

refund - 10% excess fee

Application No. 58951Name City of DundeePermit No. 44462

By _____

Certificate No. _____

Address Box 201Dundee, OR 97115-0201Stream Index, Page No. 2-644Date filed July 24, 1979Priority July 24, 1979Action suspended until C25

Return to applicant _____

Date of approval November 14, 1979**CONSTRUCTION**Date for beginning NOV 14 1980 10-1-82 10-1-87 10-1-92Date for completion OCT 1 - 1981Extended to 10-1-82 - 10-1-87, 10-1-9210-1-97, 10-1-2025Date for application of water OCT 1 - 1982Extended to 10-1-87, 10-1-92, 10-1-9710-1-2025**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.
7-24-79	51.00	13001
Extension 1-18-93	100.00	107243
Extens. 3-20-98	100.00	19830
Ext. 12-27-04	250.00	71991
9-24-25	1,170.00	146095
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
11-14-79	10.00	3877
8/25/09	250.00	71991
Address	Volume	Page

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

DEC 1 1980

CARD FOR BC OCT 13 1987

FORM 100 JUN 6 1988

CARD FOR C OCT 22 1992

C Rem. sent 10/21/97

Application: S-58951

Permit: S-44462

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

Applicant/Permit

Holder(s)

City of Dundee
ATTN: Brandon Hamilton, Interim City Manager
520 SW 5th St.
Dundee, OR 97115

Proposed Completion Date: 10-1-2050

☐ WRIG...Money Received on: 9-24-25

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

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

☒ Tonya Miller...

☒ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 9.30.25

☒ Update WRIS Database

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

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

☒ Yes or ☐ No: Return file to Extension Specialist after PN returned 9.29.25

NOTES:

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

146095

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

INVOICE #

RECEIVED FROM:

City of Dundee

BY:

APPLICATION

5-58951

PERMIT

TRANSFER

CASH:

CHECK:#

OTHER: (IDENTIFY)

☐
☒

39453

☐

TOTAL REC'D

\$ 1,170.00

1083 TREASURY

4170

WRD MISC CASH ACCT

0407

COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270

WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$ 1,170.00

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY

0437

WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD#

0210

MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY

0467

HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

146095

DATED:

9-24-25

BY:

[Signature]

CITY OF DUNDEE

Vendor: 9325 OREGON WATER RESOURCES DEPT.

9/17/2025

Check No: 39453

039453

INVOICE #		INV DATE	DESCRIPTION	INV AMOUNT
44462	1	9/16/2025	PERMIT S - 44462	1,170.00

Received**SEP 24 2025****OWRD****TOTAL AMOUNT****1,170.00**



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

September 29, 2025

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-58951 (Permit S-44462)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

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



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

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

I, City of Dundee, Brandon Hamilton, Interim City Administrator

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

NAME OF CONTACT

520 SW 5th St, P.O. Box 220
ADDRESS

Dundee
CITY

OR
STATE

97115
ZIP

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number S-58951

Permit Number S-44462
[OAR 690-315-0070(3)(b)]

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do hereby request that the time in which to:

- ☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2025, be extended to October 1, 2050,¹

and/or the time in which to:

- ☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2025, be extended to October 1, 2050.²

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

Signature

Date

09/17/2025

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

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

Before submitting, make sure the following items are included:

- Completed Application for Extension of Time
- Statutory fee of \$1,170. Application received without the correct fee will be returned.
- Signature page (page 1 of application) for Application for Extension of Time
- All supporting documentation and/or evidence referenced in the Application for Extension of Time

MAIL COMPLETED APPLICATION

along with the

STATUTORY FEE (ORS 536.050) TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266**

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GENERAL TIPS:

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- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0070(2).
- Request the reasonable amount of time necessary to fully develop the permit and complete the project. If you don't request enough time, OWRD may be unable to find that you can complete the project within the time requested. The projected peak demand must demonstrate the full rate can be developed within the time period being requested.
- Permit extensions for Municipal and Quasi-Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, the permit holder will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of a WMCP.
- The Application for Extension of Time includes detailed tips and instructions to help you respond to each item of the application. Oregon water law and administrative rules require the OWRD to consider each of these items when reviewing a municipal or quasi-municipal water use Application for Extension of Time. However, please feel free to provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0070(3)(p).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0080(1)(a).

Reference Materials Needed to Complete this Application

Below is a listing of the items that must be reviewed and considered when completing an Application for Extension of Time for a Municipal or Quasi-Municipal water use permit:

- The subject water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Water Management and Conservation Plan (OAR Chapter 690, Division 86), *if applicable*, per OWRD.
- Water System Master Plan, *if applicable*, per Oregon Health Division.

- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; a long-term alternative water supply plan; a plan to monitor the effect of water use on ground water aquifers utilized under the permit, etc.).
- All other water rights (certificates, permits, permit amendments, transfers, and/or new applications) held by the applicant.
- For municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, the completed application must include 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 waterways affected by water use under the permit.

Definitions Pertinent to this Application for Extension of Time

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. This definition applies to quasi-municipal permit holders, required under the applicable statute, and for municipal water use permits issued on or after June 29, 2005. OAR 690-315-0070(3)(c) and (d), and OAR 690-315-0020(3)(d)(A) and (B).

C-Date – the date specified in the permit or previous extension of time for complete application of water.

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

Time Period of the Previous Extension – *For the 2nd Application for Extension of Time* - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For the 3rd, 4th, or . . . nth Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

Undeveloped Portion of the Permit - the portion of the permit that is the difference between the maximum rate, or duty if applicable, specified in the permit and the maximum rate, or duty if applicable, diverted for beneficial use by June 29, 2005, or the C-date of the permit, whichever is later. (ORS 537.230(3)(d) and ORS 537.630(3)(d))

Work and Actions Accomplished - includes both physical work and other activities associated with the development of the water right, such as: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in



governmental permitting or project financing; procurement of planning, design or construction services; surveying; and any physical work performed toward completion of the system and development of the right (e.g., pumps; pipes; well construction; treatment plant/facilities; transmission systems; distribution systems; and/or intake structures).
OAR 690-315-0080(4).

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.



TIP: When making a reference to any document, report, and/or plan:

- (1) reference the source document along with any page number(s), table(s) and/or chart(s) used in the response, and
- (2) include a copy of the source document (or appropriate pages) with the extension application.

[OAR 690-315-0070(3)]

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

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

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



TIP: See Definition of "Actual Construction"

Begin Date: ____ **Construction of** ____ **began.**
____ (month/year) ____ (details)

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

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



TIP: See definition of "Actual Construction"

Begin Date: NA **Construction of** NA **began.**
____ (month/year) ____ (details)

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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.*



TIP: See definitions of "Permitted Time Period", "C-Date", "Time Period of the Previous Extension", "Actual Construction" and "Work and Actions Accomplished".

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
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
11/14/1979	Date the permit was signed - find date above signature on last page of permit.	
11/14/1980	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/1/1982	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request.</i> <i>For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
3/1996	Clearwell Pump Station construction	\$310,000
8/1997	Fir Court Subdivision 8-inch and 12-inch diameter Waterline Construction	\$15,000
9/1999	Falcon Crest Subdivision 12-inch Diameter Waterline Construction	\$22,000
10/2001	Maple Street and Linden Lane Waterline Improvements	\$80,000
9/2003	City of Dundee Water System Master Plan	\$60,000
2/2004	Maple Street Waterline Improvements	\$39,000
	CHART-I (continued)	
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

10/9/2009	Date of the last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
11/2012	Water Management and Conservation Plan	~\$20,000
10/2014	Riverbank Filtration Feasibility Assessment	~\$150,000
11/2023	Water Management and Conservation Plan	\$23,100
10/1/2025	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
Total Cost to Date		\$726,000+

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

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

Conditions requiring a response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to accomplish a specific action, such as a condition that requires plans and specifications for a reservoir, a Water Management and Conservation Plan, a ground water monitoring plan or some other document which "...shall be submitted...within two years of permit issuance." If your permit requires submittal of a Water Conservation and Management Plan, please indicate the date the plan was submitted to or approved by OWRD, or whether it is still being drafted, etc.;
- and/or
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."



TIP:

Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; a Water Management and Conservation Plan; an alternative long-term water supply plan; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit. If needed, please contact OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the Application for Extension of Time.

7/19/2021

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

CHART-II

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
4	10/1/2050	The 2009 extension FO (Attachment C) ordered the submission of a WMCP prior to any diversion. The City had its most recent WMCP approved in 2023. Approval of this EOT will trigger another WMCP submission within 3 years

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

- 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, 2, 3	10/1/2050	The original permit S-44462 (Attachment B) established a development timeline. Various extensions (4/5/1983, extended to 10/1/1987; 1/9/1989, extended to 10/1/1992; 2/2/1995, extended to 10/1/1997; 10/6/2009, extended to 10/1/2025; Attachment C) have extended the completion date to 10/1/2025. The City has worked to develop its water sources as additional demand has arisen. This has been done based on a cost-impact basis, with more affordable projects taking precedence. The City is continuing to develop and will require the water authorized under S-44462 in the future to support growth in the planned developments within its UGB (2023 WMCP). The City conducted a collector well feasibility study for an intake system to operate under Permit S-44462 but results did not support the development of a system at that time. In addition, various crises within the permit's extended window including the 2008 global financial crisis and the 2020 COVID-19 pandemic have impacted the City's ability to allocate resources to developing this water right.
5	10/1/2050	The 2009 extension FO (Attachment C) requires minimum flows in the Willamette River to dictate diversions. However, infrastructure for the diversion and treatment is not yet built. The City will abide by these limitations.

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

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



TIP:

Documentary evidence substantiating the maximum instantaneous rate, or duty if applicable, of water appropriated may include, but is not limited to: water meter records; dedicated electrical meter records; business records; and/or a sworn affidavit.

6-A) For Surface Water Permit Extensions:



TIP:

Report in the same units of measurement as specified in the permit. In this section, report only water use made under THIS permit:

Maximum instantaneous rate (as of June 29, 2005, or C-date (whichever is later)) =
0 cfs, or
(cubic feet per second)

Maximum instantaneous rate (as of June 29, 2005, or C-date (whichever is later)) =
0 gpm, or
(gallons per minute)

Acre Feet stored as of June 29, 2005, or C-date (whichever is later) = 0 AF

6-B) For Ground Water Permit Extensions:



TIP:

Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-IV

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED						
			Well Log Number E.g. MULT 60493	Well Tag Number E.g. #40151 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See below)	Maximum instantaneous rate used by June 29, 2005, or C-date (whichever is later) from this well under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the rate used from this well under each water right. (Typically the total of all uses from a single well will not exceed the well's pumping capacity.)	
								Permit, Certificate, or Transfer No.	Rate (CFS or GPM)
—	—	Yes ☐ No ☐	—	—	Yes ☐ No ☐	—	Yes ☐ No ☐	— —	— —
—	—	Yes ☐ No ☐	—	—	Yes ☐ No ☐	—	Yes ☐ No ☐	— —	— —
Total instantaneous rate from all wells utilized under this permit used as of June 29, 2005, or C-date (whichever is later)						—			

6-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed with OWRD? Yes ☐ No ☐

If a Permit Amendment Application has been filed: Transfer No. T. —

Well # —: Actual location: —

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Well # _____: Actual location: _____

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

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

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

Current Population: 3,249 as of Year: 2024

Methodology used to estimate current population served: ***2024 Portland State University
Certified Population estimate for the City of Dundee***

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

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

Identify the total rate, or duty if applicable, of water being used to meet the current peak demand for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm (gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on "Attachment A" in the column named "Max Amount of Beneficial Water Used to Date" [under Item 10-A (a)].

Current Peak Water Demand (MDD): 1.06 MG, 1.55 cfs as of Year: 2024

Methodology used to estimate current peak demand: Average daily demand over 5 years (2017-2021) multiplied by a 2.8x peaking factor to approximate maximum day demand in 2021 (1.1 MGD), converted to cfs (2023 WMCP). ADD was converted to gallons per capita per day (gpcpd) and adjusted proportionally based on population change since the publication of the 2023 WMCP (decrease from 3,371 to 3,249).

[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.



TIP:

Such events may include, but are not limited to: the size and scope of the project; financing and/or cash flow issues; local referendums or initiatives; actual growth rates; economic downturns; loss of territory to annexation;

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water conservation efforts; the need to meet other governmental requirements relating to the project; natural disasters and severe weather; and/or any other events over which the water right permit holder had no control and which delayed development under the permit.

The City manages a portfolio of groundwater and surface water rights with many different PODs and POAs. It must make decisions about development and maintenance of its water system that provide the most financially-efficient path. Currently, many of the City's water rights are held in anticipation of significant population growth over the next 20 years, as referenced in the City's 2023 WMCP and in communication with the City during CwM's site visit. Under the forecasted population growth scenario, the City will have a need for significantly more water supply, and will continue to develop beneficial use under its current water right portfolio (2023 WMCP). The City previously explored the feasibility of installing a collector well system beneath the Willamette, which involved drilling several test wells and gathering hydrogeological information about the alluvial sediments in the area. Ultimately, it was decided that the challenges associated with developing this system were not worth the cost, and the City prioritized other projects. In addition, The extended permit window has spanned multiple global crises, including the 2008 Global Financial Crisis and the 2020 COVID-19 Pandemic. Both of these events limited the City's ability to plan and execute large capital projects such as those required to develop Permit S-44462. The City is considering the development of this water right within the proposed extension window to support forecasted development and population growth of greater than 50% over the proposed extension window (2023 WMCP; PSU, 2024). This will require additional lengthy feasibility study work and the installation of more exploratory wells. This water right may also be a valuable resource in negotiations with nearby municipalities, including Newburg and McMinnville, that are looking to manage municipal water resources including Permit S-44462. The City has engaged in preliminary discussions with other nearby municipalities to enter into the Yamhill Regional Water Authority (YRWA). This organization aims to streamline diversion and treatment of surface water from the Willamette River by creating a joint water system shared by multiple municipalities in Yamhill County. This is in its early stages and remains as one of several options the City is considering.

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

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

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

- a) Inventory of Water Rights Held
List all water rights held, including this permit, currently held by the permit holder. Use the format shown in "Attachment A" (see last page of this Application for Extension of Time). A link to the Water Rights Information System (WRIS), accessed

through OWRD's website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> may be a helpful source for compiling this information.

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



TIP: Use limitations include any factors affecting the use of a water right, such as: used for system redundancy; used for emergency back-up water supply; climate patterns or turbidity result in seasonal unavailability; not used due to water quantity issues, etc.

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.

NA

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.

NA

c) Projected Population

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

Population Growth Rate: 1.2%

Projected Population: 7,428 as of Year: 2050

Methodology used to estimate projected population and population growth rate:

	PSU Forecast for Currently Developed Portion of UGB	Riverside District Forecast	Total Population
2025	-	-	3,249
2040	3,632	2,619	6,251
2050	3,809	2,619	7,428

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Based on information in the 2023 WMCP, the City anticipates an increase in population. This is based on projected population growth of the existing population of 1.2% per year and the development of additional housing areas in the City. Population growth and associated demand are shown in the included table. Population projections are based on Portland

State University's population growth projections for the City as well as the projected buildout population of the planned Riverside District development, which should be fully developed in the next 20 years.

d) Future Peak Water Demands

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

Projected Peak Water Demand: 3.76 cfs as of Year: 2050

Methodology used to estimate peak water demand:

In its 2023 WMCP, Dundee projected demand using a per capita demand approach. Specifically, the City multiplied projections of population presented in Section 5.2 in 2032 and 2042 by a water use factor in units of gallons per person per day (gpcd). The water use factor was calculated by dividing the highest recent MDD by the estimated population of City residents in that year. The highest MDD occurred in 2021 (1.1 mgd or 1.7 cfs constant rate, 2.8x peaking factor) resulting in a demand of 327 gpcd based on a population of 3,371. The demand forecast shows MDD reaching 2.4 mgd (3.76 cfs) by 2050.

