period was 81 MG, residential consumption reached a high of approximately 95 MG in July 2003. The average monthly residential consumption for the months of November through February was approximately 20 MG.

Exhibit 3-16 displays per capita residential consumption for calendar years 2002 and 2003. Residential per capita values are lower than the total system per capita values calculated previously, because only the residential consumption was included in the calculation. Metered residential use was summed and divided by the service population. During the period from January 2002 through December 2003, the average per capita residential consumption was 127 gpcd. The minimum monthly value was 57 gpcd. The maximum monthly value was 282 gpcd.

Unaccounted-for Water

A comparison of the demand data with the consumption data provides a value for the unaccounted-for water, which is the difference between production and metered use. The percentage of unaccounted-for water equals the production minus the metered use, divided by the production. The causes of unaccounted-for water include meter inaccuracies, evaporation, reservoir overflows, unmetered hydrant use, and leakage.

Exhibit 3-17 illustrates the unaccounted-for water percentage for January 2002 through December 2003. The value has ranged from -9 percent to 31 percent, with an average of 15 percent. The negative values occur because the meter readings are not aligned exactly with the first and last days of each month. (The consumption values were shifted back by one month to align more closely with the timing for the production values, but this did not align the two sets of figures exactly.)

The average of 15 percent exceeds the WRD's municipal goal of 10 percent or less for unaccounted-for water. A value of 15 percent means that on an annual basis, the city is not accounting for an average of 440,000 gallons per day.

Water Use Projections

The per capita approach was used for projecting demands within The Dalles' water system. Recent per capita ADD and MDD values (ADD: 275 gpcd; MDD: 640 gpcd) were applied to population projections for The Dalles to estimate future demands. The rate of population growth was obtained from local planning agencies.

The following planning criteria and assumptions were used in developing the demand projections:

1. Service population growth rate equals 1.1 percent annually. This rate was the estimated rate through year 2010 in the Wasco County Comprehensive Plan Amendment completed in 1994.

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2. The High Density Residential zone will be developed with half single family dwellings and half multiple family dwellings.
3. Multiple family dwellings will build out at a density of 15 units per acre, with a household size of 2.1 people per household.
4. Single family dwellings will build out at a density of 4 units per acre, with a household size of 2.4 people per household.
5. Residential mobile homes (RMHs) in the RMH zones will build out at 6 units per acre, with a household size of 2.1 people per household.
6. Low Density Residential zoning will build out at a household size of 2.25 people per household. This assumes that 50 percent will be single family dwellings at 2.4 people per household and 50 percent will be multi-family dwellings at 2.1 people per household.
7. RMHs in the Low Density Residential areas will build out at single family dwelling densities.
8. Densities and household sizes for multi-family, single family, and RMH developments were based on the city's Comprehensive Plan update background document titled *Task 4 Growth Forecasts and Land Use Requirements* (Spencer and Kupper, Portland, Oregon, November 1992).
9. A developmentally constrained lands map, originally developed to support the 1992-1993 *Comprehensive Plan Update*, was provided by City Community Development.
10. Vacant land areas were based on lands determined to be vacant and not developmentally constrained in the city's buildable lands inventory done as part of the 1992-1993 *Comprehensive Plan Update*. This map was updated using 2003 aerial photo and fall 2004 assessor data to eliminate areas developed since 1992.
11. Data layers used to calculate developable acres by land use category in each pressure zone include a) pressure zone overlay (produced by CH2M HILL), b) City of The Dalles Zoning Map (County GIS), c) 1992/1993 Buildable Lands Map (City of The Dalles Comprehensive Plan Map input into County GIS), d) 2003 Aerial Photo (County GIS), e) 2004 Assessor Data (County GIS).
12. Zoning was aggregated into the following broader land use categories: a) All commercial zones were aggregated into commercial land use, b) all industrial zones were aggregated into industrial land use, c) Residential High Density (RH), d) Residential Low Density (RL), e) RMH. Other zones did not comprise a significant land area or represent significant water demands so were not classified for projection purposes.

