

84050

Application No. 84050Permit No. S-53930

Certificate No. _____

Stream Index, Page No. _____

FILE#: S 84050

CITY OF THE DALLES; ANDERSON, DAVE
~~6780 RESERVOIR RD~~ 1215 West 1st St
THE DALLES, OR 97058-3542

Date filed _____

Priority _____

Action suspended until 9/20/41

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 5/22/04

Date for completion _____

Extended to _____

Date for application of water 10/1/07Extended to 10/1/2041

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

FEES PAID

Date	Amount	Receipt No.
1/21/99	\$1,615.00	27308
EXAM 4/28/03	7.50	59579
REC 4/28/03	175.00	59579
6-16-11	500.00	103142
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

Also R-84049

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

27308

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: City of the Dalles
BY: _____

APPLICATION	84050
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

\$ 1,615.00

\$

\$

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)

HYDRO APPLICATION

\$

\$

\$

RECEIPT #

27308

DATED: 12/1/99

BY: Marta

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



Oregon

John A. Kitzhaber, MD, Governor

November 18, 2014

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

City of The Dalles
Attn: Dave Anderson
313 Court Street
The Dalles, OR 97058

Subject: Water Management and Conservation Plan

Dear Mr. Anderson:

Enclosed, please find the final order approving the City of The Dalles' Water Management and Conservation Plan and specifying that the diversion of water under Permit S-49653 remains limited to 0.0 cfs and that the diversion of water under Permit S-53930 remains limited to 0.0 acre feet per year.

The attached final order specifies that the City of The Dalles' plan shall remain in effect until **November 14, 2024**. Additionally, the City is required to submit a progress report to the Department by **November 14, 2019**, detailing progress made toward the implementation of conservation benchmarks scheduled in the plan. Finally, the City must submit an updated Water Management and Conservation Plan to the Department by **May 14, 2024**.

***NOTE:** The deadline established in the attached final order for submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City of The Dalles from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.*

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if you have any questions.

Sincerely,

Lisa J. Jaramillo
Water Management and Conservation Analyst
Water Right Services Division

Enclosure

cc: WMCP File

Application S-55346 (Permit S-49653)

Application S-84050 (Permit S-53930)

Mike Ladd, North Central Region Manager

Bob Wood, District #03 Watermaster

GSI Water Solutions, Inc., Attn: Adam Sussman, 1600 SW Western Blvd., Ste. 240, Corvallis, OR 97333



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

In the Matter of the Proposed Water	)	FINAL ORDER APPROVING A
Management and Conservation Plan for the	)	WATER MANAGEMENT AND
City of The Dalles, Wasco County	)	CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department.

Findings of Fact

1. The City of The Dalles submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on July 25, 2014. The plan was required by conditions set forth in the final orders approving Extensions of Time for Permits S-49653 and S-53930.
2. The Department published notice of receipt of the plan on August 5, 2014, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the City on September 19, 2014. In response, the City submitted a revised plan on November 10, 2014.
4. The Department reviewed the revised plan and finds that it is consistent with the relevant requirements under OAR Chapter 690, Division 086.

Conclusion of Law

The Water Management and Conservation Plan submitted by the City of The Dalles is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of The Dalles Water Management and Conservation Plan is approved and shall remain in effect until November 14, 2024, unless this approval is rescinded pursuant to OAR 690-086-0920.

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

Development Limitations:

2. The limitation of the diversion of water under Permit S-49653 established in the Final Order approving an Extension of Time for Permit S-49653 (*issued on October 16, 2012*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of The Dalles is not authorized to divert any water under Permit S-49653 at this time.
3. The limitation of the diversion of water under Permit S-53930 established in the Final Order approving an Extension of Time for Permit S-53930 (*issued on October 28, 2011*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of The Dalles is not authorized to divert any water under Permit S-53930 at this time.

Plan Update Schedule:

4. The City of The Dalles shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than May 14, 2024.

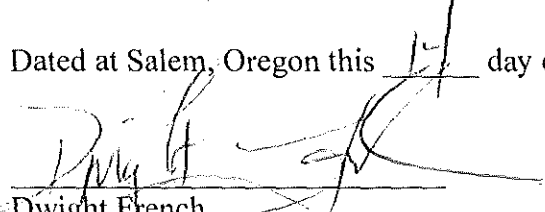
Progress Report Schedule:

5. The City of The Dalles shall submit a progress report containing the information required under OAR 690-086-0120(4) by November 14, 2019.

Other Requirements for Plan Submittal:

6. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City of The Dalles from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 14 day of November, 2014.


Dwight French

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

Mailing date: NOV 25 2014

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

Water Rights Application
Number S-84050

**Final Order
Extension of Time for Permit Number S-53930
Permit Holder: City of The Dalles**

Permit Information

Application File S-84050/ Permit S-53930
Basin 4 – Hood Basin / Watermaster District 3
Date of Priority: January 21, 1999

Authorized Use of Water

Source of Water:	Crow Creek Reservoir, Enlarged under Permit R-13105, a Tributary of South Fork Mill Creek
Purpose or Use:	Municipal Use
Maximum Rate:	2100 Acre-Feet (AF) per Year

Appeal Rights

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

Application History

Permit S-53930 was issued by the Department on May 22, 2003. The permit called for complete application of water to beneficial use by October 1, 2007. On June 16, 2011, the City of The Dalles submitted an application to the Department for an extension of time for Permit S-53930. 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 fully apply water to beneficial use to October 1, 2041. 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. Development Limitations

Diversion of any water under Permit S-53930 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit S-53930 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 that is on file with the Department.

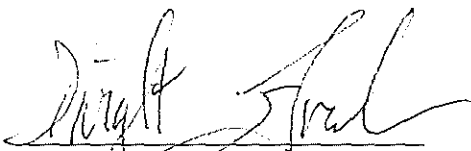
The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application S-84050, Permit S-53930, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 2007 to October 1, 2041.

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 L. 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 S-84050

By: Connie Vance

Permit S-53930

On: 10/28/2011

Original mailed to permit holder:

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

Copies sent to:

1. WRD - App. File S-84050/ Permit 84050-53930
2. WRD - Watermaster District 3, Bob Wood ✓
3. WRD – NCR Regional Manager, Mike Ladd ✓
*NOTE: Do not send FO's to South Central Region (Kyle Gorman)
Do not send FO's to Northwest Region (Bill Ferber)*
4. 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:

5. None

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

(DONE BY EXTENSION SPECIALIST)

6. None
7. WRD – Bill Fujii/Lisa Jaramillo, Technical Services (for MU and QM requiring Division 86 plan) ✓

**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 S-53930, Water Right Application S-84050,) PROPOSED FINAL ORDER
in the name of the city of The Dalles)

Permit Information

Application File S-84050/ Permit S-53930
Basin 4 – Hood Basin / Watermaster District 3
Date of Priority: January 21, 1999

Authorized Use of Water

Source of Water:	Crow Creek Reservoir, Enlarged under Permit R-13105, a Tributary of South Fork Mill Creek
Purpose or Use:	Municipal Use
Maximum Rate:	2100 Acre-Feet (AF) per Year

**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 S-53930, water right Application S-84050. A copy of Permit S-53930 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2007 to October 1, 2041.
- Make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
City – city of The Dalles
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
UGB – Urban Growth Boundary
WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute
mgd – million gallons per day

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order and allow an extension to complete construction or perfect a water right. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0090(3) authorizes the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a WMCP Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit S-53930 was granted by the Department on May 22, 2003. The permit authorizes the use of up to 2100 AF cfs of water stored in Crow Creek Reservoir enlarged under Permit R-13105, tributary to South Fork Mill Creek, for municipal use. It specified that complete application of water was to be made on or before October 1, 2007.
2. On June 16, 2011, the city of The Dalles (City) submitted an "Application for Extension of Time" to the Department requesting the time to apply water to full beneficial use under the terms and conditions of Permit S-53930 be extended from October 1, 2007 to October 1, 2041. This is the first extension of time request for Permit S-53930.
3. Notification of the City's Application for Extension of Time for Permit S-53930 was published in the Department's Public Notice dated June 21, 2011. No public comments were received regarding the extension application.

Review Criteria for Municipal and Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]

The time limits to 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 690-315-0080(1). This determination shall consider the applicable requirements of ORS 537.230¹, 537.630² and/or 539.010(5)³

Complete Extension of Time Application [OAR 690-315-0080(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.

Start of Construction [OAR 690-315-0080(1)(b)]

5. Permit S-53930 was issued prior to June 29, 2005; therefore, the permit holder is not required to provide evidence of actions taken to begin actual construction of the project.⁴

Duration of Extension [OAR 690-315-0080(1)(c) and (1)(d)]

Under OAR 690-315-0080(1)(c) and (1)(d), in order to approve an extension of time for municipal and quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

6. The remaining work to be accomplished under Permit S-53930 consists submitting a WMCP to the Department, surveying, designing, and constructing pipeline replacements,

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.630 applies to ground water permits only.

³ ORS 537.010(5) applies to surface water and ground water permits.

⁴ Section 5, Chapter 410, Oregon Laws 2005 and OAR 690-315-0070(1)(d).

completing the final design and permitting for the water treatment plant expansion, constructing the water treatment plant expansion, and completing construction of the water system and applying water to full beneficial use.

7. As of June 16, 2011, the permit holder had not diverted any stored water as authorized under Permit S-53930; Crow Creek Reservoir has not yet been enlarged as authorized under Permit R-13015.
8. In addition to the 2100 AF cfs of water authorized under Permit S-53930 the City holds the following municipal use water right certificates and permits:
 - Permit R-13105 for storage of 2100 AF (enlargement of Crow Creek Reservoir) of water from South Fork Mill Creek and Dog River;
 - Certificate 5691 for 2.0 cfs of water from South Fork Mill Creek;
 - Certificate 14954 for all water from the Dog River;
 - Certificate 60410 for 955 AF of water from the Crow Creek Reservoir [*storage of 955 AF of water from the South Fork Mill Creek and Dog Creek authorized under Certificate 44917*],
 - Permit S-49653 for 40.0 cfs of water from the Columbia River;
 - Ground Water Registration GR 4258, modified by amendment T-10865 for 2300 gpm (5.12 cfs) of water from three wells (Lone Pine Well, Jordan Well, Marks Well) within the Columbia River basin.
 - Certificate 15543 for 2.68 cfs of water from a well (Marks Well) within the Mill Creek basin;
 - Certificate 85886 for 0.81 cfs of water from a well (Mill Creek Well) within the Mill Creek basin;
 - Certificate 86380 for 0.69 cfs of water from a well (Marks Well) within the Mill Creek basin;
 - Certificate 48991 for 5.5 cfs of water from a well (Jordan Street Well) within the Columbia River basin;
 - Certificate 60026 for 4.46 cfs of water from a well (Lone Pine Well) within the Columbia River basin;
 - Certificate 44915 for 1.56 cfs of water from a well (Wick's Well) within the South Fork Mill Creek; and
 - G-15149 cfs for 0.4 cfs being 0.089 cfs from Well 1, 0.20 cfs from Well 5, and 0.111 cfs from Well 9, all within the Columbia Rive basin (note: this water right is for commercial use);
9. The City's municipal use surface water rights are 2.0 cfs of South Fork Mill Creek water, 40.0 cfs of Columbia River water, 3055 AF of stored water, and all the water within the Dog River. The City mostly relies on surface water to meet to its current demand. The City has the current capacity to use 12.4 cfs of water from the Dog River and a planned capacity for using up to 26.3 cfs. They also use 2.0 cfs of water from South Fork Mill

Creek and 955 AF of water stored in Crow Creek Reservoir which is filled from South Fork Mill Creek and Dog River. The City estimates that the expansion of the Crow Creek Reservoir and the water treatment plant will increase the reliable summer supply from these sources by approximately 10 cfs. The City has not yet made use of the water from the Columbia River under Permit S-49653; this will be used to meet future demands beyond 2041.

10. The City's ground water rights (including a commercial use permit) total 21.22 cfs. All the City's wells are located within The Dalles Critical Ground Water Area. The wells authorized under Permit G-15149 are non-potable water dewatering wells for land stabilization. The Lone Pine Well, Marks Well and Jordan Street Well are used as the primary ground water sources. The Marks and Jordan Street Wells must be blended with treated surface water due to elevated levels of iron, manganese and turbidity. Due to poor water quality, water from Wicks Well is usable in emergencies only after full treatment at the water treatment plant. The City's ground water supplies are utilized to supplement surface water sources during peak demand summer months and emergencies.
11. The City has an intertie with Chenoweth Public Utility District (PUD), which through a verbal agreement can be activated to supply or receive emergency water.
12. Commercial and industrial development has occurred within a 225 acre area designated for industrial development within the UGB; about 60 acres are still available for industrial development. An industrial facility spanning 450 acres was recently closed and demolished, making land available for both wetland protection and industrial development. About 265 of these acres will be available for industrial redevelopment. The City is in the process of annexing all lands inside its current UGB, and additionally is pursuing the expansion of this UGB which was established in 1986 as a result of the Columbia River Gorge Scenic Area. The City is also in the process of establishing an Urban Reserve Area (URA) within which an additional 450 acres of industrial lands have been identified for development within the next 50 years. And finally, The Dalles Urban Renewal Agency has completed infrastructure improvements in support of private redevelopment of commercial enterprises, and has purchased most of the properties in a downtown block for additional redevelopment.
13. According to the City, in 2010, the population within the service boundary of the city of The Dalles was 11,930. The City anticipates the population to increase at an estimated growth rate of 1.1 percent per year, reaching an estimated population of 16,318 by the year 2041.
14. The City's peak water demand within its service area boundaries was 10.9 cfs in 2010, and is projected to be approximately 33.4 cfs by the year 2041.
15. Completion of Permit S-53930 depends, in part, on the completion of the Crow Creek Reservoir enlargement project, the completion of the Wicks Water Treatment Plant expansion project, and the pace of industrial growth.
16. Full development of Permit S-53930 is needed to address the present and future water

demand of city of The Dalles, including system redundancy and emergency use.

17. The City's request for an extension of time until October 1, 2041, to apply water to full beneficial use under the terms of Permit S-53930 is both reasonable and necessary.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a), (3)(c) and (4)]

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

18. During the original development time frame specified in the permit, the City accomplished the following:
 - developed a Water Master Plan,
 - conducted a water conservation program including public education, and
 - completed various surveys and development of a Proposed Action for Dog River pipeline replacement.
19. According to the City, as of June 16, 2011, they have invested approximately \$2,058,099, which is 11.8 percent of the total projected cost for complete development of this project. The City anticipates a \$15,387,500 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 S-53930, other costs included in this accounting are not partitioned out for S-53930 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 as listed in ORS 690-315-0080(4) which are not associated with just this permit, but with the development and exercise of all the City's water rights.
20. Since the issuance of Permit S-53930 on May 22, 2003, the City has not diverted any stored water as authorized under Permit S-53930; Crow Creek Reservoir has not yet been enlarged as authorized under Permit R-13105.
21. The Department has considered the City's compliance with conditions, and did not identify any concerns.

Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose
[OAR 690-315-0080(3)(b)]

22. According to the City, as of June 16, 2011, they have invested approximately \$2,058,099, which is 11.8 percent of the total projected cost for complete development of this project. The City anticipates a \$15,387,500 investment is needed for the completion of this project.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d) and (5)(a-f)]

For municipal or quasi-municipal water use permits issued after November 2, 1998, in making a determination of good cause pursuant to 690-315-0080(3)(d), the Department shall also consider, but is not limited to, the factors in 690-315-0080(5)(a-f).

23. 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 690-315-0080(5)(a-f)].

- The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53930; 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 point of diversion for Permit S-53930, located on Crow Creek Reservoir within the South Fork Mill Creek basin, is not located within a Withdrawn Area. The Crow Creek Reservoir, is not located within or above any state or federal scenic waterway, however it is located within an area ranked high for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The Crow Creek Reservoir, enlarged under Permit R-13105 is listed by the Department of Environmental Quality as a water quality limited stream.

Economic investment in the project to date [OAR 690-315-0080(5)(d)].

24. According to the City, as of June 16, 2011, they have invested \$2,058,099, which is 11.8 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$15,387,500 investment is needed for the completion of this project.

Other economic interests dependent on completion of the project [OAR 690-315-0080(5)(e)].

25. None have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0080(5)(f)].

26. As described in Findings 7 through 15 the City has indicated, and the Department finds that city of The Dalles must rely on full development of Permit S- 53930 to meet its present and future water demands
27. The City anticipates an annual population growth rate of 1.1 percent per year a thirty-one year period, being (2010) to 2041.
28. Given the current water supply situation of city of The Dalles, as well as current and expected demands including system redundancy and emergency use, there is a market and present demand for the water to be supplied under Permit S-53930.
29. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that diversion of any water under Permit S-53930 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

Fair Return Upon Investment [OAR 690-315-0080(3)(e)]

30. Use and income from the permitted water development project would result in reasonable returns upon the investment made in the project to date.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

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

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

32. According to the City, delay of development under Permit S-53930 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(2).
2. The City has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. Pursuant to Section 5, Chapter 410, Oregon Laws 2005, the permit holder is not required

to demonstrate that actual construction of the project began within one year of the date of issuance of the permit, as otherwise required by OAR 690-315-0080(1)(b).

4. The time requested to apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Full application of water to beneficial use can be completed by October 1, 2041⁵, as required by OAR 690-315-0080(1)(d).
6. 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 the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the City has shown good cause for an extension of time to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 29, above, and specified under Item 1 of the "Conditions" section of this PFO, the diversion of water any under Permit S-53930 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86.

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 apply the water to beneficial use under Permit S-53930 from October 1, 2007 to October 1, 2041.