	Population	MDD (mgd)	MDD (cfs)
2021 (actual)	3,371	1.1	1.7
2024 (estimated)	3,249	1.06	1.5
2040	6,251	2.04	3.16
2050	7,428	2.4	3.76

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e) Potential Growth

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

From 2023 WMCP: "Dundee anticipates expansion of its service area to include the Riverside District (also known as the Riverview District) within the 20-year planning period. According to a study conducted by the City in 2019, full build-out of the district would occur within 15 years of initial construction. The City currently predicts construction of the Riverside District will commence in 2025, with build-out of the area occurring by 2040" (2023 WMCP).

f) Completion Date

7/19/2021

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Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2050**

[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.~~



~~TIP: If you are requesting an extension of greater than 50 years, it is very important to provide all available documentation (including estimates, projections, other related information, and all associated data) supporting the position that the demand projection is consistent with the amount and type of lands and uses to be served by the permit holder.~~

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

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

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

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

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

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
By 10/1/2050	Develop a POD at the Willamette River to appropriate the authorized rate	\$2,000,000+
By 10/1/2050	Design, permit, and construct a 730 gpm water treatment plant at the POD site or prior to diverted water entering distribution system	\$5,600,000+
By 10/1/2050	Install necessary piping to connect the new POD to the City's existing distribution infrastructure	\$500,000+
Year: 2050	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		\$8,100,000 ¹

1. Based on cost from 2016 WMP (ch2m, 2016), adjusted for 2025 dollars

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

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

The City needs the requested time to complete the full application of water under Permit S-44462 due to multiple reasons:

- ***Municipal water planning horizons range from 20 to 50 years, much like the water demand forecasts in the required Water Management and Conservation Plans and Water Master Plans. Development of new green-field projects within the City's UGB include a complex process of annexation, land planning, development proposal review, funding acquisition via loans or grants and the design, contracting and construction of water and other utility service infrastructure to support proposed growth options. From present day, these municipal development activities can reasonably require 10 to 20 years to develop and complete.***
- ***Additionally, the City is just beginning to see new development within its service area, including the "Riverside District", which will contribute an additional 1,200 people by 2032 and 2,619 people by 2042 and two hotels with up to 90 rooms. The development of these areas will cause a rapid increase in the City's demand which will necessitate the development of the additional drinking water capacity afforded by this Permit.***
- ***The City has multiple water resource assets to consider for development. These include a combination of surface water and groundwater certificates and permits. Developing strategies to optimize these assets is currently under review by the City and may include aquifer storage and recovery, construction of an independent City owned water treatment plant, teaming with other local municipal partner or joining a water consortium to develop Willamette River surface water rights at a co-owned treatment plant. These strategies and negotiations develop over years of discussion and depend heavily on available state and federal funding, home development pressure, and the political priorities set by City Council of each of the participating municipal entities. Alignment of these variables can require 10, 20 or more years before a new water source project is created and fully developed. Based on these common factors a 25 year extension is reasonable.***
- ***Developing a new water source can take many years of technical assessment in the form of feasibility studies. Feasibility studies do not always result in a viable project, and the City might require ten or more year to develop another water source option. Aquifer assessments in the form of costly and complex subsurface investigations to classify the subsurface in the area where a new POD might be installed will take about 2 years to complete but does not guarantee that the new water source will be successful. The City's last feasibility study (for a collector well under Permit S-44462) was completed in 2014. The result of that study found that a collector well was not feasible at the selected location. Since that time the City has not had the funding to continue with further***

subsurface investigations. It is reasonable that when multiple feasibility studies are required to successfully complete a new water source, the time line for development can be on the order 20 years or longer.

- *Finally, the City anticipates additional revenue to come from the increases in service area population, which will support the development of new water supply infrastructure.*

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

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

Development of additional housing within the Dundee UGB aligns with the Oregon Housing and Community Services Department's (OHCS) Statewide Housing Plan, which aims to increase the availability of housing to address statewide housing shortages. Additional housing will require additional water resources.

[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.

Fish persistence condition is present in 2009 Final Order. Please see Attachment C.

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

Attachment "A"
For Extension of
Time Application

Ground Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. ³ or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date ⁴	Notes or Limitations to water use ⁵
									Maximum Instantaneous Rate Diverted to Date (cfs)		
G-6331	G-6017	7/22/1974	NA	NA	CRBG, Late Tertiary Sediments	Springs Well 1	Municipal	0.97	0.19	10/1/2025	NA
						Well 4 River Well			0.11		
						Springs Well 2			0.06		
						Old River Well			0		
G-1217	G-1263	11/28/1958	29157	NA	CRBG	Deep Well 3	Municipal	0.18	0.18	NA	NA
G-10904	G-10148	3/24/1983	61759	NA	CRBG	Martsof Wells 5 & 6	Municipal	0.60	0.60	NA	NA
G-11866	G-11058	3/24/1988	87588	NA	CRBG	Springs Well 7	Municipal	0.33	0.33	NA	NA
G-12568	G-12685	6/7/1991	NA	NA	CRBG	Springs Well 8	Municipal	1.78	0.39	10/1/2025	NA
						1 st Street Well 9			0.29		
						Alder Street Well 10			0.16		
G-14066	G-17484	5/19/1995	NA	T-11928	CRBG	Well 13 Watershed	Municipal	0.5	0.5	10/1/2025	Combined rate not to exceed 0.8 cfs.
						Springs Well 11/13					
G-14070	G-17485	5/19/1995	NA	T-11928	CRBG	Springs Well 11/13	Municipal	0.5	0.05	10/1/2025	

³ P.A. = Permit Amendment

⁴ Date by which full application of water is to be made within the terms and conditions of the permit (date will be specified in the permit or on the last extension Final Order).

⁵ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is somehow limited due to quality, seasonal, etc. limitations, or if a the actual diversion rate is less than a certificated rate, please explain why.

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Municipal and Quasi-Municipal Water Use Permits

Application for Extension of Time

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Surface Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date	Notes or Limitations to water use
									Maximum Instantaneous Rate Diverted to Date (cfs)		
S-9028	S-5932	6/20/1923	8781	NA	Two Springs, Otter/Harvey Creek	Two Springs	Municipal	0.5 cfs	0.5	NA	NA
S-12629	S-8978	3/25/1929	8817	NA	Two Springs, Otter Brook/Harvey Creek	Two Springs	Domestic, fruit and nut dryers and fruit packing house	0.05 cfs	0.05	NA	NA
S-18173	S-13880	6/8/1939	14654	NA	Mossy Springs, Otter Brook/Harvey Creek	Mossy Spring	Domestic	0.0007 cfs	0.0007	NA	NA
S-22077	S-17367	11/7/1946	17145	NA	Unnamed Stream	Harvey Creek	Municipal	0.25	0.25	NA	NA
S-58951	S-44462	7/24/1979	NA	NA	Willamette River	Willamette River	Municipal	4.0	0	10/1/2025	2023 WMCP FO limited development to 1.10 cfs

Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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7/19/2021

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Municipal and Quasi-Municipal Water Use Permits

Application for Extension of Time

Attachment B
Permit S-44462

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Application No. 58951 ()

Permit No. 44462

Attachment B

STATE OF OREGON WATER RESOURCES DEPARTMENT

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OCT 23 1979

Application for Permit to Appropriate Surface Water

WATER RESOURCES DEPT
SALEM, OREGONI, City of Dundee
(Name of Applicant)of Box 201, Dundee
(Mailing Address) (City)State of Oregon, 97115 Phone No. 538-3922 do hereby
(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is the Willamette Rivera tributary of the Columbia River2. The point of diversion is to be located 50 ft. North and 770 ft. East
(N. or S.) (E. or W.)
from the Southwest corner of Section 30, Township 3 South, Range 2 West
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
Sec. 30 Tp. 3 S R. 2 W, W. M., in the county of Yamhill
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
3S	3W	26	NE $\frac{1}{4}$	
3S	3W	26	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	
3S	3W	26	SE $\frac{1}{4}$	
3S	3W	26	E $\frac{1}{2}$ of SW $\frac{1}{4}$	
3S	3W	35	N $\frac{1}{2}$ of NE $\frac{1}{4}$	
3S	3W	25	NW $\frac{1}{4}$	
3S	3W	25	SW $\frac{1}{4}$	
3S	3W	25	S $\frac{1}{2}$ of SE $\frac{1}{4}$	
3S	3W	36	N $\frac{1}{2}$ of NW $\frac{1}{4}$	
3S	3W	36	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	

Form 690-1-0-1-77

Continued on attached sheet

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12.000
15.000
6.000
41.000

4. The amount of water which the applicant intends to apply to beneficial use is 4.0
cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is Municipal

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

The City of Dundee is anticipating upgrading their municipal water system to meet demands of the growing population as the present well system will not meet the growing demand. An intake to obtain water from the Willamette River is planned. The existing transmission line to wells #1 and #2 will be extended to the proposed point of diversion.

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If for domestic use state number of families to be supplied

Condition 1 7. Construction work will begin on or before September 1, 1980

Condition 2 8. Construction work will be completed on or before December 1, 1981

Condition 3 9. The water will be completely applied to the proposed use on or before November 1, 1981

Application No. 58951

Permit No. 44462

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WATER RESOURCES DEPT
SALEM, OREGON

Continued...

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/2 of Section	List use and/or number of acres to be irrigated
3S	3W	36	NE 1/4 of SW 1/4	
3S	3W	36	N 1/2 of SE 1/4	
3S	3W	36	NE 1/4	
3S	3W	30	S 1/2 of SW 1/4	
3S	3W	31	NW 1/4 of NW 1/4	

Application No. 58951
Permit No. 44462

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SEP 24 2025

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Remarks:.....

.....
.....
.....
.....
.....
.....
.....

For the City of Dundee, Or
Signature of Applicant
P. Schmitt
Weston Eng

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

..... Water Resources Director

By

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SEP 24 2025
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This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the
24th day of July, 1979, at 11:00 o'clock
A.M.

Application No. 58951

Permit No. 44462

Application No. 58951

Permit No. 44462

Permit to Appropriate the Public Waters of the State of Oregon

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 4.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Willamette River

The use to which this water is to be applied is municipal

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

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and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is July 24, 1979

Actual construction work shall begin on or before November 14, 1980 and shall

Extended to October 1987 Extended to October 1, 1992, 10-1-97

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1981

Extended to October 1987 Extended to October 1, 1992, 10-1-97

Complete application of the water to the proposed use shall be made on or before October 1, 1982

Extended to October 1987 Extended to October 1, 1992, 10-1-97

WITNESS my hand this 14th day of November, 1979


Resources Director

21/4

Attachment C
S-44462 Extensions of Time

Received
SEP 24 2025
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BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF AN APPLICATION)
FOR EXTENSION OF TIME TO BEGIN)
AND COMPLETE CONSTRUCTION AND)
MAKE COMPLETE APPLICATION OF WATER)
UNDER PERMIT 44462 IN THE NAME)
OF CITY OF DUNDEE)

ORDER
Extends Time Limits

The City of Dundee is the holder of Permit 44462 which grants the right to appropriate not to exceed 4.0 cubic feet per second of water from the Willamette River for municipal use.

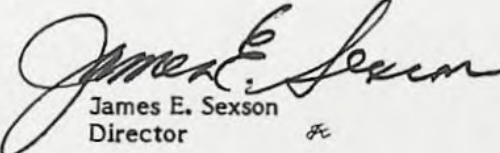
The City has advised the Water Resources Director that the appropriation has not been made as described in the permit, but it is the City's desire to preserve the right for this development.

The City has further advised that the water study has been completed which indicates a need for this supply.

It is believed that it will be consistent with the public interest to grant said extension.

NOW, THEREFORE, it hereby is ORDERED that the time limits to begin and complete construction and make complete application of water under Permit 44462 be extended to October 1, 1987.

Dated at Salem, Oregon, this 4th day of May, 1983.


James E. Sexson
Director

6457B

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SEP 24 2025
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SEP 24 2025
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BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF AN APPLICATION	)	
FOR EXTENSION OF TIME TO BEGIN AND	)	<u>ORDER</u>
COMPLETE CONSTRUCTION AND MAKE	)	
COMPLETE APPLICATION OF WATER UNDER	)	EXTEND TIME LIMITS
PERMIT 44462 IN THE NAME OF CITY OF	)	
DUNDEE	)	

The City of Dundee is the owner of permit 44462 which allows the city to appropriate not more than 4.0 cubic foot per second of water from the Willamette River for the city's municipal purposes.

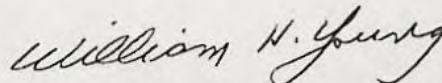
The Department has been advised by the City that construction of the facilities to make use of the water has not begun and the city has requested the time limits of the permit be extended. The city has demonstrated its intent to develop the proposed municipal use at a later date.

ORS 537.230 requires that actual construction of facilities to use the water must begin within one year from the date the permit is issued. However, municipal corporations which hold permits for the usual municipal purposes are exempt from this requirement.

In this instance, there are no apparent reasons why the request should be denied or conditioned. Granting the request for additional time to begin construction, complete construction, and to make use of the water as proposed by the city would be in the best interest of the public.

NOW, THEREFORE, it is hereby ORDERED that the time limits to begin construction, complete construction, and make complete application of water to beneficial use under the permit 44462 be extended to October 1, 1992.

Dated at Salem, Oregon this 9th day of January, 1989.


WILLIAM H. YOUNG
DIRECTOR

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF APPLICATION FOR)
 EXTENSION OF TIME IN WHICH TO BEGIN)
 AND COMPLETE CONSTRUCTION WORK AND) ORDER
 MAKE COMPLETE APPLICATION OF WATER)
 UNDER CERTAIN PERMITS)

The owners of the following water permits issued by the Water Resources Director have submitted applications for extensions of time limits within which to begin and/or complete the construction work and/or make complete application of water to beneficial use under their respective permits.