The estimated population growth rate is one of the most critical factors for projecting future water demands. The 1.1 percent annual rate, derived from previous planning studies for the city, was checked against available census information to determine its current validity. The City of The Dalles (entire city, not just water system service area) 1990 census population was 11,050. The year 2000 census population was 12,156. This represents a 1.0 percent annual growth rate, or just slightly less than the projected rate of 1.1 percent.

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The city should regularly check the actual rate of growth compared to the projected rate of growth—for both population and water demands.

Developable Lands and Buildout Population

Exhibit 3-18 summarizes land use within the city's water system service area by pressure zone and by zoning category. It lists land area that is already developed and land that is yet to be developed. Lands that are not feasible for development, because of slope or other factors, are not considered to be developable lands. By applying the projected population densities to the developable land areas, the Exhibit 3-18 generates a buildout population growth for each pressure zone. The total population increase from 2003 to buildout is estimated to equal 3,645. This will equal a total service area population at buildout of 14,413.

The developed lands in Exhibit 3-18 provided the basis for estimating current (year 2004) demands within each pressure zone for hydraulic modeling.

Projected Water Demands

Maximum Day Demand Allowances

The MDD fluctuates from year to year, primarily related to summer weather conditions. The MDD has exceeded the trendline by as much as 0.9 mgd (year 2003). For planning purposes, an allowance of 1 mgd above the projected trendline is added to account for such variations.

A second allowance is added to the MDD to account for the potential of a new industrial user locating in The Dalles. The developable lands inventory, included in Exhibit 3-18, provides an estimate of residential population potential. As shown, the city also has developable industrial and commercial lands. Demand projections based on population growth do not directly account for future industrial use. Per capita projections assume that the ratio of commercial and industrial use to residential use remains constant. This ratio may change if a single industrial customer requiring large quantities of water locates within The Dalles' service area.

A 3 mgd allowance is shown to account for this potential future demand. During the fall of 2004, when this master plan was being prepared, the city had received an inquiry from an industry that was considering locating in The Dalles. This one customer estimated its water needs as 3 mgd. Therefore, city staff believed that it was appropriate to include a 3 mgd industrial allowance.

Projection Criteria

Exhibit 3-19 summarizes the criteria used for projecting demands. The service population, trendline-ADD, and trendline-MDD for 2003 were used as the baseline for projecting future demands.

As discussed above, the trendlines used for determining the starting values of ADD and MDD (for year 2003) were based on the city's demand history for 1996 through 2003. The year 1996 was the first year that customers were billed based on their metered use, and the second year that metered use was tracked and reported to them.

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EXHIBIT 3-19

Demand Projection Criteria for The Dalles Water System Service Area

Criterion	Value
2003 service population	10,768
Buildout population	14,413
2003 trendline-ADD	3.0 mgd
2003 trendline-MDD	6.6 mgd
Per capita ADD	275 gpcd
Per capita MDD	640 gpcd
Rate of population growth	1.10 percent
MDD weather allowance	1.0 mgd
MDD industrial allowance	3.0 mgd

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Surface Water

Application	Permit	Certificate	Transfers	Decree	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Use	Use Limitations
		5691		Mill Creek, Wasco County	South Fork Mill Creek	Municipal	12/31/1862	2 cfs	2 cfs	None
		14954		Hood River	Dog River	Municipal	8/1/1870	all	12.4 cfs (8 mgd)	Current capacity = 8 mgd Planned capacity = 17 mgd
R-43667	R-4988	44917			South Fork Mill Creek, Dog River	Municipal	5/29/1967	955 AF	955 AF	None
S-43668	S-32479	60410			Crow Creek Reservoir, tributary of Mill Creek	Municipal	5/29/1967	955 AF	955 AF	None
R-84049	R-13105				South Fork Mill Creek, Dog River	Municipal	1/21/1999	2100 AF	0	Currently undeveloped
S-84050	S-53930				Crow Creek Reservoir, tributary of South Fork Mill Creek	Municipal	1/21/1999	2100 AF	0	Currently undeveloped
S-55346	S-49653				Columbia River	Municipal	1/13/1986	40 cfs	0	Currently undeveloped