Subject to the following conditions:

CONDITIONS

1. Development Limitations

Diversion of any water under Permit S-53930 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit

⁵ 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 Department, for issuance of a water right certificate; or (2) continue to appropriate water under the water right permit until the Department conducts a survey and issues a water right certificate under ORS 537.625.

S-53930 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 that is on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

DATED: August 16, 2011



Dwight French
Water Right Services Division 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.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner'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;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:

- a. Issue a final order on the extension request; or
- b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

If you have any questions about statements contained in this document, please contact Ann L. Reece at 503-986-0827.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.

If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.

Address any correspondence to: Water Right Services Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: August 16, 2011

Application S-84050

Permit S-53930

Copies Mailed	
By: <u>La</u>	(SUPPORT STAFF)
On: <u>8/16/11</u>	(DATE)

Original mailed to:

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

Copies sent to:

1 ✓ WRD - App. File S- 84050/ Permit S-53930

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 electronic copy of PFO via e-mail (10 AM Tuesday of signature date)

5. ~~None~~

5. WRD – Bill Fujii/Lisa Jaramillo – Notify of WMCP needed
Done by alr Date 8-17-2011

CASEWORKER: ALR

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 $\frac{1}{4}$

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:

- 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.

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 (WRD). 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 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.

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.

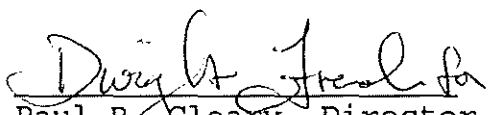
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at 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

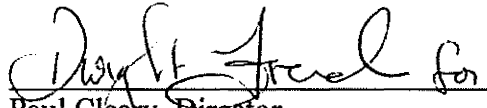
BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application	)	FINAL ORDER
R84049 in the Name of the City of	)	INCORPORATING
The Dalles,	)	SETTLEMENT
<i>Applicant and Protestant</i>	)	AGREEMENT

Based on the attached Settlement Agreement that is incorporated herein and that includes the draft permit attached, I find that water is available from South Fork Mill Creek and Dog River in the amount necessary for the proposed use; the 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.

Therefore, it is ordered that Application R 84049 is approved and a permit shall issue.

DATED this 20 day of November, 2001.



Paul Cleary, Director
Oregon Water Resources Department



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 S-53930

Dear Ann,

The City of The Dalles is submitting an Application for Extension of Time for Permit S-53930. 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

RECEIVED
JUN 16 2011
WATER RESOURCES DEPT
SALEM, OREGON

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.

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.
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 S-53930 is for municipal, not quasi-municipal, purposes. See Attachment A.
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 S-53930 was issued on May 22, 2003. See Attachment A.
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-2002	Water conservation program (planning and public education)	\$23,627
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
1997-1999	Water Rights consultant work to apply for water right	\$4830
1997-1999	Water Rights legal work to apply for water right and defend supporting rights	\$609
1999	Water Right application fee	\$1615

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED 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>	COST
05/22/03	Date the permit was signed - find date above signature on last page of permit.	
2003-2010	Water conservation program (public education)	\$7,573
2006	Developed updated Water Master Plan	\$189,000
N/A	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/01/07	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. 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
2008	USFS Cultural and Natural Resource Surveys for new pipeline to fill larger reservoir	\$23,191
2009	Wetlands Analysis in support of land exchange with USFS for Dam raise	\$37,157
2010	Surveying and development of Proposed Action for 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
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		\$2,118,447

— 60348
2058099

under R-1305
under R-13105

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).

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

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

- 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	Approx. 2021	Meter installation, water use record keeping, report submittal, and Watermaster access to the meter has not occurred, because the reservoir has not yet been constructed.
2	Approx. 2021	Construction has not begun.
3	Approx. 2021	NEPA approval has not yet been obtained due to the size and scope of this project, as well as water demand and financing.

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

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

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate. [OAR 690-315-0070(3)(h)]

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 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).

8. Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate. [OAR 690-315-0070(3)(p)]

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. Due to the size and scope of this project, as well as water demand and available financing, the use of this water right has not been required to date.

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 1990's 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.
- 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)(l)]

- 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

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

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), for a total increase of 10.1 cfs. 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, water rights for 7.0 cfs (4.52 mgd) are 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) under Certificate 44915 is from a well with very poor water quality 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, which appropriate water from the 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 currently useable municipal groundwater sources results in 7.13 cfs (4.61 mgd) of current reliable municipal groundwater supply.

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).

Permit S-53930, which allows the use of water made available under 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 months 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: 16,318 as of Year: 2041

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 16,318 in the year 2041.

d) Future Peak Water Demands

Projected Peak Water Demand: 33.41 cfs as of Year: 2041

Methodology used to estimate peak water demand:

This permit is intended to provide additional water supply to help meet peak summer season demand. 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.

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 to arrive at the projected MDD. Next, 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" was also added to the MDD as follows: 5.65 mgd per year through 2025 and 10.15 mgd per year after 2025. Thus, the total allowance was 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). Without the Industrial and Weather Allowance, the MDD would be 16.16 cfs in 2041. However, the City anticipates that significant development will have occurred by 2041, such that the projected peak water demand including the allowances was used for this projection.

Based on the combined demand per capita, a "weather allowance" and an "industrial allowance," the City is projecting an MDD of 33.41 cfs by 2041.

e) Potential Growth

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

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).

The City is also in the process of establishing an Urban Reserve Area (URA) that will identify buildable lands to meet the needs for the next 50 years. The proposed Urban Reserve Area identifies an additional 450 acres of industrial lands for development within the next 50 years. Applying the same per-acre water demand (1 mgd per 100 acres), a 4.5 mgd water demand would be needed for development of this industrial area. This development is not anticipated to occur until after 2025 and, accordingly, has been added to the "Industrial Allowance" after that date. This yields a total industrial allowance of 10.15 mgd after 2025 (3 mgd +2.65 mgd +4.5 mgd = 10.15 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.

Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2041**

See Attachment D for a table of the MDD projections. Permit S-53930 is for the use of up to 2100 acre-feet of water stored under Permit R-13105. As described above, the City intends

for that stored water to increase the reliable summer supply by up to 10.1 cfs. At this rate, the full 2100 acre-feet would be beneficially used in approximately 104 days. See #12 for an explanation of the completion date.

[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 until October 1, 2041 to put the water to full beneficial use under the water right, which is less than 50 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 Dog River 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 enlargement and construction	\$9,050,000
Present-2025	Final design/permitting for water treatment plant expansion and construction	\$7,450,000
Year: 2041	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		24,637,500

under R-13105

under R-13105

9,250,000
15,387,500

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

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

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.

Completion of Permit S-53930 depends upon the expansion of Crow Creek Reservoir and storage of water under Permit R-13150, which is projected to take until 2021 based on the City's currently approved 2006 Water Master Plan, as well as expansion of the Wicks Water Treatment Plant. If industrial growth is rapid in the near term, then Permit S-53930 could be put to full beneficial use by

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

as early as 2021 when peak water demand could reach 23.27 cfs. Conversely, a lack of industrial growth and favorable weather patterns could delay full beneficial use of Permit S-53930 for many years. Due to the potentially wide time range for reaching peak demand of stored water, the City is seeking an extension that is 20 years from the date that Permit R-13150 is anticipated to be put to full beneficial use, which provides time for industrial development and population growth to occur that will necessitate development of Permit S-53930. This also considers operational changes that may occur once the reservoir expansion is constructed. For example, gravity-fed stored water may replace use of groundwater to meet peak day demands. Consequently, an extension of time until 2041 for Permit S-53930 to be put to full beneficial use is reasonable.

[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 S-53930 was issued May 22, 2003.



STATE OF OREGON

COUNTY OF WASCO

PERMIT TO APPROPRIATE 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: S-84050

SOURCE OF WATER: CROW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-13105,
A TRIBUTARY OF SOUTH FORK MILL CREEK

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM VOLUME ALLOWED: 2100 ACRE-FEET PER YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 21, 1999

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 20, T1S, R11E, W.M.;
452 FEET SOUTH & 366 FEET WEST FROM N1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE BOUNDARIES OF THE CITY

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 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.

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

PAGE 2

① 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.

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.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 May 22, 2003


Paul R. Cleary, Director
Water Resources Department

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Application S-84050
Basin 4

Water Resources Department
Volume 2 MILL CR & MISC

PERMIT 53930
District 3

SURFACE WATER APPLICATION MAP

IN THE NAME OF: CITY OF THE DALLES

Application No. S 84050

RECEIVED

Permit No.

SECTION 20, T.1S., R.11E., W.M.

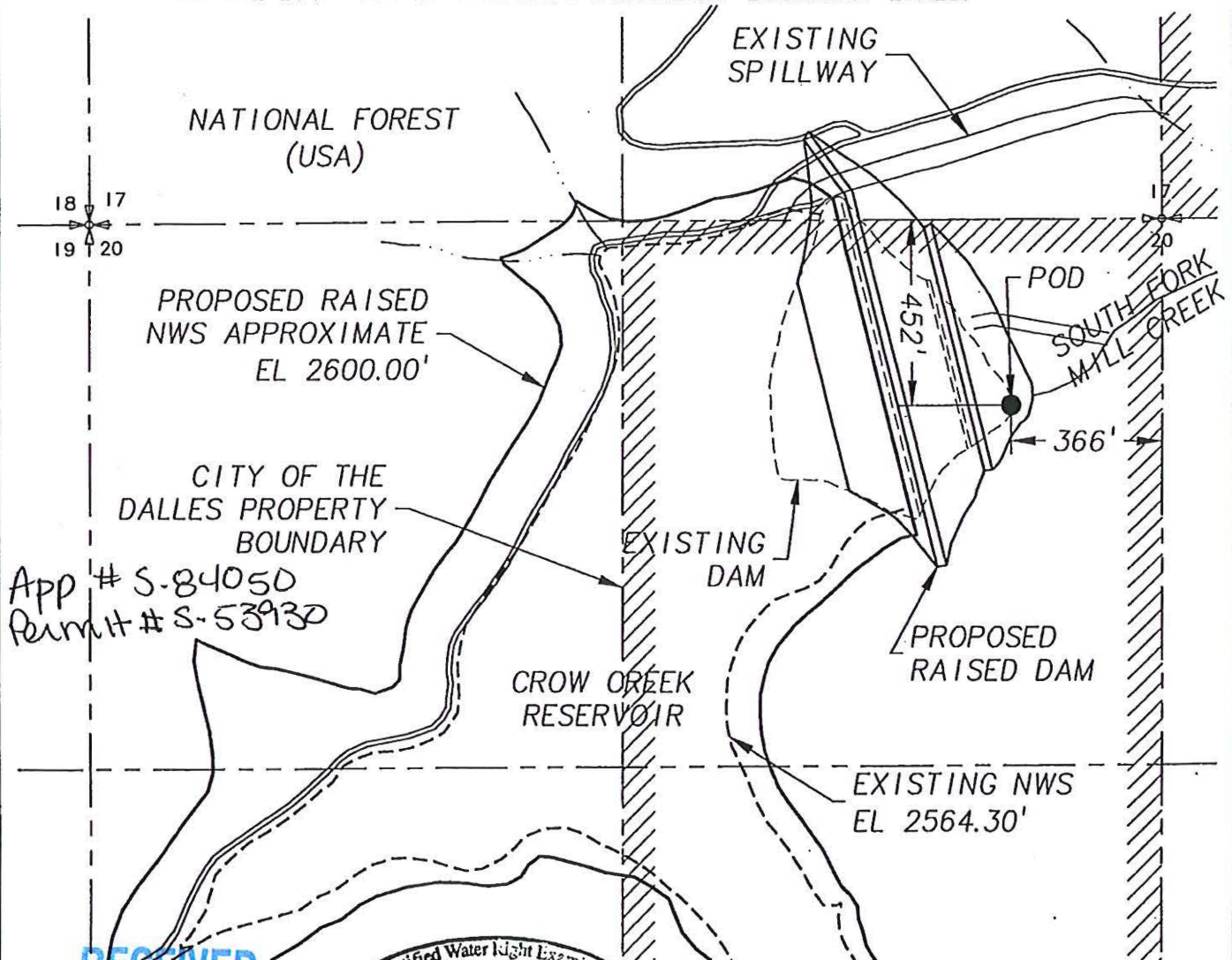
1"=400'

JAN 21 1999

POINT OF DIVERSION LOCATED IN: NE ¼ NW ¼ SECTION 20 WATER RESOURCES DEPT.
SALEM, OREGON

WATER USE IN: CITY OF THE DALLES
(SEE PROPOSED PLACE OF USE MAP)

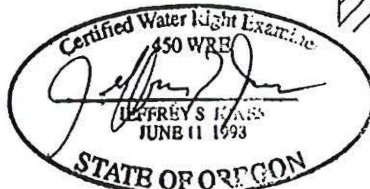
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE
WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE
TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON



Expires: 6-30-99



Murray, Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 1020 PORT 225-2410
Portland, Oregon 97204 FAX 225-9022

Report

Water System Master Plan

Prepared for
City of The Dalles

May 2006

Prepared by
CH2MHILL

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

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.

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

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.

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

CVO\053550009

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.

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

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.

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

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

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

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	

Not in name of Stadelman not City of the Dalles

WATER RESOURCES DEPT
SALEM, OREGON

JUN 16 2011

RECEIVED

not City of the Dalles

County of Wasco

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).

RECEIVED

JUN 16 2011

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-84050

Final Order Incorporating Settlement Agreement

Application History

On January 21, 1999, DAVE ANDERSON, FOR CITY OF THE DALLES, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 15, 2001. A protest was filed on June 18, 2001. The issues of that protest were resolved by a settlement agreement between the applicant and the Department.

The proposed use would not impair or be detrimental to the public interest.

Order

Application S-84050 therefore is approved as proposed by the Proposed Final Order, and Permit S-53930 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 22, 2003


Paul R. Cleary, Director

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

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 97301-4172, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF WASCO

PERMIT TO APPROPRIATE 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: S-84050

SOURCE OF WATER: CROW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-13105,
A TRIBUTARY OF SOUTH FORK MILL CREEK

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM VOLUME ALLOWED: 2100 ACRE-FEET PER YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 21, 1999

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 20, T1S, R11E, W.M.;
452 FEET SOUTH & 366 FEET WEST FROM N1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE BOUNDARIES OF THE CITY

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.

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.

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.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

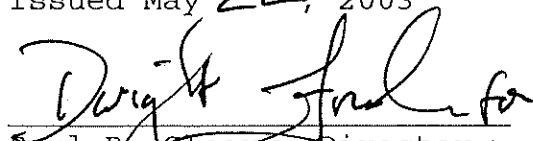
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 May 22, 2003


Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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: S- 84050 Permit: S- 53930 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: 515 West 1st St e-mail 97058-3542

Phone Number: 541-506-2008

POD Location: Township 1S Range 11E Section 20 $\frac{1}{4}$ NENW

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

Date Permit was issued: May 22, 2003

Priority Date: 1-21-1999

Date of PN: 6/21/2011

Source: Crow Creek Reservoir constructed under Permit R-13105

Use: ☒ Municipal ☐ Quasi Municipal ☐

"Q": - 2100 AF / year

Orig "A" Date:

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2007

Extension
request rec'd: June 16, 2011

Last Authorized
"B" Date: 10/1/

Last Authorized
"C" Date: 10/1/2007

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

Proposed
"B" Date: 10/1/

Proposed
C Date: 10/1/2041

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☐	☐	Install meter – ok no water use yet
☐	☐	annual water use reporting – ok no water use yet
☐	☐	land use approval from Wasco County - w/ copy to OWRD – ok no construction of reservoir yet
☐	☐	WMCP due 1 year after NEPA approval – OK no NEPA approval yet

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: \$2,118,447 Estimated Remaining Cost: \$24,637,500

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 As of ☐ Growth 1.1% Population 16318 by (Year) 2041 Projected ☐ Calculated? Yes ☐

Peak Demand 10.89 cfs/gpm (Year) 2010 As of ☐ Peak Demand 33.41 cfs/gpm by (Year) 2041 Projected ☐ 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

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: "/gisdata/dev/projects/salmon/div33map.aml"
- ☐ ☒ 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

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____



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#: S-84050 (PERMIT#: S-53930)**. 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".

**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

BY: _____

APPLICATION	See Below
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 102465 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	EXAM FEE \$ _____	0204 RECORD FEE \$ _____
0205 TRANSFER	EXAM FEE \$ _____	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT		0220 LICENSE FEE \$ _____

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: AK

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

Mailing List for FO Copies

Application # S-84050

Mailing List Print Date: March 19, 2003

Original mailed to (when permit issued, include copy of permit map):

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

For FO w/Permit - Copies sent to:

1. WRD - File # S-84050
2. WRD - Ken Stahr

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

3. WRD - Data Center
4. WRD - Watermaster District #: 3
5. WRD - Regional Manager: NCR

Copies Mailed	
By: <u> <i>AS</i> </u>	(SUPPORT STAFF)
on: <u> <i>3/23/03</i> </u>	(DATE)

For FO w/Draft Permit - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. Jeffrey Jones (CWRE 450)

CASEWORKER: RWK

SURFACE WATER APPLICATION MAP

IN THE NAME OF: CITY OF THE DALLES

Application No. **S 84050**

Permit No.