The Water Resources Director is authorized under the provisions of ORS 537.230 to grant extensions of time for good cause shown, within which to complete work to perfect a water right under a permit;

The statements in the applications for extensions filed regarding completion of the projects indicate that each has shown such reasonable diligence as entitles them to an extension of time; and

No protest or objections to the granting of an extension under any of the following permits have been filed by any subsequent permit holders;

NOW, THEREFORE, it is hereby is ORDERED that extensions of time are granted as follows:

PERMITTEE	APPL. NUMBER	PERMIT NUMBER	BASIN NUMBER	NEW TIME LIMITS TO:		
				START CONST.	COMPLETE CONST.	APPLY WATER

PERMITS TO USE GROUNDWATER:

City of Arlington	G-1185	G-1201	6	10-1-99	10-1-99	
City of Arlington	46891	35058	6	10-1-99	10-1-99	10-1-99
City of Fairview	G-5857	G-5594	3	10-1-98	10-1-98	
City of Fairview	G-7563	G-7029	3	10-1-99	10-1-99	
City of Dundee	G-6331	G-6017	2	10-1-97	10-1-97	
City of Dundee	58951	44462	2	10-1-97	10-1-97	10-1-97
Harbor Rural Water District	G-9502	G-9438	15	10-1-99	10-1-99	
City of Wallowa	G-11368	G-10569	8	10-1-98	10-1-98	
F.M. Cook	G-11436	G-10733	13	10-1-95	10-1-95	
Sunridge Water Systems, Inc.	G-11502	G-10617	7	10-1-99	10-1-99	
Timberline Rim Water Company	G-11916	G-11165	3	10-1-98	10-1-98	
KMB Enterprise	G-12042	G-11146	5	10-1-97	10-1-97	

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Deer Park Water Association	G-12096	G-11070	15	10-1-97	10-1-97
Brooks Resources Corporation	G-12156	G-11106	5	10-1-95	10-1-95
Richard Halliburton	G-12162	G-11388	17		10-1-95
Richard Halliburton	R-70462	R-11422	17		10-1-95
Richard Halliburton	70463	51380	17		10-1-95
Roy & Elaine Moore	G-12279	G-11185	2		10-1-95
Highland Subdivision Water District	G-12289	G-11347	5	10-1-98	10-1-98
Dennis Obrist	G-12372	G-11351	2		10-1-95
St. Paul Cemetery Trust	G-12379	G-11395	2		10-1-95
James & Loretta Ellett	G-12452	G-11399	4	10-1-94	
James & Loretta Ellett	G-12452	G-11399	4	10-1-95	10-1-95
Leonard G. Turner	G-12575	G-11561	17	10-1-95	
Rodrick Fraser II	G-12723	G-11595	17	10-1-95	

PERMITS TO CONSTRUCT RESERVOIRS AND USE SURFACE WATER:

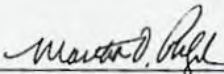
Daniel E. Davis	R-69987	R-11237	17	10-1-95	10-1-95
Daniel E. Davis	69988	51033	17	10-1-95	10-1-95
Rudolph M. Bauder	R-69901	R-11164	1	10-1-95	10-1-95
Rudolph M. Bauder	69902	50760	1	10-1-95	10-1-95
Roy Peters	R-72031	R-11471	17	10-1-95	

PERMITS TO USE SURFACE WATER:

City of Brookings	37091	27610	15	10-1-99	10-1-99
City of Brookings	41805	31293	15	10-1-99	10-1-99
City of Rainier	44624	33386	1	10-1-97	10-1-97
Lakeside Water Dist.	46056	34393	17	10-1-99	10-1-99
City of Umatilla	54855	41444	7	10-1-99	10-1-99
Weiss Estates Water System Company, Inc.	60573	46099	17	10-1-98	10-1-98
West Extension Irrigation District	61797	45999	7	10-1-96	10-1-96
City of Rockaway	61833	46245	1	10-1-98	10-1-98
Coos Bay-North Bend Water Board	68795	50155	17	10-1-99	10-1-99

Coos County	69109	50938	17	10-1-95	10-1-95
Kenley R. Beachy	69400	50414	2		10-1-95
Rickreall Dairy	69936	50949	2		10-1-94
Vern & Alan Liesinger	70617	51115	16	10-1-95	10-1-95
Jock Jouvenat	70617	51115	16	10-1-95	10-1-95
Daioh International, USA	70620	51150	2	10-1-95	10-1-95
Gordon H. Hale	71217	51468	2	10-1-95	

Dated at Salem, Oregon this *2nd* day of February, 1995.


Martha O. Pagel

Special Order Volume , Page

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Oregon Water Resources Department
Water Rights DivisionWater Rights Application
Number S-58951Received
SEP 24 2025

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Final Order
Extension of Time for Permit Number S-44462**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

The Department issued Permit S-44462 on November 14, 1979. The permit called for completion of construction by October 1, 1981, and complete application of water to beneficial use by October 1, 1982. On March 20, 1998, City of Dundee submitted an application to the Department for an extension of time for Permit S-44462. In accordance with OAR 690-315-0050(2), on August 4, 2009, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2025 and to extend the time to complete construction to October 1, 2025, and the time to fully apply water to beneficial use to October 1, 2025. The protest period closed September 18, 2009, in accordance with OAR 690-315-0060(1). No protest was filed.

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**Condition 4****1. Development Limitations**

Diversion of any water under Permit S-44462 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-44462 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 this PFO 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.

Condition 5

2. Persistence of Fish Conditions

A. Minimum Fish Flow Needs

Minimum fish flow needs on the Willamette River as recommended by ODFW are in Table 1, below; flows are to be measured on the Willamette River at Salem, Oregon (USGS Gage Number 14191000, or its equivalent).

Table 1

MINIMUM FISH FLOW NEEDS ON THE WILLAMETTE RIVER MEASURED AT USGS GAGE 14191000 SALEM, OREGON	
Month	Cubic Feet per Second
July 1 – October 31	5,630
November 1 – March 31	6,000
April 1 – April 15	15,000
April 16 – April 30	17,000
May 1 – May 31	15,000
June 1 – 15	12,600
June 16 – 30	8,500

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B. Determining Water Use Reductions - Generally

The use of the undeveloped portion of Permit S-44462 that legally can be diverted must be reduced in proportion to the amount by which the flows shown in Table 2 are not met based on a seven day rolling average of mean daily flows measured on the Willamette River at Salem (USGS Gage Number 14191000, or its equivalent). This reduction will be adjusted by a Consumptive Use Percentage, when applicable, as per Item 2.C., below. The overall reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted will not exceed 20%.

C. Consumptive Use Percentages

a. Initial Consumptive Use Percentages

The City of Dundee has not identified any Consumptive Use Percentages based on the return of flows to the Willamette River through effluent discharge. Thus, at this time the City may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped

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portion of Permit S-44462 that can be diverted as a result of this fish persistence condition.

b. First Time Utilization of Consumptive Use Percentages

Utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may begin after the issuance of the Final Order for this extension of time.

First time utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages. Utilization of Consumptive Use Percentages is subject to an approval period described in 2.D.f., below.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The proposed Consumptive Use Percentages should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

c. Consumptive Use Percentages Updates

Continuing the utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition beyond an approval period (as described in 2.D.f., below) is contingent upon the City submitting updated Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the Consumptive Use Percentages Updates. Utilization of Consumptive Use Percentages Updates is subject to an approval period described in 2.D.f., below.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

d. Changes to Wastewater Technology and/or Wastewater Treatment Plant Practices

If there are changes to either wastewater technology or the practices at the City's wastewater treatment facility resulting in 25% or more reductions in average monthly return flows to the Willamette River, then the Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the amount of the undeveloped portion of Permit

S-44462 that can be diverted as result of this fish persistence condition. The 25% reduction is based on a 10-year rolling average of monthly wastewater return flows to the Willamette River as compared to the average monthly wastewater return flows from the 10 year period just prior to date of the first approval period described in 2.D.f., below.

If such changes to either wastewater technology or the practices at the City's waster water treatment facility occur resulting in 25% reductions, further utilization of Consumptive Use Percentages is contingent upon the City submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

e. Relocation of the Point(s) of Diversion(s) and/or Return Flows

If the point(s) of diversion(s) and/or return flows are relocated, Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as result of this fish persistence condition.

After relocation of the point(s) of diversion(s) and/or return flows, further utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that any relocated withdrawal points and effluent discharge points are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

f. Approval Periods for Utilization of Consumptive Use Percentages

The utilization of Consumptive Use Percentages for the purpose of calculating the maximum total amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may continue for a 10 year approval period that begins 10 years from the Water Resources Director's most recent date of concurrence with Consumptive Use Percentages Updates as evidenced by the record, unless sections 2.D.d., or 2.D.e. (above) are applicable.

D. Examples

Example 1:

On July 15, the last seven mean daily flows were 7000, 6500, 6000, 5500, 5250, 5000 and 4750 cfs. The seven day rolling average is 5714 cfs. The use of the maximum total amount of the undeveloped portion of the permit that legally could be diverted would not be reduced because the 7 day average of mean daily flows is greater than the 5,630 cfs target flow for July 15.

Example 2:

- Step 1: If on July 15, the average of the last seven mean daily flows was 5011 cfs, the target flow would be missed by 11%. The use of the maximum total amount of the undeveloped portion of the permit that legally could be diverted would be reduced because the 7 day average of mean daily flows is less than the 5,630 cfs target flow for July 15.

$$(100 - [(5011 / 5630) \times 100\%]) = 11\%$$

- Step 2: Assuming the Consumptive Use Percentage is 78.7%⁹ during the month of July and the utilization of this percentage is authorized, and the target flow is missed by 11% (from Step 1), then the reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted would be 8.7%.

$$([11\% \times 78.7\%] / 100) = 8.7\%$$

(If adjustments are not to be made by a Consumptive Use Percentage, the undeveloped portion would be reduced only by the % by which the target flow is missed – 11% in this example).

- Step 3: If the maximum total amount of the undeveloped portion of the permit that legally can be diverted under a permit is 10.0 cfs, then in this example the reduction due to the missed target flow percentage adjusted by the Consumptive Use Percentage would be 0.87 cfs.

$$(10.0 \text{ cfs} \times [8.7\% / 100]) = 0.87 \text{ cfs}$$

- Step 4: This 0.87 cfs reduction is 8.7% of 10.0 cfs (the maximum total amount of the undeveloped portion of the permit that legally can be diverted). This 8.7% does not exceed the 20% maximum overall reduction.

$$([0.87 / 10] \times 100\%) = 8.7\%$$

- Step 5: In this example, the maximum total amount of the undeveloped portion of the permit that legally could be diverted under the permit under this condition would be 9.13 cfs

$$(10.0 \text{ cfs} - .87 \text{ cfs}) = 9.13 \text{ cfs}$$

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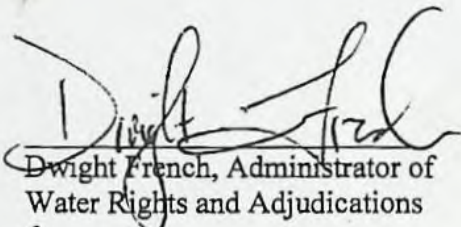
⁹ Currently, the City of Dundee may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition. The utilization of the Consumptive Use Percentage 78.7% is only for illustrative purposes in this example.

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-58951, Permit S-44462, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2025. The deadline for applying water to full beneficial use is extended to October 1, 2025.

DATED: October 6, 2009


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.

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

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Oregon

John A. Kitzhaber, MD, Governor

S-58951

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

November 27, 2012

City of Dundee
Attn: Rob Daykin, City Administrator
PO Box 220
Dundee, OR 97115

Subject: Water Management and Conservation Plan

Dear Mr. Daykin:

Thank you for your response to my review of the City of Dundee's (City) Water Management and Conservation Plan (plan) and submittal of final revisions to the plan.

The Department has reviewed the final revised plan and determined it to be generally consistent with the relevant requirements under OAR Chapter 690, Division 086. Therefore, please find the enclosed final order approving the City's Water Management and Conservation Plan and authorizing the diversion of up to 1.55 cfs of water under Permit S-44462 and up to a combined total not to exceed 0.8 cfs of water under Permits G-12736 and G-13035. *(This authorization does not allow the use of water in excess of the quantity limitation specified in each permit, being no more than 0.5 cfs under Permit G-12736 and no more than 0.5 cfs under Permit G-13035.)*

The attached final order specifies that:

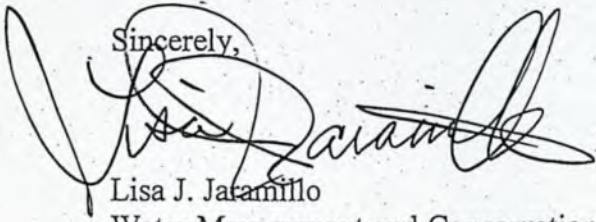
- The City of Dundee's plan shall remain in effect until **November 21, 2022**;
- The City is required to submit a progress report to the Department by **November 21, 2017**, detailing progress made toward the implementation of conservation benchmarks scheduled in the plan and documenting the City's diligence in pursuing the development of water under Permits S-44462, G-12736 and/or G-13035; *and*
- The City must submit an updated Water Management and Conservation Plan to the Department by **November 21, 2021**.

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 Dundee 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@wrд.state.or.us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', is written over the word 'Sincerely,'.

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

Enclosure

cc: WMCP File
Appl. S-58951 (Permit S-44462)
Appl. G-6331 (Permit G-6017)
Appl. G-12568 (Permit G-12685)
Appl. G-14066 (Permit G-12736)
Appl. G-14070 (Permit G-13035)
Mike McCord, District #16 Watermaster
Murray, Smith & Assoc., Inc., Attn: Mike McKillip, P.E., 121 SW Salmon, Suite 900, Portland, OR 97204

**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	)	WATER MANAGEMENT AND
City of Dundee, Yamhill 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. An approved water management plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. The City of Dundee (City) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on November 15, 2011. The plan was required by conditions set forth in the final orders approving extensions of time for Permits G-6017, G-12685, G-12736, G-13035 and S-44462.
2. The Department published notice of receipt of the plan on November 22, 2011, 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 February 9, 2012, and in response, the City submitted a final revised plan on Nov. 14, 2012.
4. The Department reviewed the final revised plan and finds that it contains all of the elements required under OAR 690-086-0125.
5. The projections of future water needs in the plan demonstrate a need of up to 1.55 cfs of surface water available under Permit S-44462 and/or up to 0.8 cfs of ground water under Permits G-12736 and G-13035 to help meet overall demands of 2.66 cfs (1.72 million gallons per day) anticipated in 20 years. These projections are reasonable and consistent with the City's land use plan. The development of the sources authorized under these permits is dependent upon budgetary issues, as well as the physical attributes of the surface water and ground water sources themselves.

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.

6. The City's system is fully metered and has a rate structure that includes a base rate and volumetric charge. Unaccounted-for water is estimated at 18.6% percent.
7. The plan includes 5-year benchmarks for implementation and/or continuation of the following water conservation activities: full metering of the water system; replacement of small customer meters, as needed; performing annual water audits; maintaining a rate structure based on the amount of water used; budgeting funds annually toward replacement of aging water mains; and including water conservation information in the City's summer newsletter distributed to customers in July of each year and posted on the City's web site.
8. The plan includes 5-year benchmarks to develop: a maintenance and calibration methodology for production meters and large-size meters; a leak detection and repair methodology to work toward reducing annual water loss to 10 percent; and a systematic and documented methodology for tracking and/or estimating authorized and unauthorized unmetered water use. The plan also includes 5-year benchmarks to evaluate the feasibility of developing: a non-potable water supply as part of the new wastewater treatment facility; a financial and technical assistance program to encourage implementation of conservation measures; a supplier-financed fixture retrofitting and replacement program; and any other identified measures that would improve water use efficiency.
9. The plan identifies ground water, the Willamette River, Mossy Springs, Unnamed Springs and an Unnamed Stream formed by springs as the sources of the City's water rights. Additionally, the plan accurately and completely describes the listed fish species that occur in the Willamette River in the vicinity of the City's point of diversion, being Upper Willamette River Chinook (*federally-listed as Threatened*) and Upper Willamette River Steelhead (*state-listed as Sensitive-Vulnerable and federally-listed as Threatened*). The plan also accurately and completely identifies the water quality parameters for which the Willamette River has been 303(d) listed by the Oregon Department of Environmental Quality.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
11. The diversion of water under Permits S-44462, G-12736 and/or G-13035 will be initiated and/or expanded during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the 5-year benchmarks described in Findings of Fact #7 and #8, the plan includes a schedule for development of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
 - b. Considering that the water savings generated by the conservation measures established in this WMCP cannot fully meet the City's projected 20-year peak demand, and that the wholesale purchase of water from the nearby Cities of Dayton and/or Lafayette is not practical due to the cost of building infrastructure necessary to transport water and because excess water supply is not available from those cities, the increased diversion of water under Permits S-44462, G-12736 and/or G-13035 is the most feasible and appropriate water supply alternative available to the City; *and*

- c. As the City pursues future development of a surface water supply from the Willamette River, they will be required to address any mitigation issues that may arise as a result of the Federal Endangered Species Act, Clean Water Act and/or Safe Drinking Water Act. Additionally, the City is required to comply with conditions set forth in the Final Orders issued by the Department on October 6, 2009 approving Extensions of Time for Permits S-44462 and G-6017 to protect minimum fish flow needs in the Willamette River in order to maintain the persistence of listed fish species in the portions of the river affected by the City's water use under these permits.