Groundwater

Application	Permit	Certificate	Transfers	Groundwater Registration	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Use	Use Limitations
				GR 4257	A well - Stadelman Well	Municipal	12/31/1910	165 gpm (0.368 cfs)	165 gpm (0.368 cfs)	Currently not usable due to poor water quality. Located within The Dalles Critical Groundwater Area.
			T-10865	GR 4258	3 wells - Lone Pine Well, Jordan Well, and Marks Well (City Hall Well replaced)	Municipal, Domestic, Irrigation, Manufacturing, and Industrial	10/11/1923	2300 gpm (5.124 cfs)	2300 gpm (5.124 cfs)	Located within The Dalles Critical Groundwater Area.
U-135	U-127	15543			A well - Marks Well	Municipal	11/1/1940	2.68 cfs	2.68 cfs	Supplemental & emergency back-up due to elevated Fe & Mn. Located within The Dalles Critical Groundwater Area.
U-181	U-189	85886	0.81 cfs of T-7258 reverted back to Mill Creek Well		A well - Mill Creek Well	Municipal	10/4/1945	0.81 cfs	0.81 cfs	April 1-October 1 period of use. Located within The Dalles Critical Groundwater Area.
U-181	U-189	86380 (Confirms change in POA under T-7258)			A well - Marks Well	Municipal	10/4/1945	0.69 cfs	0.69 cfs	April 1-October 1 period of use. Supplemental & emergency back-up due to elevated Fe & Mn. Located within The Dalles Critical Groundwater Area.
G-23	G-7806	48991			A well - Jordan St Well	Municipal	10/16/1953	5.5 cfs	5.5 cfs	Supplemental & emergency back-up due to elevated Fe & Mn. Located within The Dalles Critical Groundwater Area.
G-1415	G-7807	60026			A well - Lone Pine Well	Municipal	3/13/1959	4.46 cfs	4.46 cfs	Located within The Dalles Critical Groundwater Area.
G-2076	G-2132	44915			A well - Wicks Well	Municipal	7/2/1962	1.56 cfs	1.56 cfs	Emergency back-up only; elevated hydrogen sulfide and temperature. Located within The Dalles Critical Groundwater Area.
G-14580	G-13421				A well - Kuck Well	Municipal	7/23/1997	1.11 cfs	0.56 cfs	Serves tourist facility; not connected to City system. Located within The Dalles Critical Groundwater Area.
G-15518	G-15149				A well - Dewatering Well #1	Commercial	6/4/2001	0.089 cfs	0.089 cfs	Non-potable; Dewatering wells to stabilize landslide area. Located within The Dalles Critical Groundwater Area.
					A well - Dewatering Well #5			0.2 cfs	0.2 cfs	
					A well - Dewatering Well #9			0.111 cfs	0.111 cfs	

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City of The Dalles
 Projected Population and MDD within Water Service Area