SECTION 20, T.1S., R.11E., W.M.
1"=400'

RECEIVED

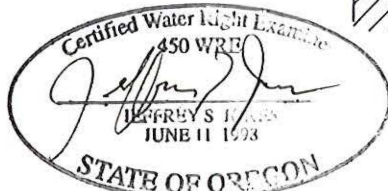
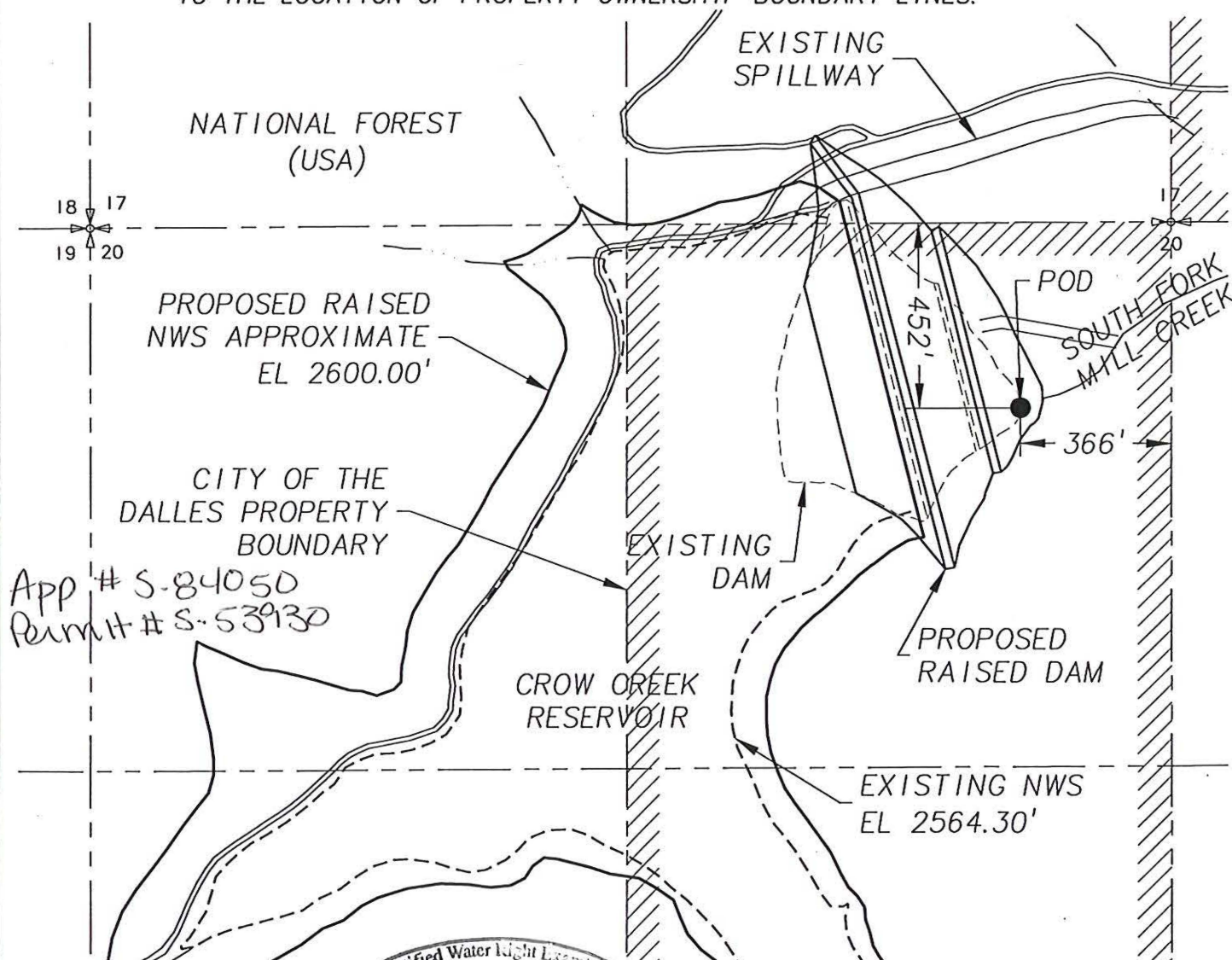
JAN 21 1999

POINT OF DIVERSION LOCATED IN: NE ¼ NW ¼ SECTION 20

WATER RESOURCES DEPT.
SALEM, OREGON

WATER USE IN: CITY OF THE DALLES
(SEE PROPOSED PLACE OF USE MAP)

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.



EXPIRES: 6-30-99



Murray, Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 1020 PHONE 225-9010
Portland, Oregon 97204 FAX 225-9022

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **59579**

INVOICE # _____

RECEIVED FROM: City of The Dalles

APPLICATION	<u>584050</u>
PERMIT	
TRANSFER	

BY: _____

CASH: ☐ CHECK: # 62971 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 82.50

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES	\$
	OTHER: (IDENTIFY)	\$
	OTHER: (IDENTIFY)	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE \$ <u>7.50</u>	0202	RECORD FEE \$ <u>175.00</u>
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 (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **59579**

DATED: 4/28/03 BY: Cornie Vance

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



CITY OF THE DALLES
Department of Public Works
6780 Reservoir Road
The Dalles, Oregon 97058

RECEIVED

APR 28 2003

WATER RESOURCES DEPT.
SALEM, OREGON

April 25, 2003

Mr. Russ Klassen
Water Rights Specialist
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Water Rights Application Number S-84050 - Request for Issuance of Final Order

Dear Mr. Klassen:

The City of The Dalles is the applicant for Water Rights Application Number S-84050 and has entered into a Settlement Agreement with the Water Resources Department regarding the Proposed Final Order for that application. In March of this year, I received a call from Dwight French (WRD) asking if the City would like to proceed with the issuance of a Final Order for that application. He also indicated, if the City opted to proceed, that the C-date for this permit would be extended beyond the date specified in the PFO (to reflect the time that has passed since the PFO was issued and to recognize the 5-year allowance from date of permit issuance for municipalities to develop a secondary right as identified in the Settlement Agreement) and that the final fees owed to WRD for the processing of this application were \$182.50.

On April 4, 2003 I was able to inform Dwight by telephone that the City would like to proceed with the issuance of a Final Order and Water Right Permit for Water Rights Application Number R-84050. With this letter, the City is requesting issuance of a Final Order incorporating the signed Settlement Agreement and allowing 5 years from date of issuance for perfection of the right. Also included with this letter is a check for \$182.50 for payment of the final permit issuance fees.

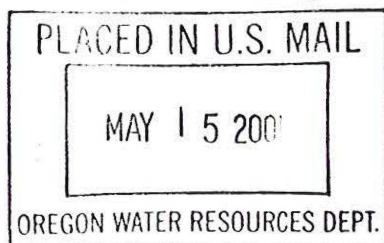
If you have any questions or comments about this request, please feel free to contact me at your convenience at (541) 298-1242 Ext 300 to discuss them.

Sincerely,

Dave Anderson, Water Quality Manager
City of The Dalles
6780 Reservoir Road
The Dalles, Oregon 97058

cc: Larry Toll, District 3 Watermaster

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number S-84050

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 STORED WATER
- Use of Water: MUNICIPAL USE
- Source of Water: CROW CREEK RESERVOIR, A TRIBUTARY OF SOUTH FORK MILL CREEK
- Area of Proposed Use: WASCO County within TOWNSHIP 1 AND 2 NORTH, RANGE 13 AND 14 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 CROW CREEK RESERVOIR, FILED UNDER APPLICATION NUMBER R-84049, A TRIBUTARY OF SOUTH FORK MILL CREEK for MUNICIPAL USE is allowable year-round, contingent upon approval of application R-84049." 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.

No written comments were received within 30 days.

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 Hood Basin Program allows the following uses: municipal use.

Senior water rights exist on CROW CREEK RESERVOIR, A TRIBUTARY OF SOUTH FORK MILL CREEK, or on downstream waters.

CROW CREEK RESERVOIR, A TRIBUTARY OF SOUTH FORK MILL CREEK, is not within or above a State Scenic Waterway.

Water is determined to be available for further appropriation from legally stored water, contingent on approval of application R-84049.

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:

Certificate, Permit,
or Transfer #

SourceAmount

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 of use be imposed on this application. The additional conditioning was only regarding reservoir application R-84049

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.

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 for the proposed use contingent on approval of application R-84049.

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.

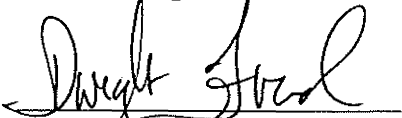
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount 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!!!

DRAFT

STATE OF OREGON

COUNTY OF WASCO

DRAFT PERMIT TO APPROPRIATE 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: S-84050

SOURCE OF WATER: CROW CREEK RESERVOIR, A TRIBUTARY OF SOUTH FORK MILL CREEK

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM VOLUME ALLOWED: 2100 ACRE-FEET PER YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 21, 1999

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 20, T1S, R11E, W.M.;
452 FEET SOUTH & 366 FEET WEST FROM N1/4 CORNER, SECTION 20

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE BOUNDARIES OF THE CITY

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.

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.

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.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

Complete application of the 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

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

RECEIVED
NOV - 9 2001
WATER RESOURCES DEPT.
SALEM, OREGON

In the Matter of Water Right Application)
S 84050 in the Name of the City of)
The Dalles,)
Applicant and Protestant) SETTLEMENT AGREEMENT

The Oregon Water Resources Department by and through Paul R. Cleary, Director, and the City of The Dalles, Applicant and Protestant, by and through Dave Anderson, Water Quality Manager, do hereby agree and stipulate as follows:

Stipulated Facts

1. On January 21, 1999, Dave Anderson, for City of The Dalles, (Applicant) submitted an application to the Oregon Water Resources Department (Department) for the use of 2100 acre feet of stored water from Crow Creek Reservoir for municipal use in Wasco County.
2. On May 4, 1999, the Department mailed Applicant notice of its Initial Review determining that the proposed use was allowable year-round, contingent upon approval of application R-84049.
3. On September 21, 1999, the Department received Applicant's request to place the application on administrative hold. In response, the Department placed the application on hold until March 20, 2000. At Applicant's request, the Department extended the administrative hold on the application until June 12, 2000, to enable Applicant to obtain land use approval for the project from Wasco County.
4. On May 15, 2001, the Department issued its Proposed Final Order (PFO) recommending issuance of the draft permit with conditions. The draft permit included the condition that Applicant must complete application of the water to the use on or before October 1, 2005.
5. On June 18, 2001, Applicant timely filed a protest of the Department's PFO. Applicant sought an extension of time to perfect the water right to 10 years from the date the water right permit is issued, pursuant to ORS 537.248.
6. After reviewing Applicant's protest, the Department determined that the ten-year time period to perfect a water right is only available for reservoirs permits and, therefore, that time period provided by ORS 537.248 is not applicable to this application.

RECEIVED

NOV - 9 2001

WATER RESOURCES DEPT.
SALEM, OREGON

7. On August 23, 2001, Applicant filed a request to place this application on administrative hold, pursuant to OAR 690-310-270. In response, the Department placed application s 84050 on hold until February 20, 2002.
8. The Department and Applicant entered negotiations to develop a mutually agreeable solution. The Department and Applicant agree that resolution of the issue raised by this protest would be resolved pursuant to the terms outlined below.

Terms of Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this Agreement.
2. In signing this Agreement, the Applicant withdraws its protest and request for hearing for Application S 84050.
3. The Department shall place application S 84050 on administrative hold until February 20, 2003, pursuant to OAR 690-310-270. This extended administrative hold will provide time for the Community Water System Work Group (CWSWG) to develop a regulatory package to address the statutory inconsistency allowing a municipality ten years to construct a storage reservoir and perfect the impoundment water right, but only allowing five years to perfect the secondary surface water right to use the impounded water.
4. On or before February 20, 2003, Applicant must elect to: continue processing Application S 84050 under the statutes and rules in effect at that time; withdraw Application S 84050 and receive a full refund of the permit application fees paid by Applicant; or if the legislature has not implemented revisions to the municipal water right permit extension process in response to the CWSWG's regulatory package, request an additional administrative hold until July 1, 2003.
5. If the Applicant applies for and meets the requirements above to apply for an additional administrative hold, the Department will grant the hold until July 1, 2003.
6. If the Department places Application S 84050 on hold beyond February 20, 2003, then on or before July 1, 2003, the Applicant must elect to continue processing Application S 84050 under the statutes and rules in effect at that time; or withdraw Application S 84050 and receive a full refund of the permit application fees paid by Applicant.

7. The parties agree to entry of the Final Order Incorporating Settlement Agreement.

RECEIVED
NOV - 9 2001
WATER RESOURCES DEPT.
SALEM, OREGON

David Anderson
On Behalf of the City of The Dalles

11-7-01
Date

Dwight Fred
On Behalf of the Oregon Water
Resources Department

October 23, 2001
Date



Oregon Water Resources Department

RECEIVED

JAN 21 1999

Application for a Permit to Use Surface Water

WATER RESOURCES DEPT.
SALEM, OREGON

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: n/a
Last First MI

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations.)

Name of organization: City of The Dalles

Name and title of person applying: Dave Anderson, Water Quality Manager

Mailing address of organization: 6780 Reservoir Road

The Dalles OR 97058
City State Zip

Phone: (541) 298-1242 ext. 300
Day Evening

*Fax: (541) 298-2129 *E-Mail address: _____

*Optional information

For Department Use

App. No. S-84050 Permit No. _____ Date 1/21/99

Application No. 5-84050

Permit No. _____

RECEIVED

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? Wasco

In what county is the diversion proposed? Wasco

B. River Basin

(see instruction booklet page 3 for list): Hood River

C. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Crow Creek Reservoir Tributary to: South Fork Mill Creek

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

D. Property Ownership

Do you own all the land where you propose to divert, transport and use water?

☐ Yes (Skip to section no. 3 "Water Use")

☒ No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

See Attachment A

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

Application No. S-84050

Permit No. _____

3. Water Use**RECEIVED**

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

(See page 3 in the instruction booklet for a list of Beneficial Uses.)

- If your proposed use is domestic, indicate the number of households to be supplied with water: _____
- If your proposed use is irrigation, please attach Form I
- If your proposed use is mining, attach Form R
- * • If your proposed use is municipal, attach Form M
- If your proposed use is commercial/industrial or quasi-municipal, attach Form Q

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

Source	Use	Amount
Crow Creek Reservoir	2,100	☐ cfs ☐ gpm ☒ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af
		☐ cfs ☐ gpm ☐ af

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses such as irrigation, give dates when water use would begin and end):

All year

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

n/a

Application No. 5-84050

Permit No.

4. Water Management

RECEIVED

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

A. Diversion

What method will you use to divert water from the source?

- ☐ Pump (give horsepower and pump type) _____
- ☐ Head-gate (give dimensions) _____
- ☒ Other means (describe) Crow Creek Reservoir Outlet

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☒ Weir ☒ Meter ☐ Periodic Sampling
- ☒ Other (describe) See Attachment A

C. Transport

How will you transport water to your place of use?

- ☐ Ditch, canal (give average width and depth):
Width _____ Depth _____
- Is the ditch or canal to be lined? ☐ Yes ☐ No
- ☐ Pipe (give diameter and total length)
Diameter(s) _____ Length _____
- Other (describe) South Fork Mill Creek
- See Attachment A

D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply): n/a

- ☐ Flood ☐ High-pressure sprinkler ☐ Low pressure sprinkler
- ☐ Drip ☐ Water cannons ☐ Center pivot system
- ☐ Hand lines ☐ Wheel lines
- ☐ Siphon tubes or gated pipe with furrows
- ☐ Other, describe _____

Distribution method

- ☒ In-line storage (tank or pond) ☐ Direct pipe from source ☐ Open canal

Application No. 5-84050

Permit No.

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

The City has an active water conservation program which has included recent installation of individual service meters and an increased block rate structure.

RECEIVED

JAN 21 1999

5. Resource Protection

WATER RESOURCES DEPT.
SALEM, OREGON

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See Appendix A in the instruction booklet for a list of possible permit requirements from other agencies. Please indicate any of the following practices you plan to undertake to protect water resources:

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: Existing water treatment plant intake has fish screens.

☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: n/a

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: n/a

☐ Water quality will be protected by preventing erosion and runoff of waste or chemical products. Describe: n/a

☐ Other:

6. Project Schedule

Proposed date construction will begin See Attachment A

Proposed date construction will be completed See Attachment A

Proposed date beneficial water use will begin See Attachment A

Application No. 5-84050

Permit No.

7. Remarks

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

See Attachment A

RECEIVED

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Signature

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

David E. Anderson

Signature of Applicant

12-17-98

Date

Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

Last revision: October 31, 1996

**ATTACHMENT A
TO
APPLICATION FOR A PERMIT TO USE SURFACE WATER
FOR
CITY OF THE DALLES**

RECEIVED

ITEM 7: Remarks

JAN 21 1999

Insert the following into the referenced question items:

**WATER RESOURCES DEPT.
SALEM, OREGON**

- 2.C This application is for the appropriation of surface water to be stored in an enlargement of the City's Crow Creek Reservoir.
- 2.D Municipal system. The City owns the land at the POD location and the Wicks Water Treatment Plant. In addition, the City owns the transmission and distribution system.
- 4.B The City has a pressure transducer in the existing reservoir to measure reservoir level. Using the transducer in conjunction with the weir at the existing dam outlet, the City has the ability to measure and record the rate of draw down of the reservoir. The City also has a flow meter at the treatment plant intake.
- 4.C Water will be conveyed approximately 9 miles downstream from Crow Creek Reservoir to the City's water treatment plant (WTP) via the South Fork Mill Creek channel. From the WTP, the water will be withdrawn and enter into the City's supply system as necessary to meet the City's demands.
- 6. Dam raising project is currently at the conceptual stage, and as such, there is no schedule for construction at this time.

Application No. 5-84050
Permit No.