Conclusion of Law

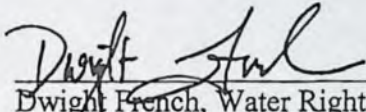
The Water Management and Conservation Plan submitted by the City of Dundee is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The City of Dundee Water Management and Conservation Plan is approved and shall remain in effect until November 21, 2022, unless this approval is rescinded pursuant to OAR 690 086-0920.
2. The limitation of the diversion of water under Permit S-44462 established by the Extension of Time approved on October 6, 2009 is removed and, subject to other limitations or conditions of the permit, the City of Dundee is authorized to divert up to 1.55 cfs under Permit S-44462.
3. The limitations of the diversion of water under Permits G-12736 and G-13035 established by the Extensions of Time approved on September 29, 2006 are removed and, subject to other limitations or conditions of the permits, the City of Dundee is authorized to divert a combined total of up to 0.8 cfs under Permits G-12736 and G-13035. This condition does not allow the use of water in excess of the quantity limitation specified in each permit, being no more than 0.5 cfs under Permit G-12736 and no more than 0.5 cfs under Permit G-13035.
4. The City of Dundee shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective November 1, 2002) within 10 years and no later than November 21, 2021.
5. The updated plan (*referenced in Condition #4 above*) shall provide a description of the City's development of Permits S-44462, G-12736 and/or G-13035. The description should identify: 1) actions taken to construct infrastructure necessary to develop the authorized source(s) of water under the permits; 2) compliance with any mitigation actions required as a result of development of the permits; and 3) the extent to which water has been diverted under each of the permits (*i.e., identify the maximum rate of diversion of water under each of the Permits S-44462, G-12736 and/or G-13035*).
6. The City of Dundee shall submit a progress report by November 21, 2017, containing the information required under OAR 690-086-0120(4) and information documenting the City's diligence in pursuing the development of water under Permits S-44462, G-12736 and/or G-13035 (*see Condition #5 above*).

7. 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 Dundee 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 21 day of November, 2012.



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

Mailing date: NOV 27 2012

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-58951

Final Order
Extension of Time for Permit Number S-44462

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

The Department issued Permit S-44462 on November 14, 1979. The permit called for completion of construction by October 1, 1981, and complete application of water to beneficial use by October 1, 1982. On March 20, 1998, City of Dundee submitted an application to the Department for an extension of time for Permit S-44462. In accordance with OAR 690-315-0050(2), on August 4, 2009, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2025 and to extend the time to complete construction to October 1, 2025, and the time to fully apply water to beneficial use to October 1, 2025. The protest period closed September 18, 2009, in accordance with OAR 690-315-0060(1). No protest was filed.

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-44462 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-44462 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 this PFO 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.

2. **Persistence of Fish Conditions**

A. **Minimum Fish Flow Needs**

Minimum fish flow needs on the Willamette River as recommended by ODFW are in Table 1, below; flows are to be measured on the Willamette River at Salem, Oregon (USGS Gage Number 14191000, or its equivalent).

Table 1

MINIMUM FISH FLOW NEEDS ON THE WILLAMETTE RIVER MEASURED AT USGS GAGE 14191000 SALEM, OREGON	
Month	Cubic Feet per Second
July 1– October 31	5,630
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April 1 – April 15	15,000
April 16 –April 30	17,000
May 1 – May 31	15,000
June 1 – 15	12,600
June 16 – 30	8,500

B. **Determining Water Use Reductions - Generally**

The use of the undeveloped portion of Permit S-44462 that legally can be diverted must be reduced in proportion to the amount by which the flows shown in Table 2 are not met based on a seven day rolling average of mean daily flows measured on the Willamette River at Salem (USGS Gage Number 14191000, or its equivalent). This reduction will be adjusted by a Consumptive Use Percentage, when applicable, as per Item 2.C., below. The overall reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted will not exceed 20%.

C. **Consumptive Use Percentages**

a. **Initial Consumptive Use Percentages**

The City of Dundee has not identified any Consumptive Use Percentages based on the return of flows to the Willamette River through effluent discharge. Thus, at this time the City may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped

portion of Permit S-44462 that can be diverted as a result of this fish persistence condition.

b. First Time Utilization of Consumptive Use Percentages

Utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may begin after the issuance of the Final Order for this extension of time.

First time utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages. Utilization of Consumptive Use Percentages is subject to an approval period described in 2.D.f., below.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The proposed Consumptive Use Percentages should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

c. Consumptive Use Percentages Updates

Continuing the utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition beyond an approval period (as described in 2.D.f., below) is contingent upon the City submitting updated Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the Consumptive Use Percentages Updates. Utilization of Consumptive Use Percentages Updates is subject to an approval period described in 2.D.f., below.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

d. Changes to Wastewater Technology and/or Wastewater Treatment Plant Practices

If there are changes to either wastewater technology or the practices at the City's wastewater treatment facility resulting in 25% or more reductions in average monthly return flows to the Willamette River, then the Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the amount of the undeveloped portion of Permit

S-44462 that can be diverted as result of this fish persistence condition. The 25% reduction is based on a 10-year rolling average of monthly wastewater return flows to the Willamette River as compared to the average monthly wastewater return flows from the 10 year period just prior to date of the first approval period described in 2.D.f., below.

If such changes to either wastewater technology or the practices at the City's wastewater treatment facility occur resulting in 25% reductions, further utilization of Consumptive Use Percentages is contingent upon the City submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

e. Relocation of the Point(s) of Diversion(s) and/or Return Flows

If the point(s) of diversion(s) and/or return flows are relocated, Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as result of this fish persistence condition.

After relocation of the point(s) of diversion(s) and/or return flows, further utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that any relocated withdrawal points and effluent discharge points are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

f. Approval Periods for Utilization of Consumptive Use Percentages

The utilization of Consumptive Use Percentages for the purpose of calculating the maximum total amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may continue for a 10 year approval period that begins 10 years from the Water Resources Director's most recent date of concurrence with Consumptive Use Percentages Updates as evidenced by the record, unless sections 2.D.d., or 2.D.e. (above) are applicable.

D. Examples

Example 1:

On July 15, the last seven mean daily flows were 7000, 6500, 6000, 5500, 5250, 5000 and 4750 cfs. The seven day rolling average is 5714 cfs. The use of the maximum total amount of the undeveloped portion of the permit that legally could be diverted would not be reduced because the 7 day average of mean daily flows is greater than the 5,630 cfs target flow for July 15.

Example 2:

- Step 1: If on July 15, the average of the last seven mean daily flows was 5011 cfs, the target flow would be missed by 11%. The use of the maximum total amount of the undeveloped portion of the permit that legally could be diverted would be reduced because the 7 day average of mean daily flows is less than the 5,630 cfs target flow for July 15.

$$(100 - [(5011 / 5630) \times 100\%]) = 11\%$$

- Step 2: Assuming the Consumptive Use Percentage is 78.7%⁹ during the month of July and the utilization of this percentage is authorized, and the target flow is missed by 11% (from Step 1), then the reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted would be 8.7%.

$$([11\% \times 78.7\%] / 100) = 8.7\%$$

(If adjustments are not to be made by a Consumptive Use Percentage, the undeveloped portion would be reduced only by the % by which the target flow is missed – 11% in this example).

- Step 3: If the maximum total amount of the undeveloped portion of the permit that legally can be diverted under a permit is 10.0 cfs, then in this example the reduction due to the missed target flow percentage adjusted by the Consumptive Use Percentage would be 0.87 cfs.

$$(10.0 \text{ cfs} \times [8.7\% / 100]) = 0.87 \text{ cfs}$$

- Step 4: This 0.87 cfs reduction is 8.7% of 10.0 cfs (the maximum total amount of the undeveloped portion of the permit that legally can be diverted). This 8.7% does not exceed the 20% maximum overall reduction.

$$([0.87 / 10] \times 100\%) = 8.7\%$$

- Step 5: In this example, the maximum total amount of the undeveloped portion of the permit that legally could be diverted under the permit under this condition would be 9.13 cfs

$$(10.0 \text{ cfs} - .87 \text{ cfs}) = 9.13 \text{ cfs}$$

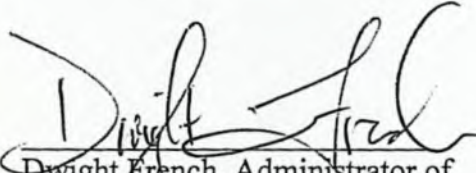
⁹ Currently, the City of Dundee may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition. The utilization of the Consumptive Use Percentage 78.7% is only for illustrative purposes in this example.

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-58951, Permit S-44462, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2025. The deadline for applying water to full beneficial use is extended to October 1, 2025.

DATED: October 6, 2009



Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact
Scott Kudlemyer at (503) 986-0813.

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 6, 2009

Copies Mailed

Application S-58951

Permit S-44462

By: MS
On: 10/7/09

Original mailed to permit holder:

City of Dundee
Attn: Ray Daykin, City Administrator
PO Box 220
Dundee, OR 97115

Copies sent to:

1. WRD - App. File S-58951/ Permit 58951-44462
2. WRD – Sarah Henderson, Technical Services
3. Justin D. Gericke, Jordan Schrader Ramis PC, PO Box 230669, Portland, OR 97281
4. Chris Uber, P.E., Murray, Smith & Associates, 121 SW Salmon, Suite 900, Portland, OR 97204
5. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

6. None

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

7. WRD – Water Master District 16 – Mike McCord, Salem

Done by SC Date 10/7/09

CASEWORKER: ALR



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

August 4, 2009

City of Dundee
Attn: Rob Daykin, City Administrator
PO Box 220
Dundee, OR 97115

RE: Refund Due – Excess Extension Application Fees

File: Application S-58951 / Permit S-44462
Application G-6331 / Permit G-6017

Dear Mr. Daykin:

On March 20, 1998, the City of Dundee paid Water Resources Department \$200 for two applications for Extensions of Time, being a \$100 fee for Permit S-44462 and a \$100 fee for Permit G-6017.

On December 27, 2004, the City of Dundee paid an additional \$500, being a \$250 fee for Permit S-44462, and a \$250 fee for Permit G-6017 at the time that updated extension applications were filed for Permits S-44462 and G-6017. The updated extension materials received on December 27, 2004 were associated with the applications for Extensions of Time originally submitted on March 20, 1998. The Department, therefore, is refunding the City \$500.00.

If you have any further questions concerning this matter, please feel free to contact my by telephone at 503-986-0827.

Sincerely,

Ann Reece
Extensions
Water Rights and Adjudications Division

cc: File: Application S-58951
File: Application G-6331
Fiscal (Receipt: 71991)

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT,
ELECTRONIC PAYMENTS, LOG-ON TO <http://egov.oregon.gov/DAS/SCD/SFMS/ach.shtml>
ON THE INTERNET. CLICK ON: FORMS AND BROCHURES THEN SELECT DIRECT
DEPOSIT (ACH) AUTHORIZATION FORM.

Mailed 8/28/09

WARRANT NO. [REDACTED]

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		G-6331/G-6017/71991 REFUND	690	VP029995	250.00
		S-58951/S-44462/71991 REFUND	690	VP029995	250.00

Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27).

VENDOR NAME: CITY OF DUNDEE

ISSUE DATE: 08/25/09

WARRANT AMOUNT: 500.00

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

STATE OF OREGON

Dept of Administrative Services
To the State Treasurer, Salem, OR 97301-3896
WATER RESOURCES DEPARTMENT
(503) 986-0926 EXT.

PAYABLE THROUGH US BANK

96-10
1232CHECK DATE
08/25/09BANK WARRANT NO.
12 1349962PAY THIS AMOUNT
\$500.00DOCUMENT NO.
VP029995

*****FIVE HUNDRED AND 00/100 DOLLARS

PAY TO THE ORDER OF:

CITY OF DUNDEE
PO BOX 220
DUNDEE

OR 97302

VOID AFTER 2 YEARS FROM DATE OF ISSUE

[Signature]
AUTHORIZED SIGNATURE

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **71991**

INVOICE # _____

RECEIVED FROM: City of Dundee
BY: _____

APPLICATION:	<u>See below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 9693 OTHER: (IDENTIFY) ☐

TOTAL REC'D: \$1,250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES		\$
OTHER: (IDENTIFY)		\$

RECEIVED OVER THE COUNTER

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

4270 WRD OPERATING ACCT

MISCELLANEOUS	<u>\$ 589.51</u>	<u>\$ 250.00</u>	<u>G 14070 - \$ 250.00</u>
0407 COPY & TAPE FEES	<u>\$ 633.1</u>	<u>\$ 250.00</u>	
0410 RESEARCH FEES	<u>\$ 125.68</u>	<u>\$ 250.00</u>	
0408 MISC REVENUE: (IDENTIFY)			
TC162 DEPOSIT LIAB. (IDENTIFY)			
0240 EXTENSION OF TIME			<u>\$ 1250.00</u>
WATER RIGHTS:			
0201 SURFACE WATER	<u>\$</u>	0202	<u>\$</u>
0203 GROUND WATER	<u>\$</u>	0204	<u>\$</u>
0205 TRANSFER	<u>\$</u>		
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	<u>\$</u>	0219	<u>\$</u>
LANDOWNER'S PERMIT		0220	<u>\$</u>
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST START FEE

0211 WELL CONST START FEE	<u>\$</u>	CARD # _____
0210 MONITORING WELLS	<u>\$</u>	CARD # _____
OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **71991**

DATED: 12/27/04 BY: L. Albin

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

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-44462, Water Right Application S-58951,)
in the name of the City of Dundee) **PROPOSED FINAL ORDER**

Permit Information

Application File S-58951 / Permit S-44462

Basin 2 – Willamette Basin / Watermaster District 16

Date of Priority: July 24, 1979

Authorized Use of Water

Source of Water:	The Willamette River, a Tributary of the Columbia River
Purpose or Use:	Municipal Use
Maximum Rate:	4.0 Cubic Feet per Second (cfs)

**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-44462, water right Application S-58951.
A copy of Permit S-44462 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1997 to October 1, 2025.
- Grant an extension of time to apply water to full beneficial use from October 1, 1997 to October 1, 2025.
- 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 Dundee
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
GPCD - gallons per capita 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. Under specific circumstances, the Department may condition extensions of time for municipal water use permit holders to provide that use of the undeveloped portion of the permit maintains the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

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-44462 was granted by the Department on November 14, 1979. The permit authorizes the use of up to 4.0 cfs of water from the Willamette River, a tributary of the Columbia River for municipal use. It specified that construction of the water development project was to be completed by October 1, 1981, and that complete application of water was to be made on or before October 1, 1982.
2. Four prior permit extensions have been granted for Permit S-44462. The most recent extension request resulted in the completion dates for construction and full application of water being extended to October 1, 1997.
3. The permit holder, the City of Dundee (City), submitted an "Application for Extension of Time" to the Department on March 20, 1998, requesting the time to complete construction of the water system and to apply water to full beneficial use under the terms of Permit S-44462 be extended from October 1, 1997 to October 1, 2002.
4. Due to an ongoing permit extension rulemaking, the Department placed all pending Applications for Extension of Time for municipal and quasi-municipal permits on hold and did not require municipal and quasi-municipal water use permit holders to submit Applications for Extension of Time until the new rules were adopted.
5. Municipal and quasi-municipal water use permit extension rules OAR 690-315-0070 through 690-315-0100 became effective on November 1, 2002, were amended, filed with the Secretary of State, and became effective on November 22, 2005.
6. The permit holder, the City, submitted a new "Application for Extension of Time" to the Department on December 27, 2004, consistent with the Division 315 rules, requesting the time to complete construction of the water system and to apply water to full beneficial use under the terms of Permit S-44462 be extended from October 1, 1997 to October 1, 2025.
7. Notification of the City's Application for Extension of Time for Permit S-44462 was published in the Department's Public Notice dated January 29, 2008. No public comments were received regarding the extension application.
8. On July 13, 2006, the City submitted additional information to supplement their Application for Extension of Time.