Year	Population ¹	Add'l Population from Previous Year (1.1 % Annual Growth) ²	MDD (mgd)	MDD (cfs)	MDD + Allowance ³ (mgd)	MDD + Allowance (cfs)
2010	11625	-	7.44	11.51	14.09	21.80
2011	11753	128	7.52	11.64	14.17	21.92
2012	11882	129	7.60	11.76	14.25	22.05
2013	12013	131	7.69	11.89	14.34	22.18
2014	12145	132	7.77	12.02	14.42	22.31
2015	12279	134	7.86	12.16	14.51	22.44
2016	12414	135	7.94	12.29	14.59	22.58
2017	12550	137	8.03	12.43	14.68	22.71
2018	12688	138	8.12	12.56	14.77	22.85
2019	12828	140	8.21	12.70	14.86	22.99
2020	12969	141	8.30	12.84	14.95	23.13
2021	13112	143	8.39	12.98	15.04	23.27
2022	13256	144	8.48	13.12	15.13	23.41
2023	13402	146	8.58	13.27	15.23	23.56
2024	13549	147	8.67	13.41	15.32	23.70
2025	13698	149	8.77	13.56	15.42	23.85
2026	13849	151	8.86	13.71	20.01	30.96
2027	14001	152	8.96	13.86	20.11	31.11
2028	14155	154	9.06	14.01	20.21	31.26
2029	14311	156	9.16	14.17	20.31	31.42
2030	14468	157	9.26	14.32	20.41	31.57
2031	14627	159	9.36	14.48	20.51	31.73
2032	14788	161	9.46	14.64	20.61	31.89
2033	14951	163	9.57	14.80	20.72	32.05
2034	15115	164	9.67	14.97	20.82	32.21
2035	15282	166	9.78	15.13	20.93	32.38
2036	15450	168	9.89	15.30	21.04	32.55
2037	15620	170	10.00	15.46	21.15	32.71
2038	15792	172	10.11	15.63	21.26	32.88
2039	15965	174	10.22	15.81	21.37	33.06
2040	16141	176	10.33	15.98	21.48	33.23
2041	16318	178	10.44	16.16	21.59	33.41
2042	16498	180	10.56	16.33	21.71	33.58
2043	16679	181	10.67	16.51	21.82	33.76
2044	16863	183	10.79	16.70	21.94	33.94
2045	17048	185	10.91	16.88	22.06	34.13
2046	17236	188	11.03	17.06	22.18	34.31
2047	17426	190	11.15	17.25	22.30	34.50
2048	17617	192	11.28	17.44	22.43	34.69
2049	17811	194	11.40	17.63	22.55	34.88
2050	18007	196	11.52	17.83	22.67	35.08
2051	18205	198	11.65	18.02	22.80	35.27
2052	18405	200	11.78	18.22	22.93	35.47
2053	18608	202	11.91	18.42	23.06	35.67
2054	18812	205	12.04	18.63	23.19	35.87
2055	19019	207	12.17	18.83	23.32	36.08
2056	19229	209	12.31	19.04	23.46	36.29
2057	19440	212	12.44	19.25	23.59	36.50
2058	19654	214	12.58	19.46	23.73	36.71
2059	19870	216	12.72	19.67	23.87	36.92
2060	20089	219	12.86	19.89	24.01	37.14
2061	20310	221	13.00	20.11	24.15	37.36
2062	20533	223	13.14	20.33	24.29	37.58
2063	20759	226	13.29	20.55	24.44	37.80
2064	20987	228	13.43	20.78	24.58	38.03
2065	21218	231	13.58	21.01	24.73	38.26
2066	21452	233	13.73	21.24	24.88	38.49
2067	21687	236	13.88	21.47	25.03	38.72
2068	21926	239	14.03	21.71	25.18	38.96
2069	22167	241	14.19	21.95	25.34	39.20
2070	22411	244	14.34	22.19	25.49	39.44
2071	22658	247	14.50	22.43	25.65	39.68
2072	22907	249	14.66	22.68	25.81	39.93
2073	23159	252	14.82	22.93	25.97	40.18
2074	23414	255	14.98	23.18	26.13	40.43
2075	23671	258	15.15	23.44	26.30	40.69

- Notes: 1) All population projections presented above are for the City water service area and do not include areas served by the Chenoweth PUD.
 2) The 1.1% growth rate was applied to the population in the existing water system service area.
 3) A total allowance of 6.65 mgd per year was added through 2025 (1 mgd Weather Allowance + 5.65 mgd Industrial Allowance) and of 11.15 mgd per year was added after 2025 (1 mgd Weather Allowance + 10.15 mgd Industrial Allowance).

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DATE OF PRIORITY: JANUARY 25, 1907

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MILLER CREEK FROM SWNE, SECTION 32, TOWNSHIP 27 SOUTH, RANGE 7 EAST, W.M., TO SENE, SECTION 32, TOWNSHIP 27 SOUTH, RANGE 7 EAST, W.M.