Mailing List for PFO Copies

Application #S-84050

PFO Date May 15, 2001

Original mailed to:

Applicant: CITY OF THE DALLES; ANDERSON, DAVE, 6780 RESERVOIR RD, THE DALLES, OREGON 97058

Copies sent to:

1. WRD - File # S-84050

PFO, Map, and Fact Sheet Copies sent to:

2. WRD - Watermaster # District 3

3. WRD - Regional Manager: NCR

DIV 33above 4. ODFW (district 7 Steve Pribyl)

✓ 5. Col Riv Intertribal Fish Comm *Webber*

✓ 6. USFW *Ranch*

✓ 7. NW Powr Plan Council

✓ 8. NMFS (Marc Liverman)

DIV 33stwd ✓ 9. DEQ (Portland): Eastern Region *Nichols*

✓ 10. DOA (Salem): Steve Applegate

Copies Mailed
By: <i>5/15/01</i>
(SUPPORT STAFF)
on: <i>5/15/01</i>
(DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

✓ 11. Jeffrey Jones (CWRE)

CASEWORKER : RWK WEEK 303

File # 584050

PFO Week # 303

FO CHECKLIST

PFO TO FO CONVERSION

Review Date: 3/19/03

Initials: RWK

WM District 3

WRD Region WCR

ODFW Bio

10. Y / N Were comments or protests received? If so, from whom and when?

Applicant June 18, 2001

20. Y / N / NA Affected owners, commentators, CWRE's & those who paid \$10 notified at the proper address?

30.

Exam Fee

250.00

Q fee

1372.50

Subtotal

1622.50

Recording Fee

175

Total

1797.50

Amount Paid

1615.00

182.50

1st CFS/AF

100

Addnl.

1000 + 272.5

TOTAL Q

1372.5

owe

182.5

refund

40. Y / N Is further processing possible? If not state reason:

50. Y / N Are additional items required (fees) easement, etc., prior to permit? (Send certified letter prior to FO)

60. Y / N Assign permit number

70. Y / N Does PFO require modification? Why?

FO Type: DENIAL

FOMOD

FO w/ DRAFT PERMIT

FO & PERMIT

List issues to be addressed here:

90. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 369.

100. Y / N / NA Include screening self-certification form if appropriate.

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above.

The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production

C:\myfiles\forms\checkfo.wpd

PFO CHECKLIST

Application #: S 84050

County WASCO Basin: Hood River 4
Township 1S Range 11E Section 20 1/4 1/4

1. Complete by Minimum Requirements Checklist? Y / N
2. Shortcomings (items needed before a permit and/or FO can be issued) (Y) / N Should process continue Y / N
DONE *NEED TO PUBLISH NOTICE* 
3. Groundwater Review A B C D River/Stream Name _____
a. Groundwater Availability A B C
b. Is second groundwater review complete Y / N necessary? (comments) Y / N
c. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N within area
4. Is use from BOR / Doug Co. project? Y / (N) Contract in file? Y / N Contract # _____
5. Is the use allowed by the Basin Program? (Y) / N Limited? Y / N _____
6. Water Availability Data OK / REDONE / NA (80% live flow & 50% storage) SOPED H₂O ONLY
7. Is the source withdrawn or limited by statute or Department order? Y / (N)
8. Is the Proposed Use located in or above a SWW? Y / (N)
9. Division 33: (Y) / N / NA Above Bonn (after July 17, 1992) (Y) / N
Below Bonn (after April 8, 1994; June 3, 1994) Y / (N)
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / (N)
10. IR identifies as on DEQ 303d List? Y / (N) / NA Comments received? Y / N
11. Have conflicts been addressed? Y / N / (NA) MUNI
12. Duty 2100 AF Irrigation Season _____
13. Period of Allowed Use YR RND
14. Allowed Rate 2100 AF

THE CITY FIRE DEPT
ARE IN WASCO CO
DOES RIVER DIVERSION
IS IN HOOD RIVER CO

OVER 

summary:

15. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF) condition 71 and municipal use ≤ 0.1 cfs require the Large condition

16. Conditions COMPLAN 2 YR (MODIFIED)
New River Basin? Y / N / NA (see M:\groups\wr\pof\findings & other lang)

17. IR Date 5/4/99 Public Notice Date 5/18/99 Comment Rec'd _____

18. CWRE, representatives or Property owners to notify? Y / N JEFFREY JONES (CWRE)

Initials: RWK Date: 7/28/99

NEED LU APPROVAL FROM BOTH COUNTRIES

IR CHECKLIST

Application # S-84050

Priority Date: 11/21/99

Basin: 4-HOOD

County: HOOD R. / WASCO

Township 15 Range 11E Section 17, 20, 1/4 1/4

WAB: N/A STORED

POU WAB: _____

UNDER R-84049

1 Complete by Minimum Requirements checklist Y N Items still required: _____

N/A 2. Groundwater Review A B C D River/Stream Name _____

Conditions _____ Water Availability A B C

N/A 3. Is the well located in a groundwater limited area? Y N Name _____

1 4. Is the well located in TIN R3E SEC 20, 21, 28, 29 Y N

1 5. Within or above a Scenic Waterway Y N Conditions/Restrictions Y N

1 6. Basin Maps have been checked Y N Hood R - Mull de Columbia

1 7. Allowed under Basin Program Y N Limitations Y N 2690-504-001(1)

1 8. Withdrawn Y N Season Allowed _____

1 9. Water Availability 80% STORED UNDER 50% R-84049 N/A

1 10. Use MUNI Period of allowed use Y/R

1 11. Season requested by applicant Y/R

N/A 12. For Irrigation: Rate _____ Duty _____ Season _____

1 13. For Nursery or Cranberry: Rate _____ Duty _____ Season _____

1 14. Allowable rate of use: 2100 Af

Requested Rate: 2100 Af

1 15. BOR project Y N Contract # _____

1 16. Subject to Division 33: Y N N/A Above Bonneville Y TES Y N

Below Bonneville _____ TES Y N TES only Y N

1 17. Conflict Y N

1 18. Conditions? (BOR, GW) other Y N Public 25, Con plan (see memo)

1 19. Measuring condition Small _____ Medium _____ Large Y

1 20. Within Dept. Of Agriculture Water Quality Management Area Y N N/A

TUALATIN _____ BEAR CREEK (ROGUE) _____

1 21. On DEQ 303d list Y N N/A

1 22. Land use approval OK'd Needs Approval Y County Notified N/A

*needs L.U. from
Wasco Co. (being
pursued)*

1 23. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5) (NCR) (6 8 9 10 ER)

(11 12 17 SCR) (13 14 15 19 SWR)

1 24. ODFW Biologist Steve pribyl

1 24. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

Name: AW

Date: 4/21/99

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 504
HOOD BASIN PROGRAM

Classifications

690-504-001

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Hood Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, fish life, pollution abatement uses, and the waters of the Hood Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for municipal use and the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, are hereby so classified.

(b) The maximum economic development of this state and the attainment of the highest and best use of the waters of the natural lakes of the Hood Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of natural lakes of the basin are hereby so classified.

(2) Applications for the use of these specified waters of the Hood Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(3) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

Minimum Perennial Streamflows

690-504-002

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic, livestock or municipal uses or waters to be legally stored or legally released from storage shall be made or granted by a state agency or public corporation of the state for the waters of:

(a) Hood River above Powerdale Diversion Dam for flows below 45 cubic feet per second measured at said dam and maintained to the mouth of Hood River.

(b) West Fork Hood River and its tributaries above U.S. Geological Survey - Water Resources Department Gage 1185 one-half mile above the mouth for flows of below 100 cubic feet per second measured at said gage and maintained to the mouth of West Fork Hood River.

(c) Middle Fork Hood River and its tributaries above its mouth for flows of below 10 cubic feet per second measured at said point.

(2) (a) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws, 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the streams listed in Table 1 and tributaries when flows are below the specified levels. This limitation shall not apply to:

(A) Human and livestock consumption

(B) Municipal use

(C) Water legally released from storage

(D) Irrigation use from Green Point and Dead Point Creeks and tributaries (applicable to flow on the mainstem Hood River priority 11-3-83 only)

(E) Water legally stored on Mill or Fifteenmile Creek and tributaries.

(b) Attainment of the specified flow levels on most streams during some portions of the year will require development of water storage or implementation of other measures.

Water Quality

690-504-003

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Note: The Hood Basin is delineated on State Water Resources Board Map, File 4.6, available from the Water Resources Department.

To: Anita Huffman, Bill Fujii, Mike Ladd, Larry Toll
From: Renee Moulun <Renee.M.MOULUN@wrд.state.or.us>
Subject: The City of the Dalles
Cc:
Bcc:
Attached:

Hello Anita:

Here are RMD's comments on Application 84050 in the name of the City of the Dalles.

The City of the Dalles is already implementing a water master plan pursuant to Oregon Health Division rules. However, we do not know if this current plan incorporates all of the elements of WRD's Division 86 rules.

The source of the City's application is the South Fork Mill Creek. Although this creek has an impassable fish passage barrier at approximately river mile 4, there are threatened and sensitive species below this barrier to the confluence of South Fork Mill Creek. Specifically there are steelhead (recently listed by National Marine Fisheries Service) and cutthroat trout (soon to be listed by NMFS). The stream also experiences low summer flows.

The City of the Dalles is located within the Upper Columbia portions of our Division 33 rules and contains threatened and sensitive species. Therefore, in light of the Governor's Plan, the Governor's Executive Order, and the WRD's Division 33 rules, we recommend that the City of the Dalles write a municipal water management and conservation plan within two years of permit issuance or upon updating their OHD water master plan, whichever comes first.

Please let me know if you have any questions.
Thanks
Renee

KimG

From: Dwight W French [Dwight.W.FRENCH@wrd.state.or.us]

Sent: Monday, February 24, 2003 7:01 AM

To: Kimberly.J.GRIGSBY@wrd.state.or.us

Subject: Re: The Dalles application S 84050

The CWSWG had rules adopted. A legislative package was not needed to complete the work of the group.

The way I see it, we should give them a couple weeks to withdraw otherwise we should issue the permit.

I'll put the file back on your chair.

Dwight

At 05:55 PM 2/21/2003, you wrote:

Dwight,

Under the terms of the settlement agreement to resolve the protest to the above application, the city of the Dalles was required to contact the Department by 2/20/03 and notify us how they wish to proceed with this application. I asked for a tickler for that date and the file was pulled for me, however, it contains no direction the city. I don't know who should call them about this. The file is in my office.

Also, the city's third option is to put the application on hold if the legislature has not implemented revisions to the municipal water right permit extension process in response to the Community Water System Work Group's regulatory package. I know we have new rules for muni extensions, but wasn't sure they were a result of statutory changes resulting from the CWSWG's efforts. Can you fill me in on this.

I will put a copy of the settlement agreement on your chair for your reference.

Thanks, Kim

Kimberly Grigsby
Agency Representative
Oregon Water Resources Department
158 12th Street N.E.
Salem, OR 97301-4172
(503) 378-8455 ext. 236

=====

Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department

2/25/03



CITY OF THE DALLES
Department of Public Works
6780 Reservoir Road
The Dalles, Oregon 97058

The **DIRECTOR'S CERTIFICATE** of recognition issued by the U.S. Environmental Protection Agency on behalf of the *Partnership for Safe Water Program* has been awarded to City of The Dalles (for the treatment plant listed below) for its' efforts to achieve excellence in water quality far beyond what is required by federal regulations.
Wicks Water Treatment Plant



October 1, 2001

Ms. Kimberly J. Grigsby
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-4172

RECEIVED

OCT 02 2001

**WATER RESOURCES DEPT.
SALEM, OREGON**

RE: File S-84050

Dear Ms. Grigsby:

As you know, the City of The Dalles requested that its Water Rights Application numbers R-84049 and S-84050 be placed on administrative hold earlier this year. As indicated in your letter dated August 24, 2001, those requests were granted by WRD for a period of time until February 20, 2002. The purpose of the requests was to allow time for the City to continue to work with WRD staff towards a negotiated settlement of the City's protests to the Proposed Final Orders (PFO's) for these two applications.

Since that time, the City believes that we have reached a negotiated settlement with the Department on the protests filed for Application number R-84049. However, since the issues associated with the protest filed for Application number S-84050 are centered on an inconsistency in state statutes (which allow 10 years to construct a storage reservoir and perfect the impoundment water right yet require that the secondary water right to use the impounded water be perfected within five years), no settlement has been reached. The City is concerned about proceeding with the PFO on this application at this time knowing that, under current law, it may need to be extended, and possibly at risk of non-renewal (cancellation), under some new and as yet undefined set of rules or statutes. Conversely, the City does not want to withdraw our application at this time as we would not be able to obtain financing for a reservoir project that does not have all its water rights secured. The City is also concerned about the possibility of additional conditions being applied to a future water right permit (with a more junior priority date) that would adversely affect our ability to utilize water lawfully impounded for our use.

Pursuant to our telephone conversation on September 27, 2001 the City is therefore requesting that Application number S-84050 be placed on an extended administrative hold for at least one year. The purpose of this request is to allow time for the Community Water System Work Group (CWSWG), a task force which is currently working to revise the requirements for municipal water right permit extensions, to address this issue of statutory inconsistency. The CWSWG is charged with developing a regulatory package that must be ready for implementation by July 1, 2003. Ideally, the administrative hold granted to this application would be for a comparable time, effective until July 1, 2003, to allow time for implementation of the CWSWG package which may involve legislative actions. If the administrative hold is granted for only one year, the City requests that the Department reserve the option of reviewing the application for possible future extensions of the administrative hold without risk of cancellation to allow time for any new rules or statutes from the CWSWG to become effective.

Further, the City requests that it be mutually understood that:

- the administrative hold, if granted, would settle the protest filed by the City on the PFO for Application number S-84050.
- at the end of the administrative hold period, the City could opt to proceed with the application under the rules effective at that time, possibly as revised as a result of the work by the CWSWG.
- alternatively, at the end of the administrative hold period, the City could opt to withdraw its Application number S-84050 and receive a full refund of the permit application fees paid. The City would then have to re-apply for the secondary water rights associated with the project at a later date prior to construction.

Thank you for your consideration of this request. If you have any questions or comments about this request or any other aspect of these water permit applications, please feel free to contact me at your convenience at (541) 298-1242 Ext 300 to discuss them.

Sincerely,



Dave Anderson
Water Quality Manager

cc: Larry Toll, District 3 Watermaster

RECEIVED
OCT 02 2001
WATER RESOURCES DEPT.
SALEM, OREGON



CITY OF THE DALLES
Department of Public Works
6780 Reservoir Road
The Dalles, Oregon 97058

June 14, 2001

Mr. Russ Klassen
Water Rights Specialist
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Protest of Proposed Final Order for Water Rights Application Number R-84050

Dear Mr. Klassen:

The City of The Dalles is the applicant for Water Rights Application Number R-84050 and has received a Notice of Proposed Final Order for that application. With this letter, the City is protesting the Proposed Final Order on the issue summarized below.

- The Proposed Final Order indicates that "complete application of the water to the use shall be made on or before October 1, 2005", approximately four years from the earliest time the City could receive the permit. However, ORS 537.248 specifically allows for up to 10 years from **the time the permit is issued** for completion of construction and perfection of the water right on municipal reservoir projects. The Water Resources Department has already confirmed through a letter dated November 24, 2000 from John Falk, WRD Safety of Dams Section, that ORS 537.248 is the applicable statute for this project. The proposed project has several necessary steps in its completion (design, design approval by WRD, land-use approval, NEPA approval, securing funding with final design and approvals, construction over a couple of years, filling over 1 to 2 years); four years is not near enough time to complete all of these tasks. **Therefore, the City requests that the Proposed Final Order be modified to allow 10 years from the date that a water right permit is issued for the City to complete the project and perfect the water right, as allowed by law.**

The City is confident that this issue can be resolved through this protest process. If, however, it cannot be, the City is hereby reserving its right to a Contested Case Hearing to address this issue.

If you have any questions or comments about the information provided, please feel free to contact me at your convenience at (541) 298-1242 Ext 300 to discuss them.

Sincerely,


Dave Anderson, Water Quality Manager
City of The Dalles
6780 Reservoir Road
The Dalles, Oregon 97058

RECEIVED

JUN 18 2001

WATER RESOURCES DEPT.
SALEM, OREGON

cc: Larry Toll, District 3 Watermaster

phone (541) 298-1242 Ext 300

danderson@netcnct.net

fax (541) 298-2129



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

October 23, 2001

Dave Anderson
Water Quality Manager
6780 Reservoir Road
The Dalles, OR 97058

Dear Mr. Anderson:

As you are well aware, the City of The Dalles protested the Oregon Water Resources Department's Proposed Final Orders for The Dalles' Applications R 84049 and S 84050. After several months of negotiations, I believe we have reached settlement on all the issues raised by The Dalles' protests. Therefore, I have drafted a settlement agreement for each of the protested applications. Please find those agreements enclosed. If you find the settlement agreements to be acceptable to the City of The Dalles, please sign them and return them to me.

Please feel free to call me if you have any questions or concerns about the settlement agreements. My telephone number is (503) 378-8455, extension 236.

Best regards,

Kimberly Grigsby
Protest Coordinator

Encl.



Oregon

John A. Kitzhaber, M.D., Governor

August 24, 2001

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

Dave Anderson
Water Quality Manager
City of The Dalles
Department of Public Works
6780 Reservoir Rd.
The Dalles, OR 97058

RE: Applications R-84049 and S-84050

Dear Mr. Anderson:

On August 23, 2001, the Department received your request to place applications R-84049 and S-84050 on administrative hold for up to 180 days.

Pursuant to OAR 690-310-270, the Water Resources Department (Department) may allow an administrative hold for up to 180 days, or for a longer period if the Director finds that a longer extension is reasonable and necessary.

The Department previously placed these applications referenced above on hold for over 180 days. Since that time, the Department has issued Proposed Final Orders (PFOs) for the above referenced applications and the City of The Dalles (City) has filed protests to those PFOs. The Department and the City have entered into settlement discussions, but have not reached a settlement agreement to date. You have now requested another administrative hold to give the Department and the City additional time to continue to work towards a negotiated settlement of these protests.