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, 537.248², 537.630³ and/or 539.010(5)⁴

Complete Extension of Time Application [OAR 690-315-0080(1)(a)]

9. On March 20, 1998, 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)]

10. Permit S-44462 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.⁵

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.

11. The remaining work to be accomplished under Permit S-44462 consists of completing construction of the water system and applying water to full beneficial use.
12. As of December 27, 2004, the permit holder has not diverted any of the 4.0 cfs of water authorized under Permit S-44462 for municipal purposes. There is an undeveloped portion of 4.0 cfs of water under Permit S-44462 as per OAR 690-315-0010(6)(g).
13. In addition to the 4.0 cfs of water authorized under Permit S-44462 the City holds the following municipal use water right certificates and permits:
 - Permit G-12685 for 1.78 cfs of water from three wells (Springs Well 8, First Street Well 9, and Alder Street Well 10), within the Chehalem Creek Basin;
 - Permit G-6017 for 0.97 cfs of water, being 0.22 cfs from Springs Well 1, 0.26 cfs from Well 2 (also called River Well 4), 0.22 cfs from Well 3 (also called Springs Well 2), and 0.27 cfs from Old River Well 4, all within the Willamette River Basin;
 - Permit G-11058 for 0.33 cfs of water from a Springs Well 7, within the Harvey Creek Basin;
 - Permit G-12736 for 0.5 cfs of water from Well 11, within the Harvey Creek Basin;
 - Permit G-13035 for 0.5 cfs of water from Well 12, within the Harvey Creek Basin;

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 537.010(5) applies to surface water and ground water permits.

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

- Certificate 29157 for 0.18 cfs of water from Supply Well (also called Well 3/ Deep Well), within the Chehalem Creek Basin;
- Certificate 61759 for 0.6 cfs of water, being 0.3 cfs from Pruitt Well 5 and 0.3 cfs from Pruitt Well 6, both within the Willamette River Basin;
- Certificate 8781 for 0.5 cfs of water from two springs within the Chehalem Creek Basin;
- Certificate 8817 for 0.05 cfs of water from two springs within the Chehalem Creek Basin;
- Certificate 14654 for 0.007 cfs of water from a spring within the Chehalem Creek Basin; and
- Certificate 17145 for 0.25 cfs from Harvey Creek, a tributary of the Willamette River.

The City's water right permits and certificates total 9.67 cfs of water, being 4.81 cfs of (live flow) surface water, and 4.86 cfs from ground water. The city has not yet made use 6.66 cfs of water, being 0.93 cfs of water under Permit G-12685, 0.73 cfs under Permit G-6017, 0.50 cfs under Permit 12736, 0.50 cfs under Permit 13035, and 4.0 cfs from the Willamette River under Permit S-44462.

14. To meet its present demand for water the City is currently utilizing a total of 1.99 cfs of ground water, being 0.12 cfs from Springs Well 1(YAHM 4561), and 0.12 cfs from Well 3 (YAHM 4551), both under Permit G-6017; 0.08 cfs from Supply Well under Certificate 29157; 0.30 cfs from Pruitt Well 5, and 0.30 cfs from Pruitt Well 6, both under Permit G-10148; 0.33 from Springs Well 7 under Permit G-11058; 0.31 cfs from Springs Well 8, 0.32 under First Street Well 9, and 0.11 from Alder Street Well 10, all under Permit G-12568. The current pumping capacities of Springs Well 1, Well 3 and Springs Well 7 are lower than the permitted rates. The production capacities of Supply Well and Alder Street Well 10 have been declining over time. For approximately nine years following well construction, Alder Street Well 10 produced approximately 100 gallons per minute (gpm), however, its discharge is currently throttled such that the well currently produces approximately 50 gpm. Wells 2 (YAHM 2660), 11 and 12 are not currently connected to the City's water supply and are not being utilized at this time; however, the City plans to develop Wells 11 and 12 to meet future increases in water demands and Well 2 is being held as a backup water source due to lower water quality. According to the City, Old River Well 4 (YAHM 2672) has been abandoned, although there does not appear to be an abandonment well log filed with the Department.
15. The surface water from the City's springs and Harvey Creek are held as emergency water supply sources. Because the City's ground water sources have been recently showing indications of production decline, the City's surface water right from the Willamette River (Permit S-44462) will be used to meet the City's primary water supply, or maintained as a back up source for future increases in water demand depending on the outcome of the City's ground water aquifer study.
16. Based on a growth rate of 4 percent per year, the City of Dundee projects their population of 2,882 in the year 2003 will grow to 5,750 by the year 2020, and reach Urban Growth Boundary saturation development in 2023 with a population of 6,350. As growth continues, the city expects both residential infill and zoning expansions, resulting in increase in population density and overall water demand. (2003 Water System Master Plan, Pages 3-2 to 3-5).

17. According to the City's 1993 Water System Evaluation and Master Plan, the City expects commercial development to occur as the residential population expands and increases the demand for such activities (Page 2-8). Additionally, according to the same Master Plan, the City's projected growth of water system users, between the years 1990 and 2012, includes an average 10 percent per year increase in acres used for industrial development and an average 8 percent per year increase in acres used for commercial development (Table 2-4, Page 2-8).
18. According to the 2003 Water System Master Plan (Page 3-1); the City water system currently provides service to the area within the Urban Growth Boundary (UGB) as well as to several connections outside of this boundary. The services outside the UGB have historically accounted for approximately 6 percent of the water demand, and are anticipated to continue being served at this same level by the City in the future. Furthermore, the agricultural area with the UGB is expected to be rezoned as residential prior to the saturation development of the UGB, with a population density of five people per net available acre.
19. Historical maximum daily per capita usage has been as low as 260 gallons per capita per day (GPCD) and as high as 360 GPCD. The City expects its maximum daily per capita usage to ultimately be maintained at approximately 320 GPCD, even in drought years, by implementing conservation measures.
20. According to the 2003 Water System Master Plan (Table 3-7, Page 3-6), the City's projected peak hour demand is 4.72 cfs at the point of UGB saturation development, which is projected to occur in 2023.
21. Based on a projected growth of 4 percent per year, and the industrial and commercial development projections of the city, full development of the remaining portion of Permit S-44462 could occur by the year 2025.
22. Given the amount of remaining work to be accomplished under Permit S-44462, the City's projected annual growth rate and associated projected demands for water, expansion of its service area, implementation of conservation measures, the uncertainty of the stability of the ground water aquifer and therefore considering the reliability of the other water rights held by the City, the permit holder's request to have until October 1, 2025, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit S-44462 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.

23. During the last extension period, being October 1, 1992 to October 1, 1997, the City completed a Proposed Final Order – Permit S-44462

Water System Evaluation and Master Plan (April 1993).

24. Since October 1, 1997, the City has completed the 2003 Water System Master Plan.
25. According to the City, as of December 27, 2004, they have invested approximately \$60,000, which is 0.66 percent of the total projected cost for complete development of this project. The City anticipates a \$9,000,000 investment is needed for the completion of this project.
26. Since the issuance of Permit S-44462 on November 14, 1979, the City has not diverted any of the 4.0 cfs allowed for beneficial municipal purposes under the terms of this permit.
27. 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)]

28. According to the City, as of December 27, 2004, they have invested approximately \$60,000, which is 0.66 percent of the total projected cost for complete development of this project. The City anticipates a \$9,000,000 investment is needed for the completion of this project.

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

29. As described in Findings 12 through 21 above, the City has indicated, and the Department finds that the City must rely on full development of their Permit S-44462 to meet future water demands.
30. The City projects a population increase, on average, of 4.0 percent per year over the next twenty years until they reach Urban Growth Boundary saturation development, and according to their 1993 Water System Evaluation and Master Plan (Page 2-8) the City expects commercial and industrial growth to increase proportionally.
31. Given the current water supply situation of the City, including current and expected demands, the need for system redundancy, and emergency water supply, there is a market and present demand for the water to be supplied under Permit S-44462.
32. 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-44462 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)]

33. 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)]

34. Delays caused by any other governmental requirements in the development of this project have not been identified.

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

35. Delay of development under Permit S-44462 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. The City's ground water sources have been showing potential production decline in recent years. As such, the City has authorized a hydrogeology consultant to evaluate the capacity of the aquifer common to the City's wells as part of their ongoing water source development planning. The outcome of this study is needed to determine if development of this surface water right is necessary to meet the City's primary water supply, or to be maintained as a back up source for future increases in water demand.

Maintaining the Persistence of Listed Fish Species [OAR 690-315-0080(1)(f) and (2)]

The Department's determination regarding maintaining the persistence of listed fish species shall be based on existing data and advice of the Oregon Department of Fish and Wildlife (ODFW). The determination shall be limited to impacts related to stream flow as a result of use of the undeveloped portion of the permit and further limited to where, as a result of use of the undeveloped portion of the permit, ODFW indicates that stream flow would be a limiting factor for the subject listed fish species.

36. The pending municipal Application for Extension of Time for Permit S-44462 was delivered to ODFW on March 13, 2006 for ODFW's review under OAR-690-315-0080.
37. Notification that the pending municipal Application for Extension of Time for Permit S-44462 was delivered to ODFW for review was sent to the City on March 15, 2006.
38. Notification that the pending municipal Application for Extension of Time for Permit S-44462 was delivered to ODFW for review was published in the Department's Public Notice dated March 21, 2006. No public comments were received regarding this notice.
39. Between May 16, 2006 and March 25, 2009, by mutual agreement between the Department, ODFW and the City, the review period was extended due to ODFW's requests for 60 day extension periods and administrative hold request(s) by the City.
40. On March 25, 2009, the Department received ODFW's Division 315 Fish Persistence Evaluation for Permit S-44462.
41. Summary and Excerpts of Advice from ODFW:

Use of water under the portion of this permit that is undeveloped as of the date of the extension final order should be conditioned to maintain persistence of listed fish species. ODFW's advice is based on the best available information and existing data.

The streamflows, in Table 1, below, are ODFW's recommended flows measured at Salem, Oregon, for maintaining the persistence of listed fish species in the Willamette River.

ODFW advises the Water Resources Department to develop conditions that allow

municipalities to meet their water needs while maintaining the persistence of listed fish species. Such conditions would apply if the USACE is not able to maintain the recommended fish flows.

The severity of the measures to be taken by the permit holder should reflect the degree to which the recommended streamflows are being missed and the percentage of water that is withdrawn by the municipality as compared to the overall streamflow level, and be adjusted by the ratio of water withdrawn to water being returned directly to the same stream through effluent discharges.

Table 1

ODFW'S RECOMMENDED MINIMUM FISH FLOW NEEDS ON THE WILLAMETTE RIVER MEASURED AT SALEM, OREGON	
Month	Cubic Feet per Second
July 1 – October 31	5,630
November 1 – March 31	6,000
April 1 – April 15	15,000 – 19,200
April 16 – April 30	17,000
May 1 – May 31	15,000
June 1 – 15	12,600
June 16 – 30	8,500

Streamflow Measurement Point

After analysis of flow records and how the USACE stores and releases water from its facilities to meet mainstem Willamette flow targets, ODFW has determined that measuring flows at the Salem gage is sufficient for ensuring that flows to maintain the persistence of listed fish are met throughout the mainstem Willamette River. Therefore, ODFW advises the Department to establish the Salem gage as the point for determining whether fish flow are being met for this municipal permit extension.

42. The Department's Findings Based on Review of ODFW's Advice:

The Department is proposing conditions in this extension of time consistent with ODFW's advice (*See* Item 2 of the "Conditions" section of this PFO). When ODFW's recommended flow targets are not met, the Department's proposed conditions will reduce the permit holder's access to the maximum total amount of the undeveloped portion of Permit S-44462 that legally can be diverted. The conditions are based on the following findings:

- a. The streamflows needed to maintain the persistence of fish must be measured at Salem, Oregon, USGS GAGE No.14191000, or its equivalent.
- b. During the month of April, the flow target is expressed as a range. Because these flows are the "Recommended Fish flow Minimums" the lesser number in the range (for

example, 15,000 cfs in the month of April) is used in developing conditions to maintain the persistence of fish species.

- c. When flow targets are not met, use of the undeveloped portion of the permit that legally can be diverted must be reduced in proportion to the degree to which the recommended streamflows are being missed.
- d. For the period of April through June, ODFW's advice recognized that the main influence on river flow levels is federal management of the dams and release of surplus storage water to meet listed fish flow needs. The advice also noted that withdrawal of water in the spring months will have minimal overall impact on streamflows. The full use of the undeveloped portion of Permit S-44462 represents less than 0.05% of the April-June streamflows in the Willamette River at Salem.

For the period of July through October, ODFW's advice recognized that the main influence on river flow levels continues to be the federal management of the dams. While the advice noted that withdrawal of water in these summer-fall months will have a proportionally greater effect on flows, it represents an only slightly higher impact compared to the April-June impact; the full use of the undeveloped portion of Permit S-44462 represents 0.07% of the July-October streamflows in the Willamette River at Salem.

In most years, late fall and winter flows are much higher than the recommended flows during this time period.

Therefore, consistent with ODFW's advice that the main influence of river flow levels is the federal management of the dams and that the severity of the measures to be taken by the permit holder should reflect the percentage of water that is withdrawn by the municipality as compared to the overall streamflow level, the Department proposes to limit any overall reduction to no more than 20 percent of the maximum total amount of the undeveloped portion of the permit that legally can be diverted.

- e. ODFW's advice recognizes that municipalities may return a certain amount of flow to a river or stream through their effluent discharge. If the withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, then ODFW recommends that any reduction to use of the maximum total amount of the undeveloped portion of Permit S-44462 that legally can be diverted should be adjusted by the monthly estimated percentage of the difference between the total water withdrawals and their return flows. Therefore, consistent with ODFW's advice, when appropriate, the Department proposes to adjust any reduction by a "Consumptive Use Percentage," as generally determined by $(1 - [\text{total municipal wide returned flows} / \text{total municipal wide diverted flows}])$.

43. The Department finds, based on ODFW's advice, that in the absence of conditions, the use of the undeveloped portion of Permit S-444462 will not maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit, and as a result of the use of the undeveloped portion of the permit, streamflow would be a limiting factor for the listed fish species.