[End of Water Right Claim Description]

Dated at Salem, Oregon on _____

4) Pt 12

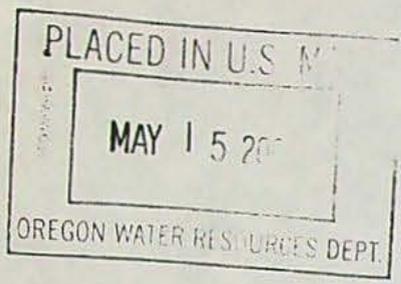
Dwight French, Adjudicator
Klamath Basin General Stream Adjudication

125 178
113 134

Amendment
- of context
addressed?

Bill Fern

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number R-84049

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On January 21, 1999, DAVE ANDERSON, for CITY OF THE DALLES, submitted an application to the Department for the following water use permit:

- Amount of Water: 2100.0 ACRE-FEET OF ADDITIONAL STORAGE
- Use of Water: ADDITIONAL STORAGE OF WATER FOR MUNICIPAL USE TO BE STORED IN CROW CREEK RESERVOIR
- Source of Water: SOUTH FORK MILL CREEK, A TRIBUTARY OF MILL CREEK, AND DOG RIVER TRIBUTARY OF HOOD RIVER
- Area of Proposed Use: WASCO County within SECTION 17, SECTION 20, TOWNSHIP 1 SOUTH, RANGE 11 EAST, W.M.

On 5/4/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 2100.0 ACRE-FEET from SOUTH FORK MILL CREEK, A TRIBUTARY OF MILL CREEK for STORAGE FOR MUNICIPAL USE is allowable from January 1 through April 14 and from October 1 through October 31 only each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 5/18/99, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Written comments were received from Dave Anderson identifying the Department's initial review is deficient because it did not address the use of water from Dog River.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Department's Initial Review did not include review of the proposed diversion of water from the Dog River. This Proposed Final Order will be modify the Initial Review determinations to include review of that source.

The Hood Basin Program allows the following uses: storage of water for municipal use.

Senior water rights exist on South Fork Mill Creek, a tributary of Mill Creek, and on Dog Creek, a tributary of Hood River, or on downstream waters.

South Fork Mill Creek, a tributary of Mill Creek, and Dog Creek, a tributary of Hood River, are not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available from South Fork Mill Creek for further appropriation (at a 50 percent exceedance probability) January 1 through May 31 and September 1 through October 31 only. The assessment also determined that water is not available from Dog River for further appropriation at any time of the year.

OAR 690 Division 33 prohibits the use of water from live flow from tributaries to the Columbia River above Bonneville Dam during the period April 15 through September 30. There are limited exemptions for domestic water use, projects that provide net benefits for fish, emergency use necessary for public health and safety, and multipurpose storage projects with measurable public benefits.

The Department finds the amount of water requested, 2100.0 acre-feet annually, will allow the applicant an additional 120 day use period for the projected population in year 2030 of 17,807 at 320.4 gallons per person per day. Currently the applicant has water rights as described below:

<u>Certificate, Permit, or Transfer #</u>	<u>Source</u>	<u>Amount</u>
C 5691	South Fork Mill Creek	2.0 cfs
C 4107 (GR)	a well	5.12 cfs
C 44916 & C 44917	Crow Creek Reservoir	955.0 af
C 14954	Dog River all flow	unknown by OWRD
C 15543	a well	2.68 cfs
C 44915	well 1	1.56 cfs
C 60026	a well	4.46 cfs
C 48991	a well	5.50 cfs
P 49653	Columbia River	40.0 cfs
T 7258	a well	1.50 cfs April 1 st - October 1 st only

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions for use of water from Dog River be imposed on this application. The interagency team recommended that additional limitations or conditions for use of water from South Fork Mill Creek be imposed on this application as follows:

The diversion of water for storage allowed herein may only be made at times when water temperatures do not exceed 64 degrees Fahrenheit during spawning and 55 degrees Fahrenheit during rearing.