On behalf of the Director, I find that another administrative hold on the processing of these applications is reasonable and necessary. Therefore, the Department has approved the request for an administrative hold until **February 20, 2002**. Please let us know if you wish to proceed sooner.

If you have any questions, please call me. My telephone number is (503) 378-8455, extension 236.

Sincerely,

Kimberly Grigsby
Protest Coordinator

c: Larry Toll, District 3 Watermaster



CITY OF THE DALLES
Department of Public Works
6780 Reservoir Road
The Dalles, Oregon 97058

The **DIRECTOR'S CERTIFICATE** of recognition issued by the U.S. Environmental Protection Agency on behalf of the *Partnership for Safe Water Program* has been awarded to City of The Dalles (for the treatment plant listed below) for its' efforts to achieve excellence in water quality far beyond what is required by federal regulations.
Wicks Water Treatment Plant



August 21, 2001

Ms. Kimberly J. Grigsby
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-4172

RE: File R-84049 and S-84050

Dear Ms. Grigsby:

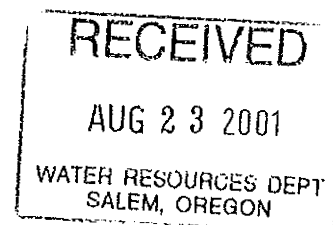
As you know, the City of The Dalles received notices of Proposed Final Orders for Water Rights Application numbers R-84049 and S-84050 in May of this year. The City filed protests on both of these Proposed Final Orders within the allotted protest period citing concerns on a number of issues. On August 20th, City staff met with you, the District 3 Watermaster, and representatives from ODFW and DEQ to discuss the issues of concern cited by the City in our protests. While progress was made in that meeting toward resolving the issues of concern, complete settlement of the issues presented was not achieved.

Due to the time constraints of the protest process and the City's desire to continue to work with WRD staff to resolve the issues identified, the City is requesting that both applications (R-84049 and S-84050) be placed on Administrative Hold for up to 180 days. During this time, the City is hopeful that the remaining questions regarding these two applications can be answered and the associated issues can be resolved to the satisfaction of both parties.

If you have any questions or comments about this request or any other aspect of these water permit applications, please feel free to contact me at your convenience at (541) 298-1242 Ext 300 to discuss them.

Sincerely,

Dave Anderson
Water Quality Manager



cc: Larry Toll, District 3 Watermaster

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

#3

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: 4/10/01 21 day Deadline Date: ASAP Application # S-84050

Applicant's Name: City of The Dalles

SOURCE OF WATER: ☐ GROUNDWATER ☐ SURFACE WATER ☒ STORAGE

DESCRIPTION OF THE SOURCE: Crow Creek Reservoir (Enlargement)
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?

☐ YES ☒ NO ☐ SOMETIMES

If sometimes, describe the time period, Between: _____ and _____

2) Does the source ever go dry in the area of the proposed diversion?

☐ YES ☒ NO always some water left in Reservoir in past.

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☒ NO

If YES, please explain: stored water not subject to regulation to satisfy surface water rights

4) Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?

☒ YES ☐ NO if R-84049 approved

5) Did you meet with staff from another agency to discuss this application?

☐ YES ☒ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☐ YES ☐ NO

If YES, please explain: _____

RECEIVED

APR 16 2001

Comments: _____

WATER RESOURCES DEPT.
SALEM, OREGON

Name: Larry Toll Date: 04/12/01 Title: Watermaster #3

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdr.or.state.us



Oregon Water Resources Department

RECEIVED

JAN 21 1999

FORM M
FOR MUNICIPAL WATER SUPPLIES

WATER RESOURCES DEPT.
SALEM, OREGON

Unless otherwise noted, water use information should be in acre-feet per year (AFY).

An acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: City of The Dalles

Name and size of area to be served: City of The Dalles, approximately 4.4 sq. mi.
(in square miles)

Present population of service area: 12,753 from The Dalles Comprehensive Plan - 1994
(Cite source and year.)

Projected population in 20 years: 15,710 based upon US Census tract info
(For example: "20,595 Based upon 1995 Portland State University projections." Contact county planning staff, if needed.)

List present water rights and permits held:

Date of Issuance:

Natural Source of Water:

Amount Permitted:

See Attachment 1

Application No. 5-84050

Permit No.

Water Use

Average yearly demand: 4,389 AFY Year: 1994

Per-capita daily consumption (in gallons): 320.4

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 5/10 to 9/30 Total peak season demand: 2,575 Acre-feet

Peak season per-capita consumption: 68,617 gal/person; 476 gpppd

(Divide total peak season demand by population)

Annual amount of water:

produced: 4,716 AFY

(diverted or pumped)

delivered: 4,389 AFY

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Base rate (7,000 gal) + increasing block rate

(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

Request for Water

- A. Discuss the reason(s) for your request for additional water
(e.g. loss of current supply, peak demand, growth, or other):

See Attachment 2 (4 pages)

- B. How long is the amount of water requested in this application expected to meet future needs?
(e.g. until the year 2040)

- C. Briefly discuss operation of water system and the most constraining component of the system:

- D. Percentage of water use by type:

Residential:

Commercial:

Public Authority:

Agricultural:

Unaccounted for use:

Industrial:

Other(specify use):

- E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

- F. How and by how much will your proposed water use efficiency programs increase efficiency?
(Express as a percentage of per-capita consumption.)

ATTACHMENT 1
FOR FORM M, BACKGROUND INFORMATION
CITY OF THE DALLES
PRESENT WATER RIGHTS SUMMARY

APP. NO.	PERMIT NO.	CERTIFICATE NO.	PRIORITY DATE	DATE OF ISSUANCE	DIVERSION WATER BODY	DIVERSION/STORAGE LOCATION	PERMITTED WITHDRAWAL	USE
n/a	n/a	5691	1862	12/15/25	South Fork, Mill Creek	Wicks Reservoir Site (Water treatment plant)	2.0 cubic feet per second	Municipal
n/a	n/a	14954	8/1/1870	5/1/47	Dog River	River mile 5.8 (approx.)	All the water in stream at point of diversion	Municipal use for irrigation, domestic, power and stock.
R-43667	R-4988	44917	5/29/67	10/17/77	South Fork, Mill Creek and Dog River Diversion	Crow Creek Reservoir	955.0 acre-feet	Municipal
43668	32479	44916	5/29/67	10/17/77	Crow Creek Reservoir	Crow Creek Dam	955.0 acre-feet	Municipal

Application No. S-84050
Permit No.

RECEIVED
JAN 21 1999
WATER RESOURCES DEPT.
SALEM, OREGON

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON**Request for Water**

A. The City has experienced steady growth since the early 1990's and which appears will continue. Residential development is increasing. An Oregon Veterans Hospital was recently constructed in The Dalles. A regional jail is under construction. The City has developed a port area with infrastructure in place to attract new industries. The local hospital and aluminum plant have expanded. The Columbia Gorge Interpretive Center/Wasco County Museum complex recently opened. New motels are under construction as tourism increases. The City must plan for additional high-quality water supplies to meet these increasing demands.

B. Until 2030 with wells at current capacity (see assumptions below).

Assumptions:

- same rate of population growth (1.05%) from 2020 to 2030; population of service area in 2030 = 17,807
- average peak season per capita consumption of 400 gpppd
- average per capita consumption non-peak season of 200 gpppd
- begin drawdown of Crow Creek Reservoir on July 1; assume Feb 1 for beginning refill
- maintain 1 MGD inflow into reservoir during drawdown season
- maintain minimum 30 feet (45 MG) in reservoir for freeze protection ($640 - 45 = 595$ MG usable)
- all three wells at current capacity; eliminate the single largest well (Jordan) for reliability projection = 3.65 MGD from wells
- meet peak-day demands with third well
- add a single 1-MGD industry to demand (port area development)

Then:

- $17,807 \times 400 = 7.12$ MGD + 1 MGD industry = 8.12 MGD average peak season demand
- $8.12 - 3.65$ (wells) = 4.47 MGD from surface supply
- to produce 4.47 MGD, must treat @ 5.0 MGD
- to receive 5.0 MGD at plant, must release 5.6 MGD from dam (evaporative losses in 8.5 mi open-channel flow)
- drawdown 122 days of peak season with 1 MGD inflow = 561 MG (1722 AF) drawdown
- non-peak season use (wells off) = 4.56 MGD consumption; treat at 5.0 MGD; release 5.2 MGD
- drawdown 123 days of non-peak season use with 1.5 MGD inflow = 455 MG (1396 AF)
- **Total drawdown 3118 AF**

C. The City currently obtains 90% of its annual water supply from a protected watershed within which Crow Creek Dam is located. Water is released from the dam and flows open-channel for 8.5 miles in South Fork Mill Creek to the Wicks Water Treatment Plant where it is diverted and treated. From there, two transmission lines carry the treated water 7 miles to the City, serving customers along the way. The system is completely gravity flow from watershed to customer.

The surface water supply is supplemented by groundwater from 3 wells located in the City during the high-use summer season. These wells draw from The Dalles Aquifer, a designated Critical Groundwater Area.

Application No. 5-84050**Permit No.**

Currently, impoundment capacity of Crow Creek Dam limits the City's ability to fully utilize the capacity of its treatment plant throughout the entire high-use season. Operational protocol in normal water-yield years require that controlled release from the dam and treatment plant production rates be decreased in mid-July and on through the fall to conserve impoundment levels through the winter. Increased storage capacity at the dam would allow for more capture of surplus peak flows and greater and more efficient utilization of existing City water facilities to meet the demands of a growing community.

D. Percentage of water use by type (Sept. 97 - Aug 98):

Residential: 38.7%
 Combined Commercial/Industrial: 39.0%
 Public Authority (governmental): 0.4%
 Agricultural: 0.0%
 Unaccounted for use: 21.9%

RECEIVED

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Note: the City is in the process of replacing all commercial meters; while the residential meters are only 3 years old, many of the existing commercial meters are quite old and suspected of reading low. The City has completed a leak detection survey under contract and has addressed all items identified in that report. Once the commercial meter change-out is completed, production/consumption ratios will be re-evaluated.

E. As determined in the *Crow Creek Dam Seismic Stability and Hydrologic Analysis Project* report (June 1996), the estimated cost to raise Crow Creek Dam would be \$6.3M (with a 100% PMF spillway). The City may be required to enhance the current spillway regardless of whether the dam is raised as it is currently unlined and sized to pass a 1000-year flood event which is only 16% of the PMF. This upgrade would cost \$2 - \$2.5M with no increase in impoundment capacity. Therefore, the net cost of increasing the storage capacity of the Crow Creek Dam reservoir would be \$3.8 - \$4.3M.

The Dalles is located in a designated Critical Groundwater Area and therefore opportunities for new groundwater sources are administratively limited.

The City holds a claim for water from the Columbia River. As identified in the *City of The Dalles Water Supply Study - 1991*, the estimated cost to build a municipal treatment plant for the Columbia River would be about \$15M (in 1991 dollars).

Conservation measures have already been implemented including the ultimate incentive in the form of an increasing block rate water service billing system. The local electric utility embarked upon a low-flow shower head program a number of years ago so there is very limited opportunity there. The City has implemented programs to provide information and assistance to the public on water conservation and efficient irrigation.

F. Historically, the City residential water accounts were unmetered flat-rate services. The City implemented irrigation restrictions seasonally to conserve water supplies. As cited in the *City of The Dalles Utility System Master Plan - July 1990*, per capita annual water demand averaged 390 gallons per person per day (gpppd) in the years 1984 through 1989 with restrictions. By 1994, with increased public relations and water conservation education efforts by the City, per capita consumption decreased to 320 gpppd. In 1995, installation of residential meters was initiated and in 1997, with the system fully metered, a rate structure combining a base

Application No. S-84050

Permit No.

and increasing block rates for residential services was established. Average annual per capita consumption dropped initially to 255 gpppd in 1997 with the implementation of these metered rates. This represents an initial decrease in annual average per capita consumption of 20% from unmetered rates. Peak day consumptions also decreased from 719 gpppd in 1994 to 452 gpppd in 1997, a 37% reduction. It must be noted that these are reductions realized in the first year of metered rates. Experience of other utilities has indicated that initial reductions are often the greatest and consumption usually increases again somewhat as customers grow accustomed to the new rate structure.

RECEIVED

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. S-84050
Permit No.



CITY OF THE DALLES
Department of Public Works
6780 Reservoir Road
The Dalles, Oregon 97058

January 19, 1999

Oregon Water Resources Department
Water Rights Division
158 12th Street NE
Salem, Oregon 97310

RECEIVED

JAN 21 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

RE: Update to information provided on Form M

As part of the attached water right applications, Form M has been completed by City of The Dalles. In answer to Question D on that form, information was provided that indicated 21.9% of the City's water use was "unaccounted for use". Information was also provided regarding the City's continuing efforts to identify and correct water leaks within the system. This letter is to update the Department on a recent development in those efforts.

In December 1998 a large leak was located from a 6-inch service main. This line was located on private property and had been damaged for a considerable time (years). The leak was repaired in the first week of January 1999. Initial indications are that the leak may have been flowing as much as 200,000 gallons per day. If so, this one leak would account for 30% of the reported unaccounted for water.

The City is committed to continuing our efforts to identify and repair leaks within our water transmission and distribution system as a matter of priority. If there are any questions about these efforts, please feel free to contact me at your convenience.

Sincerely,

Dave Anderson
Water Quality Manager

Application No. S 84050
Permit No.

Assumptions & rationale in completion of Form M

- Present (1998) population of service area (12,753) is from a projection in *The Dalles Comprehensive Plan - 1994*; the Comp Plan referenced US Census tract information.
- 1994 was used as the reference "water use" year; population in that year was 12,232.
- *The Dalles Comprehensive Plan - 1994* projects an average annual population rate of 1.05% within the Urban Growth Boundary through the year 2010; this same rate of growth was used to extrapolate a projected population for 2018 (15,710).
- The populations cited were for the area within the city limits less 15% for the area which is supplied water by the Chenoweth Co-op (based upon land area).
- "Water Demand" values were calculated using flows from the Wicks Water Treatment Plant (measured in the transmission lines leaving the Clearwell) and total well water production (which pump directly into the distribution system).
- "Water Produced" values were calculated using the raw water flows at the Wicks Water Treatment Plant (finished flow + 0.2 MGD) and total well water production; this value includes water used in the treatment processes (backwash water, treatment chemical ram water, etc).

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 5-84050
Permit No.

From: NICHOLS Dick <Dick.Nichols@state.or.us>
To: LEFEVER Kerry A <Kerry.A.Lefever@state.or.us>
Cc: PRIBYL Steve <Steve.Pribyl@state.or.us>
Subject: Div 33 for The Dalles
Date: Tue, 17 Apr 2001 14:52:16 -0700
X-Mailer: Internet Mail Service (5.5.2650.21)

Mill Creek and its tributaries are not listed on our 303d list. It is unlikely, however, that during summer, low flow conditions, the temperature standard is attained. For the storage projects, etc proposed by the City of the Dalles (S-8405. et. al), DEQ would recommend approval provided that storage and flow reductions do not occur when Mill Creek temperatures exceed the appropriate stream criterion, i.e. 64 degrees during spawning; 55 degrees during spawning times.

Call if you questions. Thanks.

From: NICHOLS Dick <Dick.Nichols@state.or.us>
To: LEFEVER Kerry A <Kerry.A.Lefever@state.or.us>,
NICHOLS Dick <Dick.Nichols@state.or.us>
Cc: TOLL Larry M <Larry.M.TOLL@state.or.us>,
PRIBYL Steve <Steve.Pribyl@state.or.us>
Subject: RE: Re: Fwd: Div 33 for The Dalles
Date: Wed, 18 Apr 2001 10:35:50 -0700
X-Mailer: Internet Mail Service (5.5.2650.21)

There are two factors, both of which I do not know. First, I am not certain when the spawning criteria would apply. Probably not October is my guess; but probably in March and April. Steve can tell this.

The second factor is the actual temperatures. October is iffy based upon some data we collected on Fifteen Mile Creek. I don't know about the late spring.

Sorry, but that's the best I can do at this point. thanks.

-----Original Message-----

From: LEFEVER Kerry A
Sent: Wednesday, April 18, 2001 10:22 AM
To: NICHOLS Dick
Cc: TOLL Larry M; PRIBYL Steve
Subject: Fwd: Re: Fwd: Div 33 for The Dalles

Dick,

Thanks for your comments.

I forwarded your response to Larry Toll, watermaster.

Per the Initial Review determinations, water is available for storage from January 1 through April 14 and during the month of October.

Please address Larry's question below.

Thanks again for your help.

Kerry

> X-Sender: tolllm@mailhub.wrd.state.or.us
> X-Mailer: QUALCOMM Windows Eudora Version 5.0.2
> Date: Wed, 18 Apr 2001 10:05:52 -0700
> To: Kerry Lefever <Kerry.A.LEFEVER@ wrd.state.or.us>
> From: Larry Toll <Larry.M.TOLL@ wrd.state.or.us>
> Subject: Re: Fwd: Div 33 for The Dalles
>
> My question would be 'What is the likelihood of these temperature being
> exceeded during the winter months that appropriation is being proposed?'
>
> At 09:22 AM 4/18/2001 -0700, you wrote:
> > Larry,
> >
> > FYI

>>
>> Kerry
>>
>>> From: NICHOLS Dick <Dick.Nichols@state.or.us>
>>> To: LEFEVER Kerry A <Kerry.A.Lefever@state.or.us>
>>> Cc: PRIBYL Steve <Steve.Pribyl@state.or.us>
>>> Subject: Div 33 for The Dalles
>>> Date: Tue, 17 Apr 2001 14:52:16 -0700
>>> X-Mailer: Internet Mail Service (5.5.2650.21)
>>>
>>> Mill Creek and its tributaries are not listed on our 303d list. It is
>>> unlikely, however, that during summer, low flow conditions, the
temperature
>>> standard is attained. For the storage projects, etc proposed by the City
of
>>> the Dalles (S-8405. et. al), DEQ would recommend approval provided that
>>> storage and flow reductions do not occur when Mill Creek temperatures
exceed
>>> the appropriate stream criterion, i.e. 64 degrees during spawning; 55
>>> degrees during spawning times.
>>>
>>> Call if you questions. Thanks.
>>
>
>-----
>
> "The Watermiser"
>
>
> Larry Toll
> Watermaster District 3
> Oregon Water Resources Department
> Phone: 541-298-4110
> Fax: 541-298-2459
> E-mail: Larry.M.Toll@wrdd.state.or.us
>
Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, OR 97058

Form 1 - Upper Columbia

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 4/10/01 21 day Deadline Date: ASAP Application # ~~R-84049~~ S-84050

Applicant's Name: City of The Dalles

A) Will the proposed use occur in an area that may affect the essential habitat of a SENSITIVE fish species?
NO / YES IF ANSWER TO QUESTION (A) IS YES, FILL OUT SECTION I.