44. Based on ODFW's advice, the Department proposes to require conditions to maintain, in the portions of the waterways affected by water use under Permit S-44462, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. (See Item 2 of the "Conditions" section of this PFO.)⁶
45. On April 2, 2009, the Department notified the City as per OAR 690-315-0080(2)(f) of ODFW's written advice and the "Conditions to Maintain the Persistence of Listed Fish" proposed in this PFO for the pending municipal Application for Extension of Time for Permit S-44462.
46. On July 31, 2009, ODFW notified the Department that the proposed "Persistence of Fish Conditions" for Permit S-44462 are consistent with their advice.

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 complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2025⁷, 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 complete construction of the water system and to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).

⁶ The Department, based on advice from the ODFW, has determined that the conditions contained in this PFO are appropriate for this extension. In other municipal extensions that require conditions to maintain the persistence of listed species, different conditions may be warranted depending on the advice received from ODFW and communications with the particular extension applicant.

⁷ 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.

7. As required by OAR 690-315-0090(3) and as described in Finding 32 above and specified under Item 1 of the "Conditions" section of this PFO, the diversion of any water under Permit S-44462 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86.
8. In accordance with OAR 690-315-0080(1)(f), and as described in Findings 36 through 46 above, the persistence of listed fish species will not be maintained in the portions of the waterways affected by water use of the undeveloped portion under this municipal use permit, in the absence of special conditions. Therefore, the diversion of any water under Permit S-44462 will be subject to the conditions specified under Item 2 of the "Conditions" section of this PFO.

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 complete construction of the water system under Permit S-44462 from October 1, 1997 to October 1, 2025.

Extend the time to apply the water to beneficial use under Permit S-44462 from October 1, 1997 to October 1, 2025.

Subject to the following conditions:

CONDITIONS

1. Development Limitations

Diversion of any water under Permit S-44462 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-44462 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 this PFO 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.

2. Persistence of Fish Conditions

A. Minimum Fish Flow Needs

Minimum fish flow needs on the Willamette River as recommended by ODFW are in Table 2, below; flows are to be measured on the Willamette River at Salem, Oregon (USGS Gage Number 14191000, or its equivalent).

Table 2

MINIMUM FISH FLOW NEEDS ON THE WILLAMETTE RIVER MEASURED AT USGS GAGE 14191000 SALEM, OREGON	
Month	Cubic Feet per Second
July 1– October 31	5,630
November 1 – March 31	6,000
April 1 – April 15	15,000
April 16 –April 30	17,000
May 1 – May 31	15,000
June 1 – 15	12,600
June 16 – 30	8,500

B. Determining Water Use Reductions - Generally

The use of the undeveloped portion of Permit S-44462 that legally can be diverted must be reduced in proportion to the amount by which the flows shown in Table 2 are not met based on a seven day rolling average of mean daily flows measured on the Willamette River at Salem (USGS Gage Number 14191000, or its equivalent). This reduction will be adjusted by a Consumptive Use Percentage, when applicable, as per Item 2.C., below. The overall reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted will not exceed 20%.

C. Consumptive Use Percentages

a. Initial Consumptive Use Percentages

The City of Dundee has not identified any Consumptive Use Percentages based on the return of flows to the Willamette River through effluent discharge. Thus, at this time the City may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition.

b. First Time Utilization of Consumptive Use Percentages

Utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may begin after the issuance of the Final Order for this extension of time.

First time utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages. Utilization of

Consumptive Use Percentages is subject to an approval period described in 2.D.f., below.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The proposed Consumptive Use Percentages should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

c. Consumptive Use Percentages Updates

Continuing the utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition beyond an approval period (as described in 2.D.f., below) is contingent upon the City submitting updated Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the Consumptive Use Percentages Updates. Utilization of Consumptive Use Percentages Updates is subject to an approval period described in 2.D.f., below.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

d. Changes to Wastewater Technology and/or Wastewater Treatment Plant Practices

If there are changes to either wastewater technology or the practices at the City's wastewater treatment facility resulting in 25% or more reductions in average monthly return flows to the Willamette River, then the Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as result of this fish persistence condition. The 25% reduction is based on a 10-year rolling average of monthly wastewater return flows to the Willamette River as compared to the average monthly wastewater return flows from the 10 year period just prior to date of the first approval period described in 2.D.f., below.

If such changes to either wastewater technology or the practices at the City's wastewater treatment facility occur resulting in 25% reductions, further utilization of Consumptive Use Percentages is contingent upon the City submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

e. Relocation of the Point(s) of Diversion(s) and/or Return Flows

If the point(s) of diversion(s) and/or return flows are relocated, Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as result of this fish persistence condition.

After relocation of the point(s) of diversion(s) and/or return flows, further utilization

of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that any relocated withdrawal points and effluent discharge points are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

f. Approval Periods for Utilization of Consumptive Use Percentages

The utilization of Consumptive Use Percentages for the purpose of calculating the maximum total amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may continue for a 10 year approval period that begins 10 years from the Water Resources Director's most recent date of concurrence with Consumptive Use Percentages Updates as evidenced by the record, unless sections 2.D.d., or 2.D.e. (above) are applicable.

D. Examples

Example 1:

On July 15, the last seven mean daily flows were 7000, 6500, 6000, 5500, 5250, 5000 and 4750 cfs. The seven day rolling average is 5714 cfs. The use of the maximum total amount of the undeveloped portion of the permit that legally could be diverted would not be reduced because the 7 day average of mean daily flows is greater than the 5,630 cfs target flow for July 15.

Example 2:

Step 1: If on July 15, the average of the last seven mean daily flows was 5011 cfs, the target flow would be missed by 11%. The use of the maximum total amount of the undeveloped portion of the permit that legally could be diverted would be reduced because the 7 day average of mean daily flows is less than the 5,630 cfs target flow for July 15.

$$(100 - [(5011 / 5630) \times 100\%]) = 11\%$$

Step 2: Assuming the Consumptive Use Percentage is 78.7%⁸ during the month of July and the utilization of this percentage is authorized, and the target flow is missed by 11% (from Step 1), then the reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted would be 8.7%.

$$([11\% \times 78.7\%] / 100) = 8.7\%$$

(If adjustments are not to be made by a Consumptive Use Percentage, the undeveloped portion would be reduced only by the % by which the target flow is missed – 11% in this example).

⁸ Currently, the City of Dundee may not use Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition. The use of the Consumptive Use Percentage 78.7%⁸ is only for illustrative purposes in this example.

Step 3: If the maximum total amount of the undeveloped portion of the permit that legally can be diverted under a permit is 10.0 cfs, then in this example the reduction due to the missed target flow percentage adjusted by the Consumptive Use Percentage would be 0.87 cfs.

$$(10.0 \text{ cfs} \times [8.7\% / 100]) = 0.87 \text{ cfs}$$

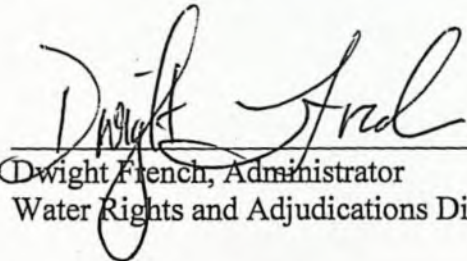
Step 4: This 0.87 cfs reduction is 8.7% of 10.0 cfs (the maximum total amount of the undeveloped portion of the permit that legally can be diverted). This 8.7% does not exceed the 20% maximum overall reduction.

$$([0.87 / 10) \times 100\%]) = \underline{8.7\%}$$

Step 5: In this example, the maximum total amount of the undeveloped portion of the permit that legally could be diverted under the permit under this condition would be 9.13 cfs

$$(10.0 \text{ cfs} - .87 \text{ cfs}) = 9.13 \text{ cfs}$$

DATED: August 4, 2009


Dwight French, Administrator
Water Rights and Adjudications Division

*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 18, 2009**, 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 protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
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 Rights and Adjudications Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: August 4, 2009

Application S-58951

Permit S-44462

Copies Mailed

By: MS
(SUPPORT STAFF)

On: 8/4/09
(DATE)

Original mailed to:

City of Dundee
Attn: Ray Daykin, City Administrator
PO Box 220
Dundee, OR 97115

Copies sent to:

1. WRD - App. File S- 58951/ Permit S-44462
2. WRD - Watermaster District: 16 - Mike McCord
3. Justin D. Gericke, Jordan Schrader Ramis PC, PO Box 230669, Portland, OR 97281
4. Chris Uber, P.E., Murray, Smith & Associates, 121 SW Salmon, Suite 900, Portland, OR 97204

Fee paid as specified under ORS 536.050 to receive copy:

5. None

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

6. WRD – Bill Fujii – Notify of WMCP needed
Done by alr Date 8-5-09
7. WRD – Watermaster District 16 – Mike McCord, Salem
Done by alr Date 8-5-09

CASEWORKER: ALR

Application No. 58951 (

Permit No. 44462

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

RECEIVED

OCT 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

I, City of Dundee
(Name of Applicant)
of Box 201 Dundee
(Mailing Address) (City)
State of Oregon 97115 Phone No. 538-3922 do hereby
(Zip Code)
make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is the Willamette River
a tributary of the Columbia River

2. The point of diversion is to be located 50 ft North and 770 ft East
(N. or S.) (E. or W.)
from the Southwest corner of Section 30, Township 3 South, Range 2 West
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SW 1/4 of the SW 1/4 of
Sec. 30 Tp. 3 S R. 2 W, W. M., in the county of Yamhill
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
3S	3W	26	NE 1/4	
3S	3W	26	SE 1/4 of NW 1/4	
3S	3W	26	SE 1/4	
3S	3W	26	E 1/2 of SW 1/4	
3S	3W	35	N 1/2 of NE 1/4	
3S	3W	25	NW 1/4	
3S	3W	25	SW 1/4	
3S	3W	25	S 1/2 of SE 1/4	
3S	3W	36	N 1/2 of NW 1/4	
3S	3W	36	SE 1/4 of NW 1/4	

2.000
15.00
6.00
41.00

4. The amount of water which the applicant intends to apply to beneficial use is4.0.....
cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied isMunicipal.....

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

The City of Dundee is anticipating upgrading their municipal water system to meet demands of the growing population as the present well system will not meet the growing demand. An intake to obtain water from the Willamette River is planned. The existing transmission line to wells #1 and #2 will be extended to the proposed point of diversion.

If for domestic use state number of families to be supplied

7. Construction work will begin on or beforeSeptember 1, 1980.....

8. Construction work will be completed on or beforeDecember 1, 1981.....

9. The water will be completely applied to the proposed use on or beforeNovember 1, 1981.....

Application No.58951.....

Permit No.44462.....

RECEIVED

OCT 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Continued...

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/2 of Section	List use and/or number of acres to be irrigated
3S	3W	36	NE 1/4 of SW 1/4	
3S	3W	36	N 1/2 of SE 1/4	
3S	3W	36	NE 1/4	
3S	3W	30	S 1/2 of SW 1/4	
3S	3W	31	NW 1/4 of NW 1/4	

Application No. 58951
Permit No. 44462

Permit to Appropriate the Public Waters of the State of Oregon

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed4.0..... cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, fromWillamette River.....

The use to which this water is to be applied ismunicipal.....

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated.....

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit isJuly 24, 1979.....

Actual construction work shall begin on or before.....November 14, 1980..... and shall

Extended to October 1987 Extended to October 1, 1992, 10-1-97

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1981.....

Extended to October 1987 Extended to October 1, 1992, 10-1-97

Complete application of the water to the proposed use shall be made on or before October 1, 1982.....

Extended to October 1987 Extended to October 1, 1992, 10-1-97

WITNESS my hand this14th..... day of.....November....., 1979.....

James E. Person
Resources Director

Remarks:.....

For the City of Dundee Or
Signature of Applicant
Schulte
Westach Eng

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

WITNESS my hand this day of....., 19.....

..... Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the
24th day of July, 1979, at 11:00 o'clock
A.M.

Application No. 58951

Permit No. 44462

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued on or prior to November 2, 1998

(OAR 690-315-0010 through OAR 690-315-0060)

Duplicate Fees
\$ 250 refund needed
at PFO stage
Done

Application: S- 58951 Permit: S- 44462 Permit Amendment? No ☒ Yes ☐ T- _____

Permit Holder's Name: City of Dundee

Permit Holder's Mailing Address: PO Box 220, Dundee, OR 97115

Phone Number: _____

POD Location: Township 3S Range 2W Section 30 $\frac{1}{4}$ SWSW

Drainage Basin: 2 County: Yamhill Watermaster District: 16 Watermaster: Mike McCord

Date Permit was issued: 11/14/1979

Priority Date: 7/24/1979

Date of PN: 1/29/08

Source: Willamette River

Use: ☒ Municipal ☐ Quasi Municipal _____

"Q": 4.0 cfs

Orig "A" Date: 11/14/1980

Orig "B" Date: 10/1/1981

Orig "C" Date: 10/1/1982

Extension
request rec'd: 3/20/1998
UPDATED 12-27-04

Last Authorized
"B" Date: 10/1/1997

Last Authorized
"C" Date: 10/1/1997

Request Number (1, 2, 3...): 5

Proposed
"B" Date: 10/1/2025

Proposed
C Date: 10/1/2025

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☐	☐	None
☐	☐	
☐	☐	
☐	☐	
☐	☐	

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 4.0 ☒ cfs ☐ gpm ☐ af
- ☒ ☐ Financial investments were made toward developing the beneficial water use.
- Amount Invested to date: \$60,000 Estimated Remaining Cost: \$9,000,000

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

Population 2882 (Year) 2003 ☐ Growth 4.05% ☐ Population 6,350 by (Year) 2023 Calculated? Yes ☐

Peak Demand 2.14 cfs (Year) 2003 ☐ Peak Demand 4.72 cfs by (Year) 2023 Calculated? Yes ☐ (Table 2-5)

Application: S- 58951 Permit: S- 44462 Township _____ Range _____ Section _____

For MUNICIPAL permits ONLY.

Yes No

- ☒ ☐ Is this a Municipal use Permit (If YES, proceed. If NO, skip to "Good Cause")
☐ ☒ Has full "Q" been beneficially used? (If YES, skip to "Good Cause")
☒ ☐ Is this the first extension issued since 6/29/05? (If NO, skip to "Good Cause")
☐ ☐ If GW permit, does it have PSI? (If NO, skip to "Good Cause")
☐ ☒ Does the permit holder have any existing fish protection agreements with a state or federal agency?