At this time the applicant has not submitted final plans and specifications to the Department. Prior to beginning construction of the proposed reservoir enlargement the Department must receive plans and specifications. Once the Department has received and approved plans and specifications reservoir construction may commence. Therefore the following permit condition will be included in the permit:

The dam shall be constructed, operated, and maintained according to plans and specifications approved and on file with the Water Resources Department. Construction shall not begin prior to the Department's approval of plans and specifications for the reservoir.

At this time the applicant does not have approval from Wasco County for the use and diversion works as proposed under application R-84049. By law, prior to use of water under this application the use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. Therefore the following permit condition will be included in the permit:

Prior to beginning construction under this permit the applicant shall obtain written approval from Wasco County indicating the proposed use complies with county land-use planning, and shall submit a copy of the approval to the Department's water right file.

The Water Resources Commission has adopted a statewide policy on Conservation and Efficient Water Use (OAR 690-410-0060). The policy requires major water users and suppliers to prepare water management plans when a plan is prescribed by a condition of a water use permit. The Department finds that a water management and conservation plan is necessary for the proposed use as described under OAR 690 division 86.

Within 1 year of NEPA approval, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management and Conservation Plan.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Hood Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available from South Fork Mill Creek for the proposed use. Water is not available from Dog River.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed permit is conditioned to not allow the use unless the use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

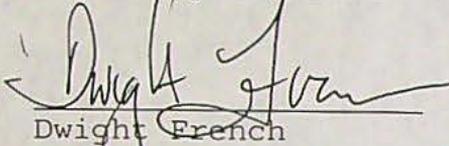
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available from South Fork Mill Creek in the amount of water necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED May 15, 2001



Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of

participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **June 29, 2001**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201.

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310
Fax: (503)378-2496.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF WASCO

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CITY OF THE DALLES
6780 RESERVOIR ROAD
THE DALLES, OREGON 97058

(541)298-1242

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

APPLICATION FILE NUMBER: R-84049

SOURCE OF WATER: SOUTH FORK MILL CREEK

STORAGE FACILITY: ENLARGEMENT OF CROW CREEK RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-84050 FOR MUNICIPAL USE.

MAXIMUM VOLUME: 2100 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE: JANUARY 1 THROUGH APRIL 14 AND OCTOBER 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 21, 1999

The area submerged by the reservoir, when full, will be 60.0 acres and the maximum depth of water will be 115 feet. The maximum height of the dam shall not exceed 140 feet.

DAM LOCATION: SE 1/4 SW 1/4, SECTION 17, AND NE 1/4 NW 1/4 SECTION 20, T1S, R11E, W.M.

DOG RIVER POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 11, T2S, R10E, W.M.; 1800 FEET NORTH & 890 FEET EAST FROM SW CORNER SECTION 11

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 17

NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4

SECTION 20

TOWNSHIP 1 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The diversion of water for storage allowed herein may only be made at times when water temperatures do not exceed 64 degrees Fahrenheit during rearing and 55 degrees Fahrenheit during spawning.

Prior to beginning construction under this permit the applicant shall obtain written approval from Wasco County indicating the proposed use complies with county land-use planning, and shall submit a copy of the approval to the Department's water right file.

Within 1 year of NEPA approval, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management and Conservation Plan.

The dam shall be constructed, operated, and maintained according to plans and specifications approved and on file with the Water Resources Department. Construction shall not begin prior to the Department's approval of plans and specifications for the reservoir.

Construction shall not begin until plans and specifications prepared by an Oregon licensed professional engineer have been reviewed and approved in writing by WRD Dam Safety.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, its spillway and all appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The embankment dam, the resultant reservoir, and the emergency spillway, shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Dam Safety program. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No new fill shall be placed until preparation of the foundation materials have been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design a set reproducible asbuilt drawings, including a revised reservoir capacity graph/table, must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any significant modification, alteration, or rehabilitation of the dam, spillway or appurtenant structures.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2001

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department