B) Will the proposed use occur in an area that may affect the essential habitat of a THREATENED OR ENDANGERED fish species? [690-33-330(1)] NO / (YES) Species: Status: Threatened, Endangered
IF ANSWER TO QUESTION (B) IS YES, FILL OUT SECTION II.

C) What stage or value is at risk (circle all that apply): Spawning Incubation Rearing Passage Habitat Value
IF ANSWER IS NO TO BOTH QUESTIONS, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

SECTION I:

- 1) Will the proposed use result in a NET LOSS in the habitat of a SENSITIVE SPECIES? [690-33-330(2)(a)]
- 2) Can conditions be applied to mitigate the impact to the essential habitat of a SENSITIVE species?
NO / YES [690-33-330(3)]

Which conditions are recommended?

(Try to select conditions from the Menu of Conditions)

- 3) If conditions cannot be identified to offset impacts to the essential habitat of SENSITIVE species, would the proposed use harm the species?
NO / YES [690-33-330(4)]

If YES, please explain:

SECTION II:

- 1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?

NO / (YES) [690-33-120(1)] withdrawal will be similar to 1991 IWR

If NO, please explain:

- 2) If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?
NO / YES [690-33-120(1)]

If YES, please explain:

ODFW RECOMMENDATION:

- ☒ Approval with fishery conditions.
- Approval without fishery conditions.
- Denial.

ODFW Representative: Name: Steve Pribyl Date: 4-27-01

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdd.state.or.us



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Mid-Columbia District Office

3701 West 13th Street

The Dalles, OR 97058

(541) 296-4628

FAX (541) 298-4993



Fax Cover Sheet

Date: April 27, 2001

To: Kerry A. Lefever, WRD

From: STEVE PRIBYL, ACTING DISTRICT FISH
BIOLOGIST

Fax Number: (541) 298-4993

Telephone Number: (541) 296-4628

Subject: City of The Dalles Div 33 review.

Review as requested. Any water stored or used under these applications will be junior in right to the 1991 IWR that exists on Mill Creek. Assuming that municipal or quasimunicipal cannot injure existing IWR's, I have no issue with either proposal.

As regards your earlier email about electronic distribution of Div 33 reviews, I strongly favor hard copy distribution. Further, the more detailed maps you can provide for review use, the better. I would suggest no less than 7.5 minute USGS quads with the exact location of the proposed POD or use clearly identified on the map. It would be difficult to give me too much detail when reviewing these matters.

Thanks for being patient.

This transmission consists of 3 pages, including this cover sheet. If transmission is incomplete, please contact us at (541) 296-4628 or FAX us at (541) 298-4993.





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 20, 2000

Dave Anderson, Water Quality Manager
City of The Dalles
Department of Public Works
6780 Reservoir Rd.
The Dalles, Oregon 97058

RE: Applications R-84049 & S-84050

Dear Mr. Anderson:

On March 14, 2000, the Department received your request for an additional 90 day administrative hold on the above referenced applications.

The Department may grant an administrative hold for up to 180 days under OAR 690-310-270. These applications have been on administrative hold longer than the allowable 180 days. However, a longer administrative hold may also be granted under OAR 690-310-270, if the Director finds that a longer period is reasonable and necessary.

Based upon the information you have provided, I have determined, on the behalf of the Director, that a longer administrative hold on the processing of these applications is reasonable and necessary. Therefore, the Department has approved the request for an additional administrative hold. The Department will not take any action on these applications until **June 12, 2000**. Please let us know if you are ready to proceed sooner.

If additional time is necessary, a new written request will need to be submitted showing justification for why additional time is reasonable and necessary. The request must also show that substantial progress is being made towards resolving the issues that led to the request for administrative hold, including what actions have been, are being, and will be taken in order for the application process to proceed or to withdraw the application. You must also include a general time-line, which identifies when you anticipate being ready to continue with the application process or to withdraw the application.

If you have any questions, please give me a call. I can be reached at (503) 378-8455, extension 268, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Dwight French
Water Rights Section Manager

cc: ~~Bill Ferber~~, Watermaster District 16-3





CITY OF THE DALLES
Department of Public Works
6780 Reservoir Road
The Dalles, Oregon 97058

The DIRECTOR'S CERTIFICATE of recognition issued by the U.S. Environmental Protection Agency on behalf of the *Partnership for Safe Water Program* has been awarded to City of The Dalles (for the treatment plant listed below) for its' efforts to achieve excellence in water quality far beyond what is required by federal regulations.
Wicks Water Treatment Plant



March 13, 2000

Ms. Laura K. Snedaker
Senior Water Rights Technician
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RECEIVED

MAR 14 2000

WATER RESOURCES DEPT.
SALEM, OREGON

RE: File R-84049 and S-84050

Dear Ms. Snedaker:

As per your letter dated October 1, 1999, the City of The Dalles had been granted an administrative hold for the above referenced water right applications. This hold is due to expire March 20, 2000. However, due to the issues outlined below, the City has not been able to complete the final task necessary to proceed with the application process. The City is therefore requesting an additional time extension of up to 90 days to complete this process.

The final task needed for these applications is obtaining land use approval from Wasco County for the project. The primary issue for the City which has delayed our application has been staff time as we have been overwhelmed with competing projects (annual budget preparation, review of and commenting on NMFS 4(d) rules, on-going construction projects, working with WRD on municipal water permit extension rules, etc, etc). In addition to the staff time limitation, the City has received conflicting information from Wasco County Planning Department about which land-use approval process to follow. Initially, the City was advised that a Conditional Use Permit would be required. As City staff met with the County Planning Department to complete that application, the City was re-advised to instead pursue a variance. As the City later met with the Planning Department to finalize the variance application, we were again advised that we needed a Conditional Use Permit.

Our current schedule with the county (as of this date) is to submit a completed application for the Conditional Use Permit by March 20th. The county process then provides that a final decision (hopefully approving the permit) would be made on April 20th with a 10-day appeal period to follow. Following the appeal period, the Conditional Use Permit can be issued. The additional 90 days that the City is requesting for WRD to keep these applications on administrative hold would allow time to complete this process including any appeals and submit the completed Land Use Forms to WRD.

If you have any questions or comments about the information I have provided, please feel free to contact me at your convenience at (541) 298-1242 Ext 300 to discuss them.

Sincerely,

Dave Anderson
Water Quality Manager

cc: Larry Toll, District 3 Watermaster



CITY OF THE DALLES
Department of Public Works
6780 Reservoir Road
The Dalles, Oregon 97058

The DIRECTOR'S CERTIFICATE of recognition issued by the U.S. Environmental Protection Agency on behalf of the *Partnership for Safe Water Program* has been awarded to City of The Dalles (for the treatment plant listed below) for its' efforts to achieve excellence in water quality far beyond what is required by federal regulations. Wicks Water Treatment Plant



March 13, 2000

Ms. Laura K. Snedaker
Senior Water Rights Technician
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RECEIVED

MAR 14 2000

WATER RESOURCES DEPT.
SALEM, OREGON

RE: File R-84049 and S-84050

Dear Ms. Snedaker:

As per your letter dated October 1, 1999, the City of The Dalles had been granted an administrative hold for the above referenced water right applications. This hold is due to expire March 20, 2000. However, due to the issues outlined below, the City has not been able to complete the final task necessary to proceed with the application process. The City is therefore requesting an additional time extension of up to 90 days to complete this process.

The final task needed for these applications is obtaining land use approval from Wasco County for the project. The primary issue for the City which has delayed our application has been staff time as we have been overwhelmed with competing projects (annual budget preparation, review of and commenting on NMFS 4(d) rules, on-going construction projects, working with WRD on municipal water permit extension rules, etc, etc). In addition to the staff time limitation, the City has received conflicting information from Wasco County Planning Department about which land-use approval process to follow. Initially, the City was advised that a Conditional Use Permit would be required. As City staff met with the County Planning Department to complete that application, the City was re-advised to instead pursue a variance. As the City later met with the Planning Department to finalize the variance application, we were again advised that we needed a Conditional Use Permit.

Our current schedule with the county (as of this date) is to submit a completed application for the Conditional Use Permit by March 20th. The county process then provides that a final decision (hopefully approving the permit) would be made on April 20th with a 10-day appeal period to follow. Following the appeal period, the Conditional Use Permit can be issued. The additional 90 days that the City is requesting for WRD to keep these applications on administrative hold would allow time to complete this process including any appeals and submit the completed Land Use Forms to WRD.

If you have any questions or comments about the information I have provided, please feel free to contact me at your convenience at (541) 298-1242 Ext 300 to discuss them.

Sincerely,

Dave Anderson
Water Quality Manager

cc: Larry Toll, District 3 Watermaster



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

October 1, 1999

Dave Anderson, Water Quality Manager
City of The Dalles
Dept. of Public Works
6780 Reservoir Rd.
The Dalles, Oregon 97058

RE: Applications R-84049 & S-84050

Dear Mr. Anderson:

On September 21, 1999, the Department received your request to place the above referenced applications on administrative hold for 180 days.

Under OAR 690-310-270, the Department may grant an administrative hold on the application process for up to 180 days. The request for an administrative hold has been approved by the Department. The Department will not take any action on these applications until **March 20, 2000**. Please let us know if you are ready to proceed sooner.

If additional time is necessary, a new written request will need to be submitted showing justification for why additional time is reasonable and necessary. The request must also show that substantial progress is being made towards resolving the issues that led to the request for administrative hold, including what actions have been, are being, and will be taken in order for the application process to proceed. You must also include a general time-line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please feel free to give me a call. I can be reached at 1 (503) 378-8455, extension 331, or toll free within Oregon at 1 (800) 624-3199.

Sincerely,

Laura K. Snedaker
Senior Water Rights Technician

cc: Larry Toll, Watermaster District 3



Jonnine Fuss, 10:41 AM 8/18/99 , City of the Dalles

X-Sender: fussjl@mailhub.wrd.state.or.us
Date: Wed, 18 Aug 1999 10:41:18 -0700
To: Laura.K.SNEDAKER@wrd.state.or.us
From: Jonnine Fuss <Jonnine.L.FUSS@wrd.state.or.us>
Subject: City of the Dalles

Sense I had to go and loose the Certified Mail card for the City of the Dalles. The application numbers are 84049 (City of The Dalles) 84050 (City of The Dalles, Dave Anderson) I am sorry, I'll let you know if it gets found.

thank you,
jonnine

Mailing List for IR Copies

Application #S-84050

IR Date: May 4, 1999

Original mailed to:

Applicant: CITY OF THE DALLES; ANDERSON, DAVE, 6780 RESERVOIR RD, THE DALLES, OREGON 97058

Copies sent to:

1. WRD - File # S-84050
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 3
4. WRD - Regional Manager (not Bob Main):NCR
5. ODFW District Biologist: (WASCO County)Steve Prybil
6. DEQ (Portland): Russell Harding
7. DOA (Salem):
8. Columbia Intertribal Fish Commission

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

9. U.S. Fish & Wildlife _____
10. NW Power Planning Council _____
11. NMFS _____
12. _____
13. _____
14. _____
15. _____

Copies Mailed By: <u>hw</u>

(SUPPORT STAFF)
on: 4/30/99
(DATE)



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

May 4, 1999

CITY OF THE DALLES
DAVE ANDERSON
6780 RESERVOIR RD
THE DALLES, OREGON 97058

Reference: File S-84050

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from CROW CREEK RESERVOIR, FILED UNDER APPLICATION NUMBER R-84049, A TRIBUTARY OF SOUTH FORK MILL CREEK for MUNICIPAL USE **is allowable** under OAR 690-504-001(1), the Hood Basin Program.
3. Stored water in the amount of 2100.0 ACRE-FEET for MUNICIPAL USE **is available** year round, contingent upon approval of application R-84049.
4. Use of water from direct flow **is not allowed** April 15 through September 30 except for domestic use (OAR-690-33); however the proposed use under this application is from stored water only, therefore the use **is allowed** year round.
5. The City shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86 within 2 years of permit issuance or upon updating the City's OHD water Master Plan, whichever comes first.

Summary of Initial Determinations

The use of 2100.0 ACRE-FEET from CROW CREEK RESERVOIR, FILED UNDER APPLICATION NUMBER R-84049, A TRIBUTARY OF SOUTH FORK MILL CREEK for MUNICIPAL USE is allowable year-round, contingent upon approval of application R-84049.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, May 18, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Public Notice Requirement:

ORS 537.130 (3) requires notice to all affected landowners. ORS 537.130 (4) allows this notice to be made through publication for three consecutive weeks in a local newspaper if there are more than 25 landowners involved. The following language should be used:

NOTICE OF WATER USE REQUEST

Regarding application: S-84040

The Oregon Water Resources Department is evaluating the request by City of the Dalles to use 2100.0 Acre-feet of water stored in Crow Creek Reservoir, appropriated under application R-84049 for municipal purposes. The proposed source of water is located within Wasco and Hood Counties, Township 1S, Range 11E. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is

encouraged.

ORS 537.130 (3) requires notice to all affected landowners. ORS 537.130 (4) allows this notice to be made through publication for three consecutive weeks in a local newspaper if there are more than 25 landowners involved.

For further information contact the Water Resources Department Water Rights Information Group at 1 (800) 624-3199 ext. 499. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97310-0210.

If A Permit Is Issued It Will Likely Include The Following Conditions:

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 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.
2. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
3. You will be required to comply with state and federal water quality standards.
4. The permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86 within 2 years of permit issuance or upon updating the City's OHD water Master Plan, whichever comes first.
5. The priority date for this application is January 21, 1999.

WARNING: This initial review does not attempt to address various public interest issues such as

sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Huffman', with a long horizontal flourish extending to the right.

Anita M. Huffman
Water Rights Specialist

cc: Regional Manager, Watermaster District 3, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-84050
wab 04-R-84049
pou 04-R-84049
gw

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-84050

Applicant: CITY OF THE DALLES; ANDERSON, DAVE

County: WASCO

Watermaster: District 3

Priority Date: January 21, 1999

Source: CROW CREEK RESERVOIR, A TRIBUTARY OF SOUTH FORK MILL CREEK

Use: MUNICIPAL USE

Quantity: 2100.0 ACRE-FEET

Basin Name & Number: Hood, #04

Stream Index Reference: Volume 2 MILL CR & MISC

Point of Diversion Location: NENW, SECTION 20, T 1S, R11E, W.M.; 452 FEET SOUTH &
366 FEET WEST FROM N1/4 CORNER, SECTION 20

Place of Use: , SECTION 0, TOWNSHIP RANGE W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, May 18, 1999

PUBLIC NOTICE DATE: Tuesday, May 25, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, June 24, 1999

SURFACE WATER APPLICATION MAP

IN THE NAME OF: CITY OF THE DALLES

Application No. S 84050

RECEIVED

Permit No.

SECTION 20, T.1S., R.11E., W.M.