Date sent to ODFW for review March 13, 2006

Date returned from ODFW _____

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:

SEND FISH CONDITIONS
TO LIST@WATERWATCH ← Done
cc Justin Gericke
Jordan - Schrader Ramis
PO Box 23099
Portland, OR 97281

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Application # S-58951 / Permit # S-44462

Permit Holder: City of Dundee; Attn: Eve Foote, City Administrator

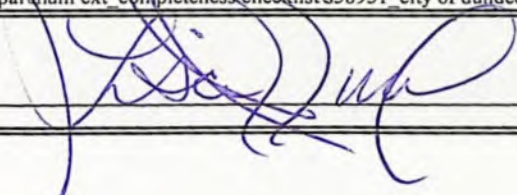
Drainage Basin: #2 - Willamette

Watermaster Name and #16- Bill Ferber

Place a (✓) in the box if the item is satisfied	Division 315 - Municipal/Quasi-Municipal Extension of Time - Completeness Checklist OAR 690-315-0070(3)
REFUND DUE	1. [OAR 690-315-0070(3)] The appropriate extension of time fee (as specified in ORS 536.050). \$100 - applications received by September 30, 2003 \$250 - applications received on or after October 1, 2003 Duplicate Fees? YES..... paid \$100 on 3-20-98 and another \$250 on 12-27-04.
✓	* [OAR 690-315-0070(3)(a)] The name and mailing address of the water right permit holder(s);
✓	* [OAR 690-315-0070(3)(b)] The application number and the permit number for which an extension is requested;
HOLD 	2. [OAR 690-315-0070(3)(c)] For quasi-municipal water use permit holders, evidence of the actions taken to begin actual construction on the project, as defined in 690-315-0020(3)(d), if required under the applicable statute; NOTE: ORS 537.230(1) [1997 edition] only exempts surface water municipal use permits from the "A" Date requirement. If you are reviewing a <u>ground water</u> municipal use permit, they must provide evidence that the "A" Date has been met. • "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence; • "Actual construction" <u>does not include</u> planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. "A" date: 11-14-80 "A Date Met? NO "B" date: 10-1-81 No construction work yet.... only planning. "C" date: 10-1-82
NEED	3. [OAR 690-315-0070(3)(d)] - This is extension request # 5th Evidence of actions taken to develop the right within the original permitted time period OR, during the most recent extension period from 10-1-92 to 10-1-97 Only describe completing a WMCP in September 2003. Must identify planning efforts (and other) that occurred from 10-1-92 to 10-1-97.
✓	4. [OAR 690-315-0070(3)(e)] Evidence of compliance with conditions contained in the permit <u>and</u> any previous extension(s) or the reason the condition was not satisfied; OK.... no real conditions in permit other than A, B and C Dates.
✓	5. [OAR 690-315-0070(3)(f)] Evidence of the maximum INSTANTANEOUS rate of diversion, if any, made to date; NO water used yet. (0.0 cfs)
✓	6. [OAR 690-315-0070(3)(g)] An estimate of the population served and a description of the methodology(ies) used to make the estimate; NO population served by this permit yet.... NO water used yet.
NEED	7. [OAR 690-315-0070(3)(h)] A description of financial expenditures made toward completion of the water development; Only list the WMCP in 2003. What work & associated costs occurred since permit issued (11-14-80) to current?

Place a (✓) in the box if the item is satisfied	Division 315 - Municipal/Quasi-Municipal Extension of Time - Completeness Checklist OAR 690-315-0070(3)
✓	8. [OAR 690-315-0070(3)(i)] An estimate of the cost to complete the water development; OK... (together with #11) - \$6,000,000 to \$9,000,000
✓	9. [OAR 690-315-0070(3)(j)] 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; GW sources have provided adequate supply to date. Waiting for growth to increase the demands for water.
✓	10. [OAR 690-315-0070(3)(k)] 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. Extension requests for <u>greater than 50 years</u> 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. Current Peak Water Demands - OK. See Section 1 & Table 1 of attached "Water Use & Projected Needs" form Projected Population - OK. See Table 2-4... shows population projections to 2023 Potential Growth - OK. See Section 3 Inventory of Water Rights Held - OK. See Section 4 and Attachment A
✓	11. [OAR 690-315-0070(3)(l)] A summary of the applicant's plan and schedule to complete construction and/or perfect the water right; OK... (together with #8) - Provides a list with dates of future projects needed to complete development.
✓	12. [OAR 690-315-0070(3)(m)] Justification for the time requested to complete the project and/or apply the water to full beneficial use;
✓	13. [OAR 690-315-0070(3)(n)] Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and rules;
✓	* [OAR 690-315-0070(3)(o)] Any other information required by the Department that is necessary to evaluate the application in accordance with applicable statutory requirements.
✓	* Signature(s) of the water right permit holder(s).

S:\groups\wr\extensions\Municipal\muni_ext_completeness_checklist\58951_city of dundee.wpd

Name of Reviewer: 	Date: <u>1-28-05</u>
---	----------------------

Application # 5-58951 Permit # 5-44462

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

♦ **WRIG...**

Money Receipted on: 3/20/98 + 12/27/04

♦ **Kim French...**

☒ Added to tracking spreadsheet

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

♦ **Jonnine Skaug...**

- ☒ Publish on Public Notice (initial 30-day comment): Date of notice 1/29/08 JS
- ☒ Update WRIS Database
- ☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- ☒ In the "Ext Filed" field... Enter the date the Extension Application was received.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 29, 2008

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-58951 (PERMIT # S-44462)**. 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 Kim French at (503) 986-0813. 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".

**Municipal Permit Extensions -
Remaining Undeveloped Portion of Water**

Date: January 10, 2006
To: Application # S-58951 (Permit # S-44462)
From: Lisa Jaramillo, Permit Extension of Time Review
Subject: Current remaining undeveloped portion of water under municipal use permit

Today, I spoke with the City of Dundee to determine whether or not the quantity of water beneficially used under their municipal use permit has increased from the quantity identified in their pending extension of time application (received on 12-27-2004.)

The permit holder indicated that the quantity of water used for beneficial purposes under this municipal use permit:

☐ **HAS INCREASED** from the quantity identified in their pending extension of time application;

(For permits where beneficial water use has increased, the Department has requested the City to submit a written update identifying the "current" quantity of beneficial water use under this permit in order to maintain official documentation from the City in the file record.)

- OR -

☒ **HAS NOT INCREASED** from the quantity identified in their pending extension of time application.

NOTE: The following information is provided to document "quantity" information obtained during my telephone conversation with the permit holder.

Application # S-58951 / Permit # S-44462

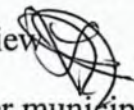
Permitted quantity of water: 4.0 cfs

Maximum quantity of water developed: 0.0 cfs

Date information obtained by telephone from the City: 1-10-2006

Remaining undeveloped portion: 4.0 cfs

**Municipal Permit Extensions -
Remaining Undeveloped Portion of Water**

Date: January 5, 2006
To: Application # S-58951 (Permit # S-44462)
From: Lisa Jaramillo, Permit Extension of Time Review 
Subject: Remaining undeveloped portion of water under municipal use permit

For purposes of determining impacts related to streamflow as a result of use of the undeveloped portion of the permit [OAR 690-315-0080(2)], the following information identifies the remaining undeveloped portion of water under the municipal water use permit described below:

Name of City: City of Dundee
Application # S-58951 / Permit # S-44462

Permitted quantity of water: 4.0 cfs

Maximum quantity of water developed: 0.0 cfs

• Date this information provided by City: 12-27-2004 (Ext)

Remaining undeveloped portion: 4.0 cfs

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **71991**

INVOICE # _____

RECEIVED FROM: City of Dundee
BY: _____

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

CASH: ☐ CHECK: # 9693 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1,250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES RECEIVED \$
OTHER: (IDENTIFY) OVER THE COUNTER \$
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS	<u>58951 - \$250.00</u>	<u>G 14070 - \$250.00</u>
0407 COPY & TAPE FEES	<u>6331 - \$250.00</u>	\$
0410 RESEARCH FEES	<u>12568 - \$250.00</u>	\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		<u>\$1250.00</u>

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$
0210 MONITORING WELLS \$
OTHER (IDENTIFY) _____

CARD #	
CARD #	

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: **71991**

DATED: 12/27/04 BY: L. Albin

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

Ann Reece

6-58951

From: Rick Kepler [rick.j.kepler@state.or.us]**Sent:** Friday, July 31, 2009 2:20 PM**To:** Ann Reece**Cc:** Rick Kepler; Tim S Hardin**Subject:** RE: Consumptive Use Language - Dundee- Final Draft

This looks good Ann, ODFW concurs with the condition language for the Consumptive Use condition section of Dundee's extensions. We previously provided concurrence with the other portions of the Dundee extension conditions in our e-mail to you on 7/24/09.

~~~~~  
 Rick Kepler ~~<\*)~~~~~>< ~~  
 Manager, Water Quality/Quantity  
 Oregon Department of Fish and Wildlife  
 3406 Cherry Ave. NE  
 Salem, OR 97303  
 Tel. 503-947-6084  
 Fax 503-947-6070  
 e-mail: [Rick.J.Kepler@state.or.us](mailto:Rick.J.Kepler@state.or.us)  
 Web: [www.dfw.state.or.us](http://www.dfw.state.or.us)

**From:** Ann Reece [mailto:reeceal@wrdd.state.or.us]**Sent:** Thursday, July 30, 2009 4:55 PM**To:** Rick Kepler**Subject:** Consumptive Use Language - Dundee- Final Draft

Rick,

This is the basically the same wording that was used for Portland. The main difference is in blue highlights. If you are ok with this language, the Dundee extensions are ready to be approve by Monday.

Ann

D. Consumptive Use Percentages

a. Initial Consumptive Use Percentages

The City of Dundee has not identified any Consumptive Use Percentages based on the return of flows to the Willamette River through effluent discharge. Thus, at this time the City may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit G-6017 that can be diverted as a result of this fish persistence condition.

b. First Time Utilization of Consumptive Use Percentages

Utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit G-6017 that can be diverted as a result of this fish persistence condition may begin after the issuance of the Final Order for this extension of time.

7/31/2009



First time utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages. Utilization of Consumptive Use Percentages is subject to an approval period described in 2.D.f., below.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The proposed Consumptive Use Percentages should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

c. Consumptive Use Percentages Updates

Continuing the utilization of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit G-6017 that can be diverted as a result of this fish persistence condition beyond an approval period (as described in 2.D.f., below) is contingent upon the City submitting updated Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the Consumptive Use Percentages Updates. Utilization of Consumptive Use Percentages Updates is subject to an approval period described in 2.D.f., below.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

d. Changes to Wastewater Technology and/or Wastewater Treatment Plant Practices

If there are changes to either wastewater technology or the practices at the City's wastewater treatment facility resulting in 25% or more reductions in average monthly return flows to the Willamette River, then the Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the amount of the undeveloped portion of Permit G-6017 that can be diverted as result of this fish persistence condition. The 25% reduction is based on a 10-year rolling average of monthly wastewater return flows to the Willamette River as compared to the average monthly wastewater return flows from the 10 year period just prior to date of the first approval period described in 2.D.f., below.

If such changes to either wastewater technology or the practices at the City's wastewater treatment facility occur resulting in 25% reductions, further utilization of Consumptive Use Percentages is contingent upon the City submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

e. Relocation of the Point(s) of Diversion(s) and/or Return Flows

If the point(s) of diversion(s) and/or return flows are relocated, Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of



calculating the amount of the undeveloped portion of Permit G-6017 that can be diverted as result of this fish persistence condition.

After relocation of the point(s) of diversion(s) and/or return flows, further utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that any relocated withdrawal points and effluent discharge points are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting Consumptive Use Percentages Updates as per 2.D.c., above, and receiving the Water Resources Director's concurrence with the updated Consumptive Use Percentages.

f. Approval Periods for Utilization of Consumptive Use Percentages

The utilization of Consumptive Use Percentages for the purpose of calculating the maximum total amount of the undeveloped portion of Permit G-6017 that can be diverted as a result of this fish persistence condition may continue for a 10 year approval period that begins 10 years from the Water Resources Director's most recent date of concurrence with Consumptive Use Percentages Updates as evidenced by the record, unless sections 2.D.d., or 2.D.e. (above) are applicable.

Consumptive Use Percentages (first time utilization or updates) which are submitted and receive the Director's concurrence will begin a new 10 year approval period. The approval period begins on the date of the Water Resources Director's concurrence with Consumptive Use Percentages Updates, as evidenced by the record. The City at its discretion may submit updates prior to the end of an approval period.



Ann Reece

S-58951

**From:** Rick Kepler [rick.j.kepler@state.or.us]  
**Sent:** Friday, July 24, 2009 3:43 PM  
**To:** Ann Reece  
**Subject:** RE: Fish Persistence Conditions - Dundee

Ann, ODFW concurs with WRD's proposed fish persistence conditions for the City of Dundee's municipal extensions S-58951 and G-6331.

I did talk with Lara this morning I explained ODFW's concern and I better understand the City of Portland's issue Lara is going to suggest some different language to address major changes in the return flow rate.

~~~~~  
Rick Kepler ~~<*)~~~~~>< ~~
Manager, Water Quality/Quantity
Oregon Department of Fish and Wildlife
3406 Cherry Ave. NE
Salem, OR 97303
Tel. 503-947-6084
Fax 503-947-6070
e-mail: Rick.J.Kepler@state.or.us
Web: www.dfw.state.or.us

From: Ann Reece [mailto:reeceal@wrdd.state.or.us]
Sent: Tuesday, July 21, 2009 11:25 AM
To: Rick Kepler
Cc: Tim S Hardin; Dwight French; Scott Kudlemyer; Justin Gericke
Subject: RE: Fish Persistence Conditions - Dundee

Rick,

Does ODFW concur that the Water Resources Department's proposed fish persistence conditions for the City of Dundee's municipal extensions, as revised a second time, are consistent with the fish persistence advice provided earlier by ODFW?

Please see the attached conditions for S-58951 and G-6331. Changes to the Consumptive Use Percentages 1.C. are in yellow highlights. These additional sentences address your recommendation to require updates to Consumptive Use Percentages if they change by 25 percent or more prior to the end of a 10 year period.

Ann Reece
Extensions Specialist
Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301-1266
503-986-0827 (tele)

7/31/2009

503-986-0901 (fax)

p.s. These changes are consistent with the language I used in the Portland conditions - a combination of your edits and mine.