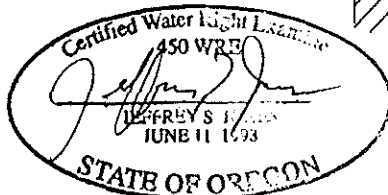
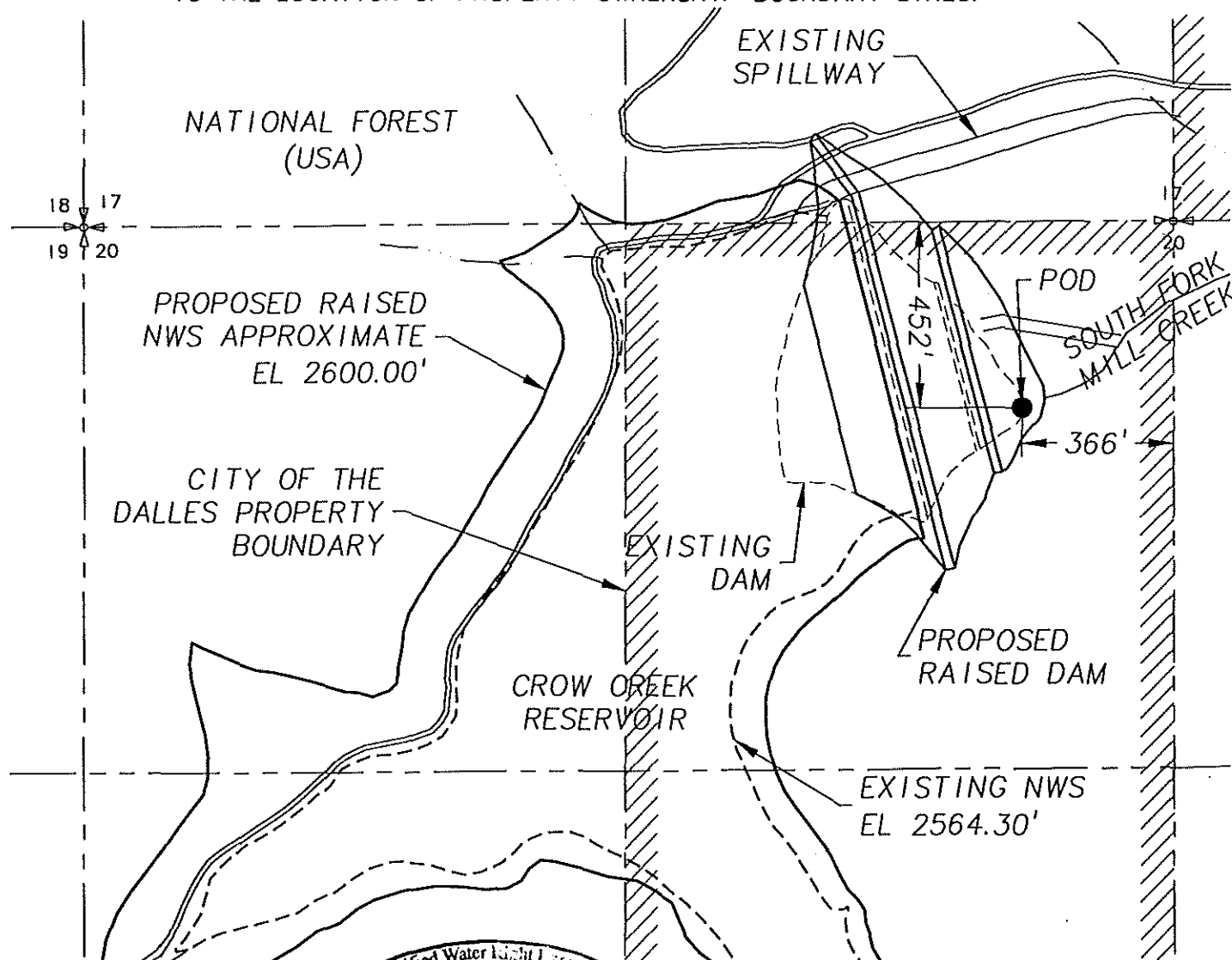
1"=400'

JAN 21 1999

POINT OF DIVERSION LOCATED IN: NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 20 WATER RESOURCES DEPT.
SALEM, OREGON

WATER USE IN: CITY OF THE DALLES
(SEE PROPOSED PLACE OF USE MAP)

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.



EXPIRES: 6-30-99



Murray, Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 1020 PORT 225-9010
Portland, Oregon 97204 FAX 225-9022



Murray, Smith & Associates, Inc.
Engineers/Planners

Application No. S-84050
Permit No.

121 S.W. Salmon, Suite 1020 ■ Portland, Oregon 97204 ■ PHONE 503-225-9010 FAX 503-225-9022

RECEIVED

JAN 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

LETTER OF TRANSMITTAL

To: Oregon Water Resources Department Date: January 20, 1999
Water Rights Division Job No. 98-0374.402
158 12th Street, N.E. Re: City of The Dalles
Salem, OR 97310-0210 Water Rights Application
Attn.: Jake Szramek

WE ARE SENDING YOU: ☒ Attached ☐ Under separate cover
☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples
☐ Specifications ☐ Copy of letter ☐ Change Order ☐ _____

Copies	Date	Description
1	12/17/98	Application for a Permit to Construct a Reservoir with Application map and check for \$1,615.00 attached.
1	12/17/98	Application for a Permit to Use Surface Water with Application maps, Form M and attachments and check for \$1,615.00 attached.

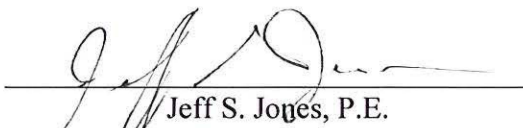
THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit__copies for approval
☒ For your use ☐ Approved as noted ☐ Submit__copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return__corrected prints
☒ For review/comment ☐ _____

REMARKS: Jake: After the City completed their Form M for the application, they found a large leak in their system, a leak which they believe accounts for 30% of the "unaccounted for use" amount entered on Form M. A letter from Dave Anderson, Water Quality Manager for the City, is attached to Form M explaining the situation. Please do not hesitate to call with any questions or comments you may have regarding the enclosed water permit applications. You can reach me at (503) 225-9010.

COPY TO: Dave Anderson

SIGNED:


Jeff S. Jones, P.E.



Oregon Water Resources Department

RECEIVED

FORM M

JAN 21 1999

FOR MUNICIPAL WATER SUPPLIES

WATER RESOURCES DEPT.
SALEM, OREGON

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
An acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: City of The Dalles

Name and size of area to be served: City of The Dalles, approximately 4.4 sq. mi.
(in square miles)

Present population of service area: 12,753 from The Dalles Comprehensive Plan - 1994
(Cite source and year.)

Projected population in 20 years: 15,710 based upon US Census tract info
(For example: "20,595 Based upon 1995 Portland State University projections." Contact county planning staff, if needed.)

List present water rights and permits held:

Date of Issuance:	Natural Source of Water:	Amount Permitted:
	<u>See Attachment 1</u>	

Application No. 5-84050

Permit No.

Water Use

Average yearly demand: 4,389 AFY Year: 1994

Per-capita daily consumption (in gallons): 320.4
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 5/10 to 9/30 Total peak season demand: 2,575 Acre-feet

Peak season per-capita consumption: 68,617 gal/person; 476 gpppd
(Divide total peak season demand by population)

Annual amount of water:

produced: 4,716 AFY
(diverted or pumped)

delivered: 4,389 AFY

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Base rate (7,000 gal) + increasing block rate
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

Request for Water

A. Discuss the reason(s) for your request for additional water
(e.g. loss of current supply, peak demand, growth, or other):

See Attachment 2 (4 pages)

B. How long is the amount of water requested in this application expected to meet future needs?
(e.g. until the year 2040)

C. Briefly discuss operation of water system and the most constraining component of the system:

D. Percentage of water use by type:

Residential:

Commercial:

Public Authority:

Agricultural:

Unaccounted for use:

Industrial:

Other(specify use):

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

F. How and by how much will your proposed water use efficiency programs increase efficiency?
(Express as a percentage of per-capita consumption.)

WATER RIGHT FEE CALCULATION
Groundwater, Surface Water, Standard Reservoir

Fee is figured adding \$250 Base Fee *plus* the following calculations:

Groundwater or Surface Water Live Flow Calculation	Storage or to use Stored Water Rate Calculation
1 st CFS* or fraction \$ 150	\$10 for 1 st AF or fraction up to 10AF
<i>Plus</i>	<u>10</u> X \$10 <i>Plus</i> <u>100 -</u>
Additional CFS or fraction	\$1 each add'l AF (>10AF-1000AF)
_____ X \$75 \$ _____	<u>990</u> X \$1 <i>Plus</i> <u>990 -</u>
	.25 each add'l AF (>1000 +)
	<u>1100</u> X .25 <u>275 -</u>
Total Calculation \$ _____	Total Calculation <u>\$1365 -</u>
LIVE FLOW EXAMINATION FEE TOTAL	STORED EXAMINATION FEE TOTAL
\$250 + \$ _____ = \$ _____	\$250 + \$ <u>1365</u> = \$ <u>1615 -</u>

If an application is to appropriate both stored water <i>and</i> live flow, use the following calculation:	
Base Fee	\$250 (Note: use only one base fee)
<i>plus</i>	
Live flow calculation (above)	_____
<i>Plus</i>	
Storage calculation(above)	+ _____
Total Exam Fee	_____
Recording fees for all applications (due at permit):\$175	

ALL EXAMINATION FEES MUST BE PAID BEFORE AN APPLICATION CAN BE ACCEPTED FOR FILING. RECORDING FEES *DO NOT* HAVE TO BE PAID AT APPLICATION FILING.

*1 CFS equals 448.83 gallons per minute.

Application No. 5-84050
 Permit No. /



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: City of The Dalles

Address: 6780 Reservoir Road

City: The Dalles State: OR Zip: 97058 Day Phone: (541) 298-1242

RECEIVED
JAN 21 1999
WATER RESOURCES DEPT
SALEM, OREGON

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
3100-WC		☒ Diverted	☐ Conveyed	☐ Used
1900-WC		☐ Diverted	☒ Conveyed	☐ Used
4100-WC		☒ Diverted	☐ Conveyed	☒ Used

City of The Dalles water service area
List counties and cities where water is

proposed to be diverted, conveyed, or used. Hood River Co.; Wasco Co.; The Dalles city

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): municipal use

Briefly describe: To provide for release and beneficial use of water

impounded for City of The Dalles municipal use.

Application No. 5-84050

Permit No.

D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

2,100 ☐ CFS ☐ GPM ☒ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
NO county permit requested - proposed use should not impact water surface elevation.	Article 44 - Floodplain (121)	☐ Obtained ☐ Denied	☐ Being pursued ☒ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: KATIE SHAKEL, HOOD RIVER CO. Date: 10/1/98
 Title: SENIOR PLANNER Phone: (541) 387-6840
 Signature: Katie Shakel

C. Additional Comments

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

Need to contact Forest Service and appropriate natural resource
agencies in order to determine appropriate "time" of work.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: City of The Dalles

JAN 21 1999

Address: 6780 Reservoir Road

WATER RESOURCES DEPT
SALEM OREGON

City: The Dalles State: OR Zip: 97058 Day Phone: (541) 298-1242

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
3100-WC	F-1 (86)	☒ Diverted	☐ Conveyed	☐ Used
1900-WC	F-1 (80)	☐ Diverted	☒ Conveyed	☐ Used
4100-WC	F-1 (80)	☒ Diverted	☐ Conveyed	☒ Used

City of The Dalles water service area
List counties and cities where water is

x Used

proposed to be diverted, conveyed, or used. Hood River Co.; Wasco Co.; The Dalles city

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): municipal use

Briefly describe: To provide for release and beneficial use of water
impounded for City of The Dalles municipal use.

Application No. 5-84050

D. Source

Indicate the source for the proposed water use:

Permit No.

☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

2,100 ☐ CFS ☐ GPM ☒ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- 1900: ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ Go to section B "Approval" below
- 4100: ☒ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
Conditional Use Permit	WCLUD 3.110 D (2)	☐ Obtained ☐ Denied	☒ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Todd R. Cornett, Wasco County Date: 2-oct-98
 Title: Associate Planner Phone: (541) 298-5169
 Signature: Todd R. Cornett

C. Additional Comments

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

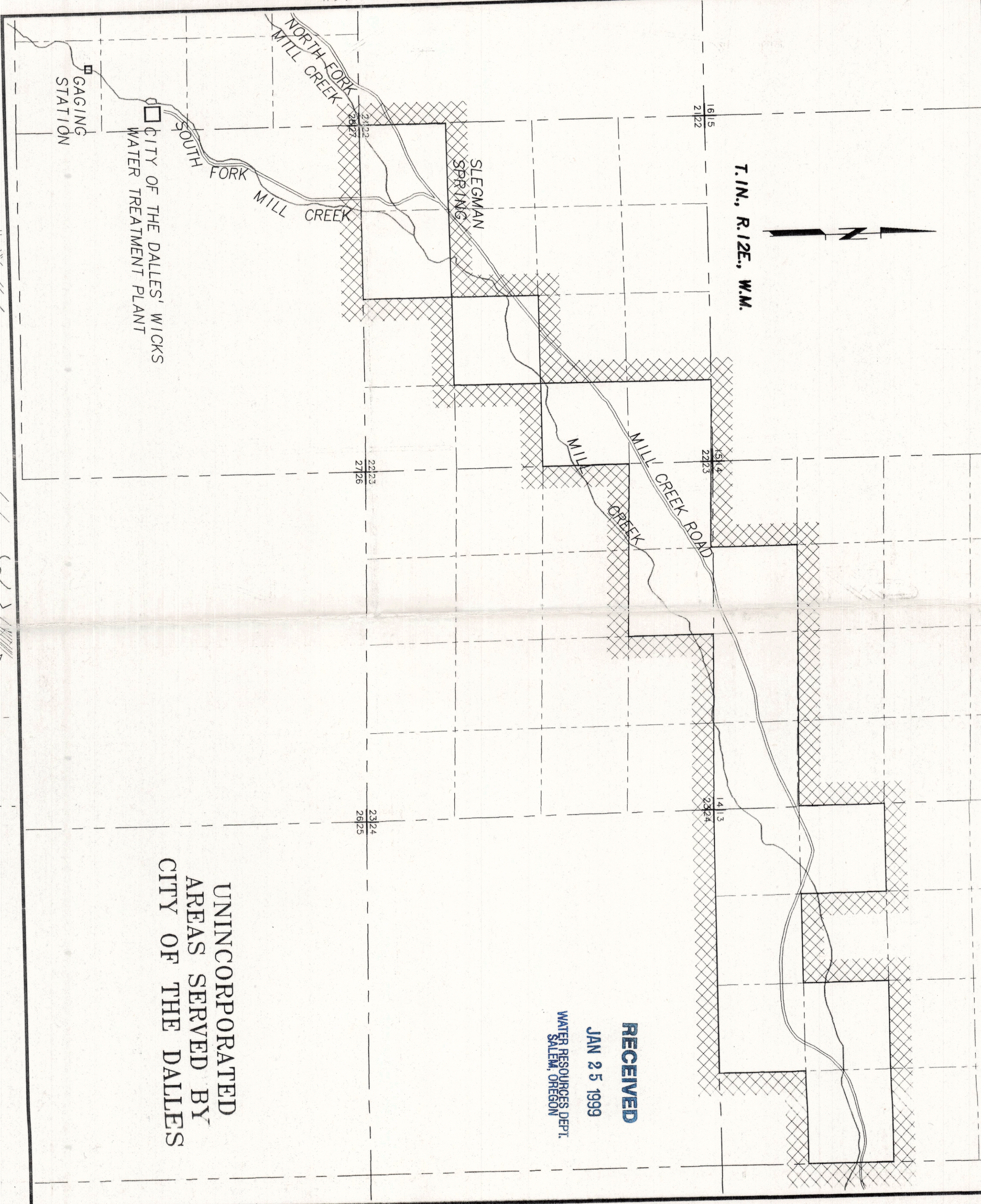
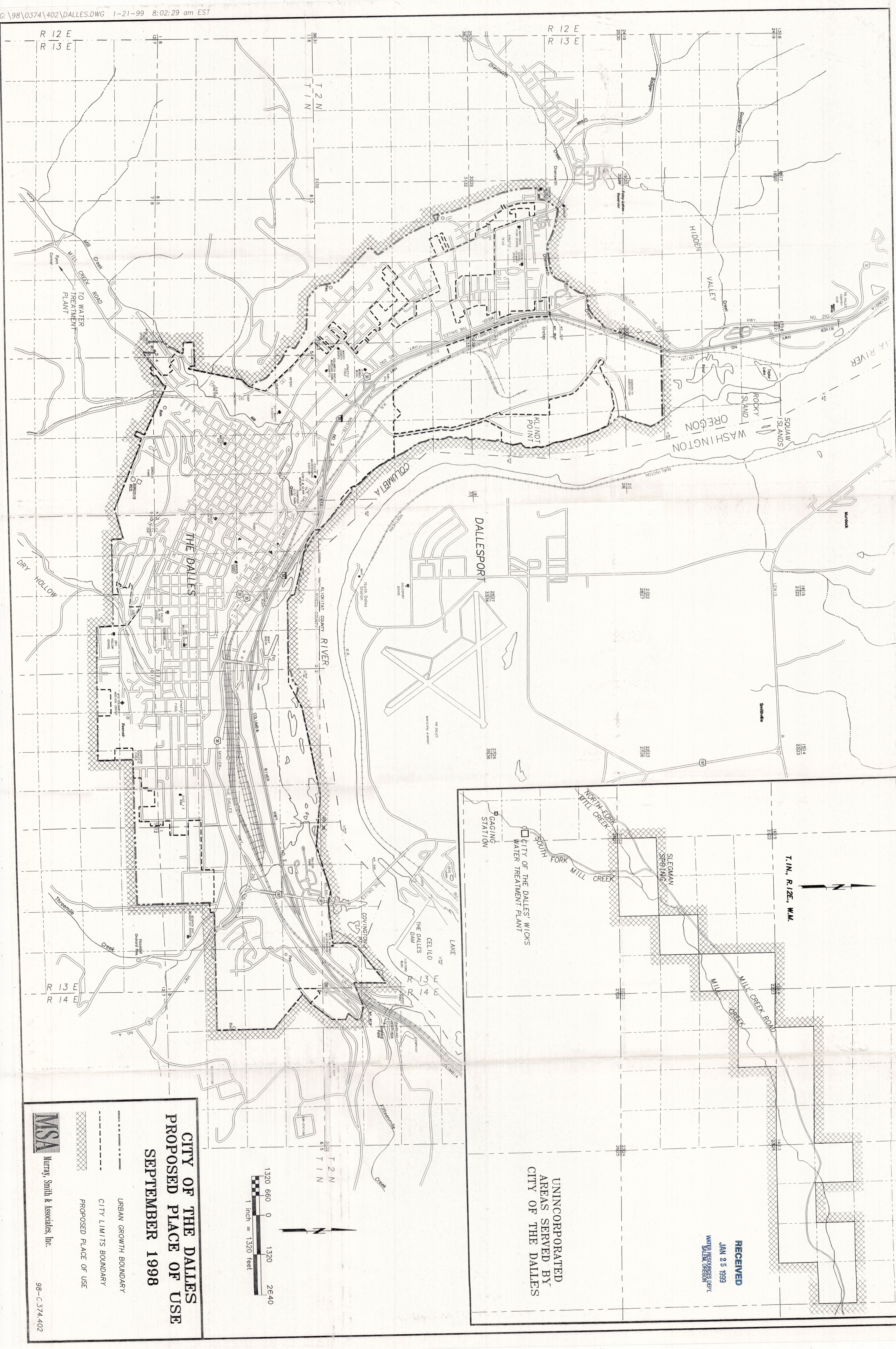
Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: City of The Dalles

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Wasco County
 Staff contact: Todd R. Cornett Phone: (541) 298-5169
 Signature: Todd R. Cornett Date: 2-oct-98

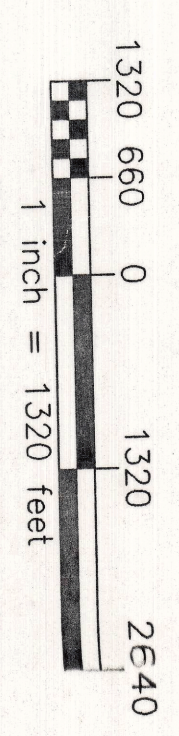


T. 12 N. R. 12 E. W.M.

RECEIVED

JAN 25 1999
WATER RESOURCES DEPT.
SALEM, OREGON

UNINCORPORATED
AREAS SERVED BY
CITY OF THE DALLES

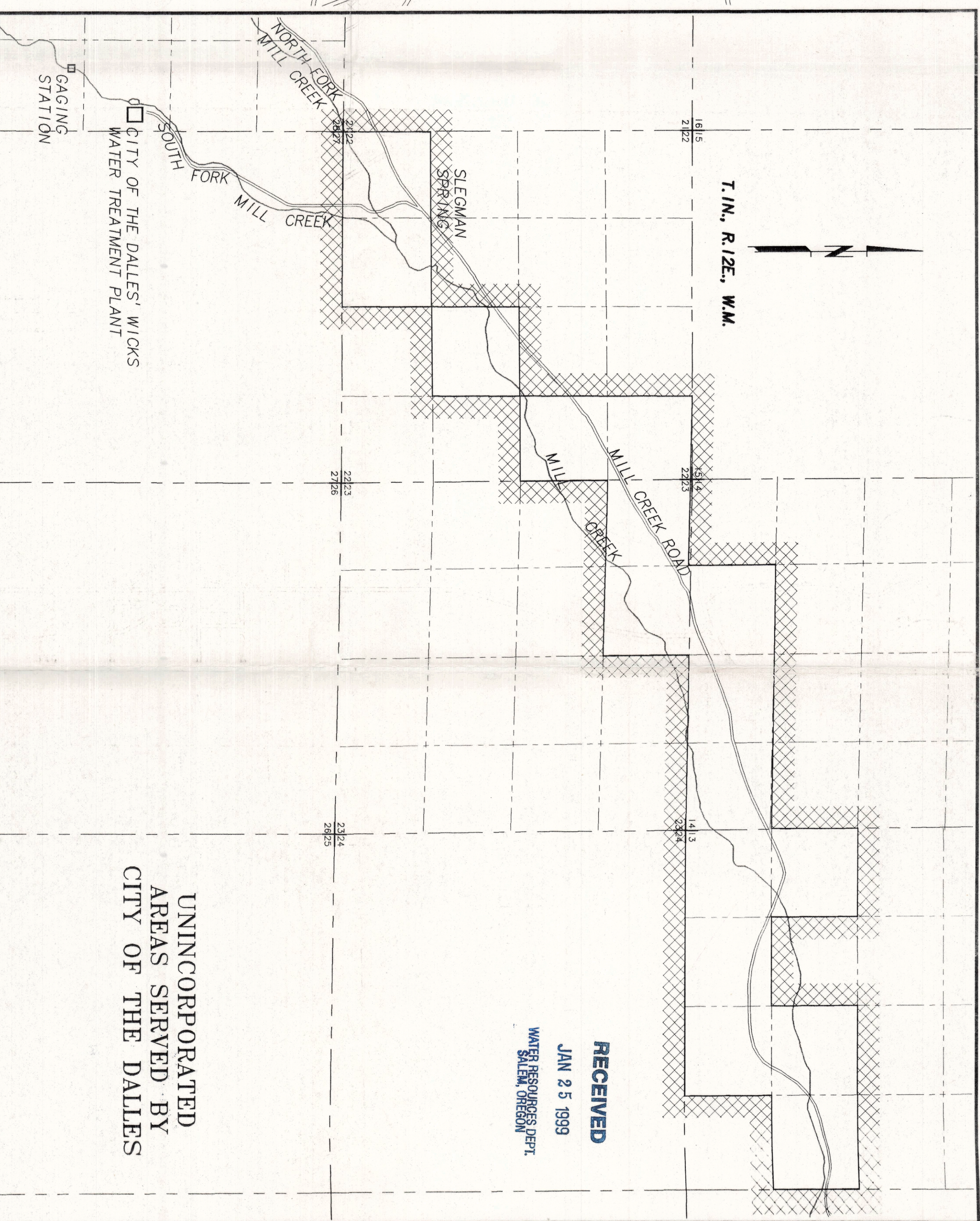


CITY OF THE DALLES
PROPOSED PLACE OF USE
SEPTEMBER 1998

- URBAN GROWTH BOUNDARY
- CITY LIMITS BOUNDARY
- PROPOSED PLACE OF USE

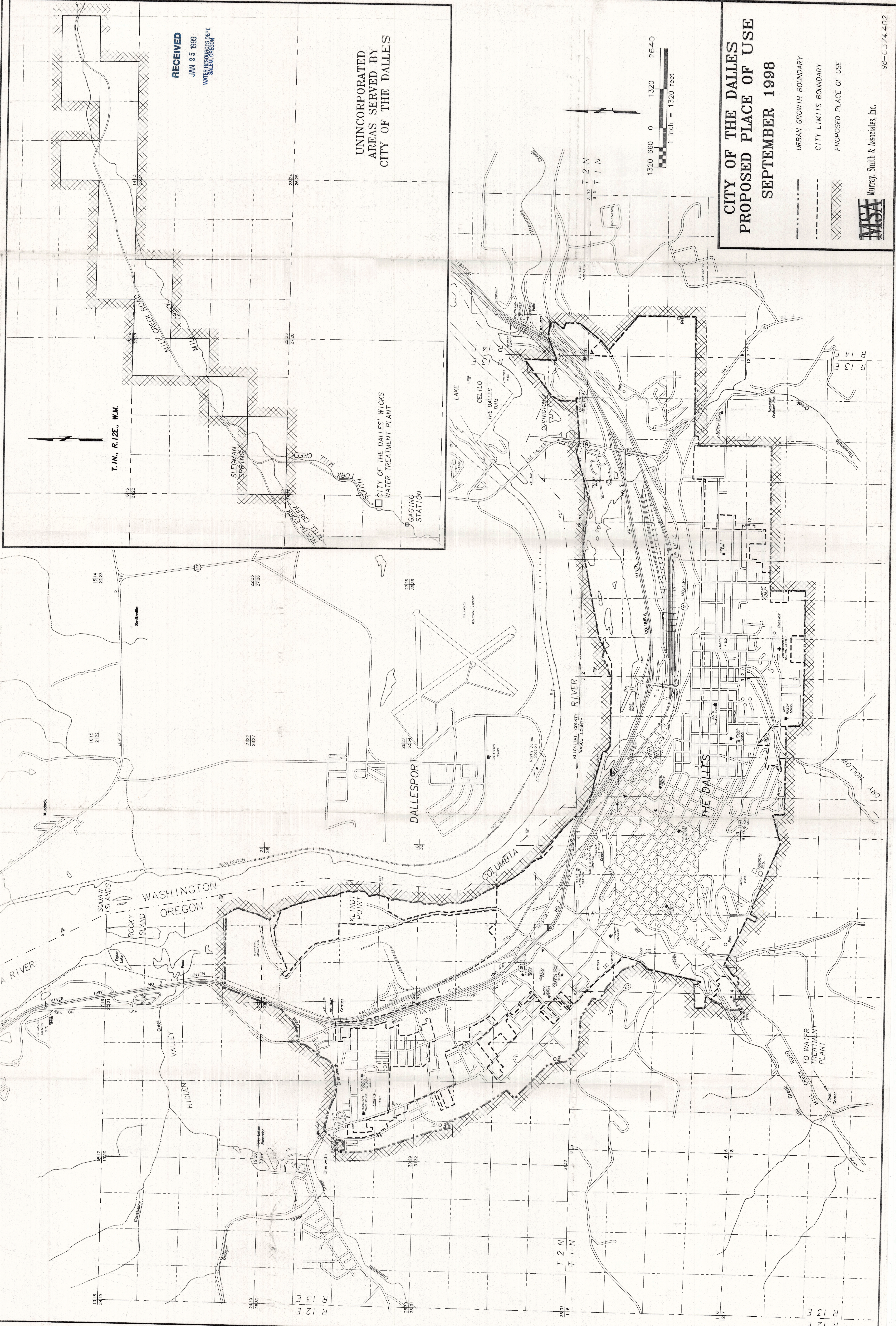
MSA
Murray, Smith & Associates, Inc.

98-C-374.402



UNINCORPORATED
AREAS SERVED BY
CITY OF THE DALLES

RECEIVED
JAN 25 1999
WATER RESOURCES DEPT.
SALEM, OREGON

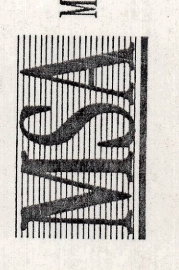


RECEIVED
JAN 25 1999
WATER RESOURCES DEPT.
SALEM, OREGON

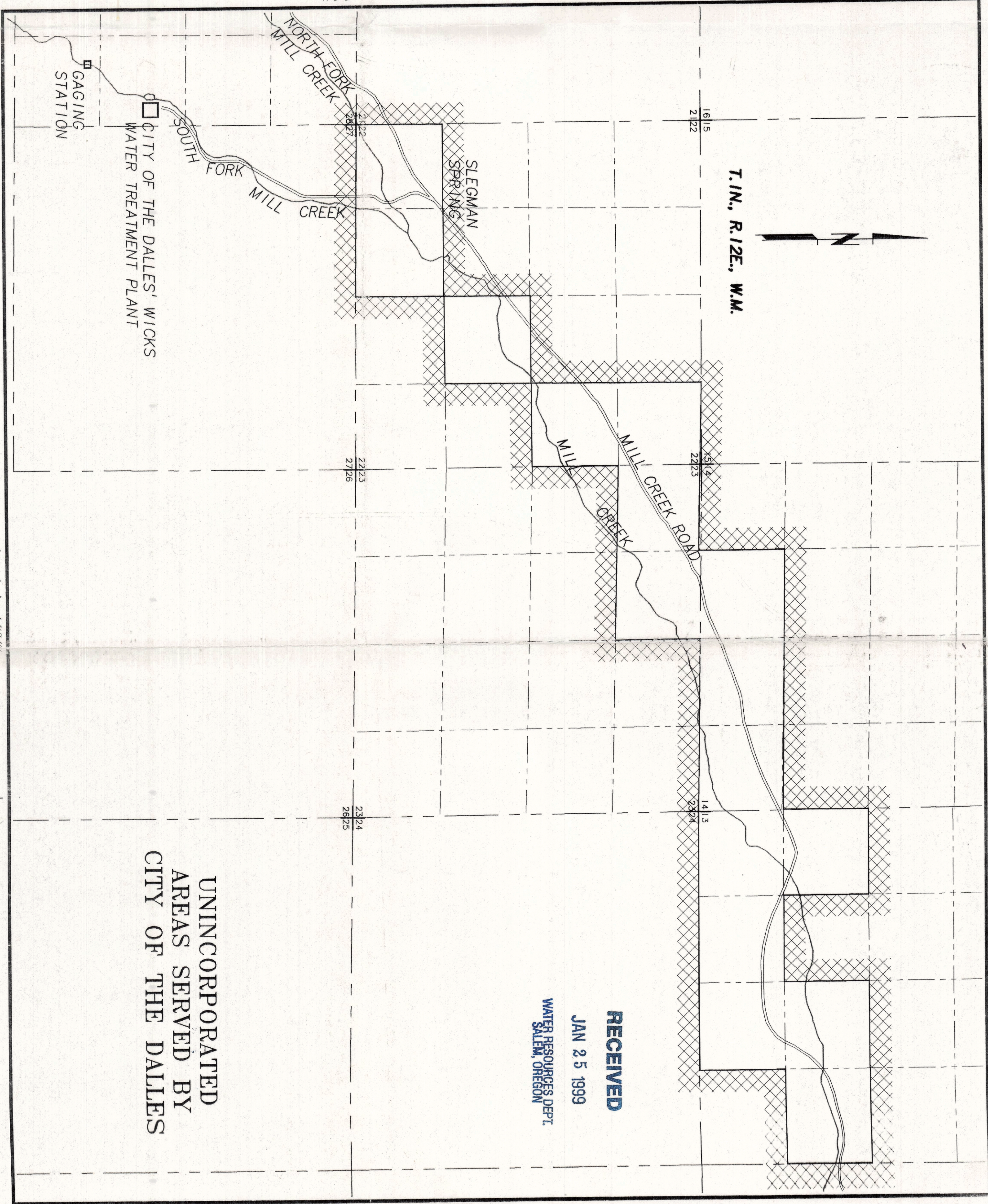
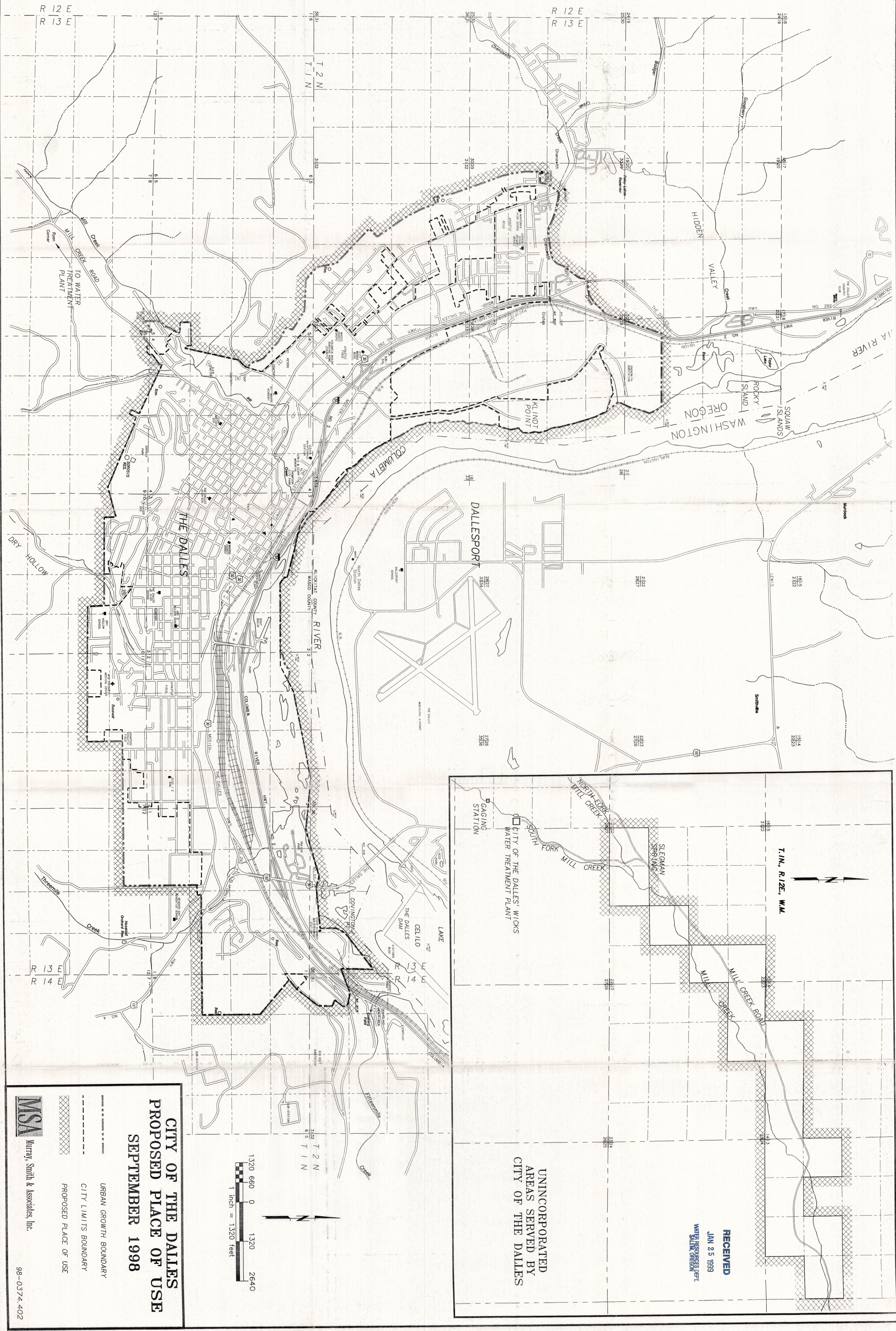
UNINCORPORATED
AREAS SERVED BY
CITY OF THE DALLES

CITY OF THE DALLES
PROPOSED PLACE OF USE
SEPTEMBER 1998

- URBAN GROWTH BOUNDARY
- CITY LIMITS BOUNDARY
- PROPOSED PLACE OF USE



Murray, Smith & Associates, Inc.



CITY OF THE DALLES
PROPOSED PLACE OF USE
SEPTEMBER 1998

URBAN GROWTH BOUNDARY
CITY LIMITS BOUNDARY
PROPOSED PLACE OF USE

MSA
Murray, Smith & Associates, Inc.
98-0374.402

RECEIVED
JAN 25 1999
WATER RESOURCES DEPT
SALMON, OREGON