From: Rick Kepler [mailto:rick.j.kepler@state.or.us]
Sent: Monday, July 13, 2009 4:58 PM
To: Ann Reece; Rick Kepler
Cc: Dwight French; Justin Gericke; Tim S Hardin
Subject: RE: Fish Persistence Conditions - Dundee

Ann, I have read the fish persistence conditions proposed for Dundee's municipal permit extensions and the modification you made as a result of my comments. I believe you have interpreted our advice correctly and ODFW for the most part concurs with the proposed conditions with one recommendation. The 10 year time frame for adjusting consumptive use rates seems reasonable because rates if they change are likely to change slowly over time, however, there is at least a couple instances where the consumptive use rate could change drastically (up to 100%) in a year. This is where the city is required by DEQ to remove their effluent from a stream because of water quality concerns or the municipality puts in a gray water system. This has a double impact less or no water is being returned to the stream and the city continues to take water. Since ODFW views the Dundee conditions as templates for future wording to address return flows in other permits we probably should address this issue. I would recommend some wording that says if the city anticipates or sees more than a 25% change in their consumptive use rate that they need to resubmit their consumptive use rate to WRD before the 10 year period ends. Especially in small stream this will be important since ODFW will be basing their fish persistence review in part on expected return flows that if not there would have an impact on water available to the listed fish species in question.

~~~~~  
 Rick Kepler ~~~<\*)~~~~~>< ~~~  
 Manager, Water Quality/Quantity  
 Oregon Department of Fish and Wildlife  
 3406 Cherry Ave. NE  
 Salem, OR 97303  
 Tel. 503-947-6084  
 Fax 503-947-6070  
 e-mail: [Rick.J.Kepler@state.or.us](mailto:Rick.J.Kepler@state.or.us)  
 Web: [www.dfw.state.or.us](http://www.dfw.state.or.us)

---

**From:** Ann Reece [mailto:reeceal@wrdd.state.or.us]  
**Sent:** Tuesday, June 30, 2009 12:55 PM  
**To:** Rick Kepler  
**Cc:** Tim S Hardin; Justin Gericke  
**Subject:** FW: Fish Persistence Conditions - Dundee

Rick - I am pretty sure I sent this to you on June 23. But in case I didn't, I'm sending it now. (Although I have your 'out-of-office' response from June 23, I don't see the e-mail with these attachments that I thought I sent.) Ann

Rick Kepler  
 ODFW

7/31/2009



Rick,

Revisions to OWRD's conditions have been made according to your comments below, (see my responses below in red). I have attached the revised proposed fish persistence findings and conditions for the two City of Dundee municipal extensions for your review. (the attachment with 'shows revisions' in the title is shows all revisions in yellow highlights).

Does ODFW concur that the Water Resources Department's revised proposed fish persistence conditions for the City of Dundee municipal extensions are consistent with the fish persistence advice provided earlier by ODFW?

Ann Reece  
Extensions Specialist  
Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
503-986-0827 (tele)  
503-986-0901 (fax)

---

**From:** Rick Kepler [mailto:rick.j.kepler@state.or.us]  
**Sent:** Thursday, June 11, 2009 10:43 AM  
**To:** Ann Reece; Rick Kepler; Tim S Hardin  
**Cc:** Dwight French; Scott Kudlemyer; Tom Murtagh  
**Subject:** RE: Fish Persistence Conditions - Dundee

Ann, ODFW has the following notes on WRD's interpretation of ODFW's advice on the Dundee municipal extensions at this point this is not a concurrence by ODFW:

More of a heads up statement that we will include when we do concur with the Willamette municipal extensions.

In the first part of April ODFW gave a range of flows between 15,000 and 19,200 cfs mainly because the statistical analysis on the data was indeterminate. We do know that flows below 15,000 cfs reduced steelhead recruitment and flows above 19,200 cfs didn't seem to provide any additional improvement. With the data set ODFW has we could not show that between these two values one flow was more beneficial over another. However, we do know that later in April and May and June that higher flow corresponded with higher recruitment rates. Why I bring this up is that there are different ways of interpreting the data. In the Willamette Basin Biological Assessment NOAA choose an intermediate flow 17,800 cfs rather than the lowest or highest flow in the range. ODFW is fine with setting the minimum flow for fish persistence at 15,000 cfs in early April, because it does not negatively affect recruitment, the BiOp flows will likely keep flows above 15,000 cfs and the city is unlikely to be using the maximum withdrawal rate in April.

This is the first permit with the consumptive use (return flow credit) process so here are a



couple observations:

- Right now the language requires the city to show that "withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly", under this language the city could state that the habitat is not impacted. How would WRD then make the determination that the statement was correct? I would suggest that WRD use language similar to that used in determining whether appropriate screens are installed. ie have the city get written concurrence from ODFW who makes this determination. **DONE - see Finding 2.f**

In retrospect if the POD and effluent discharge point already exist ODFW will make this determination as part of the advice letter (as we did in Portland's and EWEB's cases). ODFW will review Dundee, Corvallis and Adair Village to make this determination. Salem does not currently have a POD so we cannot make this determination at the present time.

- In the case where a POD does not currently exist, is there a need to state that the significant impact will be determined after the POD is completed? **Done - see Condition 1.D.b (first time use of consumptive use percentages)**
- Probably need to include a statement that the consumptive use (return flow credit) will be revisited if the POD or return flow point are relocated. **Done - see Condition 1.D.d**
- For the formula ODFW recommends this language (1- [total municipal wide returned flows/total municipal wide diverted flows]). This makes it clear we are looking for a general % rather than one specific to that particular return flow point and POD. This gets around any issue with multiple POD's or return points **DONE**
- Additionally, the consumptive use % should be calculated by month or at least by season. This is to account for seasonal changes in consumptive use %. **DONE**

Suggested edits

- I note that in S-58951 the groundwater permit is referenced in 2e **FIXED**
- In the examples on 2 instead of saying "further limited" should say "reduced to" - **Example 2 has been modified to avoid use of 'further limited'**
- You might show how you got the 78.7% figure too. - **see footnote #1**

~~~~~  
 Rick Kepler ~~~<*)~~~~>< ~~~
 Manager, Water Quality/Quantity
 Oregon Department of Fish and Wildlife
 3406 Cherry Ave. NE
 Salem, OR 97303
 Tel. 503-947-6084
 Fax 503-947-6070
 e-mail: Rick.J.Kepler@state.or.us
 Web: www.dfw.state.or.us

From: Ann Reece [<mailto:reeceal@wrdd.state.or.us>]
Sent: Thursday, May 28, 2009 10:47 AM
To: Rick Kepler; Tim S Hardin

Cc: Dwight French; Scott Kudlemyer
Subject: Fish Persistence Conditions - Dundee

Rick and Tim,

I have attached OWRD's proposed fish persistence findings and conditions for the two City of Dundee municipal extensions for your review.

Does ODFW concur that the Water Resources Department's proposed fish persistence conditions for the City of Dundee municipal extensions are consistent with the fish persistence advice provided earlier by ODFW?

Ann

Ann Reece
Extensions
Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301-1266
503-986-0827 (tele)
503-986-0901 (fax)

Ann Reece

File S-58951

From: Rick Kepler [rick.j.kepler@state.or.us]
Sent: Thursday, June 11, 2009 10:43 AM
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Cc: Dwight French; Scott Kudlemyer; Tom Murtagh
Subject: RE: Fish Persistence Conditions - Dundee

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More of a heads up statement that we will include when we do concur with the Willamette municipal extensions.

In the first part of April ODFW gave a range of flows between 15,000 and 19,200 cfs mainly because the statistical analysis on the data was indeterminate. We do know that flows below 15,000 cfs reduced steelhead recruitment and flows above 19,200 cfs didn't seem to provide any additional improvement. With the data set ODFW has we could not show that between these two values one flow was more beneficial over another. However, we do know that later in April and May and June that higher flow corresponded with higher recruitment rates. Why I bring this up is that there are different ways of interpreting the data. In the Willamette Basin Biological Assessment NOAA choose an intermediate flow 17,800 cfs rather than the lowest or highest flow in the range. ODFW is fine with setting the minimum flow for fish persistence at 15,000 cfs in early April, because it does not negatively affect recruitment, the BiOp flows will likely keep flows above 15,000 cfs and the city is unlikely to be using the maximum withdrawal rate in April.

This is the first permit with the consumptive use (return flow credit) process so here are a couple observations:

- Right now the language requires the city to show that "withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly", under this language the city could state that the habitat is not impacted. How would WRD then make the determination that the statement was correct? I would suggest that WRD use language similar to that used in determining whether appropriate screens are installed. ie have the city get written concurrence from ODFW who makes this determination.

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- Additionally, the consumptive use % should be calculated by month or at least by season. This is to account for seasonal changes in consumptive use %.

Suggested edits

- I note that in S-58951 the groundwater permit is referenced in 2e

6/16/2009

- In the examples on 2 instead of saying "further limited" should say "reduced to"
- You might show how you got the 78.7% figure too.

~~~~~  
Rick Kepler ~<\*)~~~~>< ~  
Manager, Water Quality/Quantity  
Oregon Department of Fish and Wildlife  
3406 Cherry Ave. NE  
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Tel. 503-947-6084  
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Does ODFW concur that the Water Resources Department's proposed fish persistence conditions for the City of Dundee municipal extensions are consistent with the fish persistence advice provided earlier by ODFW?

Ann

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Extensions  
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725 Summer St NE, Suite A  
Salem, OR 97301-1266  
503-986-0827 (tele)  
503-986-0901 (fax)



**DRAFT**

**Willamette River – Proposed Fish Persistence Conditions  
for Extension of Time Proposed Final Order (PFO)  
for Application S-58951 (Permit S-44462)  
City of Dundee**

**FINDINGS**

## 1. Summary and Excerpts of Advice from ODFW:

Use of water under the portion of this permit that is undeveloped as of the date of the extension final order should be conditioned to maintain persistence of listed fish species. ODFW's advice is based on the best available information and existing data.

The streamflows, in Table 1, below, are ODFW's recommended flows measured at Salem for maintaining the persistence of listed fish species in the Willamette River. ODFW advises the Water Resources Department to develop conditions that allow municipalities to meet their water needs while maintaining the persistence of listed fish species. Such conditions would apply if the USACE is not able to maintain the recommended fish flows.

The severity of the measures to be taken by the permit holder should reflect the degree to which the recommended streamflows are being missed and the percentage of water that is withdrawn by the municipality as compared to the overall streamflow level, and be adjusted by the ratio of water withdrawn to water being returned directly to the same stream through effluent discharges.

**Table 1**

| SUMMARY OF ODFW'S RECOMMENDED<br>MINIMUM FISH FLOW NEEDS ON THE<br>WILLAMETTE RIVER<br>MEASURED AT SALEM, OREGON |                       |
|------------------------------------------------------------------------------------------------------------------|-----------------------|
| Month                                                                                                            | Cubic Feet per Second |
| July 1 – October 31                                                                                              | 5,630                 |
| November 1 – March 31                                                                                            | 6,000                 |
| April 1 – April 15                                                                                               | 15,000 – 19,200       |
| April 16 – April 30                                                                                              | 17,000                |
| May 1 – May 31                                                                                                   | 15,000                |
| June 1 – 15                                                                                                      | 12,600                |
| June 16 – 30                                                                                                     | 8,500                 |



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## Streamflow Measurement Point

After analysis of flow records and how the USACE stores and releases water from its facilities to meet mainstem Willamette flow targets, ODFW has determined that measuring flows at the Salem gage is sufficient for ensuring that flows to maintain the persistence of listed fish are met throughout the mainstem Willamette River.

Therefore, ODFW advises the Department to establish the Salem gage as the point for determining whether fish flows are being met for this municipal permit extension.

### 2. Department's Findings Based on Review of ODFW's Advice:

The Department is proposing conditions in this extension of time consistent with ODFW's advice (*See* Item 2 of the "Conditions" section of this PFO). When ODFW's recommended flow targets are not met, the Department's proposed conditions will reduce the maximum total amount of the undeveloped portion of Permit S-44462 that legally can be diverted. The conditions are based on the following findings:

- a. The streamflows needed to maintain the persistence of fish must be measured at USGS GAGE No.14191000, or its equivalent at Salem, Oregon.
- b. During the month of April, the flow target is expressed as a range. Because these flows are the "Recommended Fish Flow Minimums" the lesser number in the range (for example, 15,000 cfs in the month of April) is used in developing conditions to maintain the persistence of fish species.
- c. When flow targets are not met, the undeveloped portion of the permit that legally can be diverted must be reduced in proportion to the degree to which the recommended streamflows are being missed.
- d. For the period of April through June, ODFW's advice recognized that the main influence on river flow levels is federal management of the dams and release of surplus storage water to meet listed fish flow needs. The advice also noted that withdrawal of water in the spring months will have minimal overall impact on streamflows. The full use of the undeveloped portion of Permit S-44462 represents less than 0.05% of the April-June streamflow in the Willamette River at Salem.

For the period of July through October, ODFW's advice recognized that the main influence on river flow levels continues to be the federal management of the dams. While the advice noted that withdrawal of water in these summer-fall months will have a proportionally greater effect on flows, it represents an only slightly higher impact compared to the April-June impact; the full use of the undeveloped portion of Permit S-44462 represents 0.07% of the July-October streamflow in the Willamette River at Salem.

In most years, late fall and winter flows are much higher than the recommended



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flows during this time period.

Therefore, consistent with ODFW's advice that the main influence of river flow levels is the federal management of the dams and that the severity of the measures to be taken by the permit holder should reflect the percentage of water that is withdrawn by the municipality as compared to the overall streamflow level, the Department is proposing to limit any overall reduction to no more than 20% of the maximum total amount of the undeveloped portion of the permit that legally can be diverted.

- e. ODFW recognizes that municipalities may return a certain amount of flow to a river or stream through their effluent discharge. If the withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, then ODFW recommends that any reduction to the maximum total amount of the undeveloped portion of Permit G-1017 that legally can be diverted should be based on the monthly estimated ratio of the difference between the total water withdrawals and their return flows. Therefore, consistent with ODFW's advice, when appropriate, the Department proposes to limit any reduction by a "Consumptive Use Percentage," as generally determined by  $(1 - [\text{returned flows} / \text{diverted flows}])$ .



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## 1. Conditions to Maintain the Persistence of Listed Fish

### A. Minimum Fish Flow Needs

Minimum fish flow needs on the Willamette River as recommended by ODFW are in Table 1, below, and flows are to be measured on the Willamette River at Salem (USGS Gage Number 14191000, or its equivalent).

**Table 1**

| <b>MINIMUM FISH FLOW NEEDS ON THE<br/>WILLAMETTE RIVER<br/>MEASURED AT USGS GAGE 14191000<br/>SALEM, OREGON</b> |                       |
|-----------------------------------------------------------------------------------------------------------------|-----------------------|
| Month                                                                                                           | Cubic Feet per Second |
| July 1– October 31                                                                                              | 5,630                 |
| November 1 – March 31                                                                                           | 6,000                 |
| April 1 – April 15                                                                                              | 15,000                |
| April 16 –April 30                                                                                              | 17,000                |
| May 1 – May 31                                                                                                  | 15,000                |
| June 1 – 15                                                                                                     | 12,600                |
| June 16 – 30                                                                                                    | 8,500                 |

### B. Water Use Reductions

The maximum total amount of the undeveloped portion of Permit S-44462 that legally can be diverted shall be reduced (1) in proportion to the amount by which the flows shown in Table 2 are not met based on a seven day rolling average of mean daily flows measured on the Willamette River at Salem (USGS Gage Number 14191000, or its equivalent) and (2) by a Consumptive Use Percentage, when applicable, as per Item 1.C., below. The overall reduction in the amount of the undeveloped portion of the permit that legally can be diverted will not exceed 20%.

### C. Reduction Limited by Consumptive Use Percentages

#### a. Initial Consumptive Use Percentages

The City of Dundee has not identified any Consumptive Use Percentages based on the return of flows to the Willamette River through effluent discharge. Thus, at this time the City may not use Consumptive Use



# DRAFT

Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition.

b. First Time Use of Consumptive Use Percentages

Use of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may begin after the issuance of this Final Order for an extension of time.

First time use of Consumptive Use Percentages is contingent upon the City (1) showing that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving concurrence by the Water Resources Director.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages.

Use of Consumptive Use Percentages is valid only up to 10 years from the date of concurrence by the Water Resources Director, as evidenced by the record.

c. Continued Use of Consumptive Use Percentages by Updates

Continuing use of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may be obtained for subsequent intervals of time, not to exceed 10 years each. Continuing use of Consumptive Use Percentages is contingent upon the city submitting updated Consumptive Use Percentages and receiving concurrence of these updated Consumptive Use Percentages by the Water Resources Director.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

Continued use of Consumptive Use Percentages is valid only up to 10 years from the date of concurrence by the Water Resources Director as evidenced by the record; however, updates may be submitted before the end of a 10 year approval period.

D. Examples

Example 1:



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On July 15, the last seven mean daily flows were 7000, 6500, 6000, 5500, 5250, 5000 and 4750 cfs. The seven day rolling average is 5714 cfs. The maximum total amount of the undeveloped portion of the permit that legally could be diverted would not be reduced because the 7 day average of mean daily flows is greater than the 5,630 cfs target flow for July 15.

## Example 2:

Step 1: If on July 15, the average of the last seven mean daily flows was 5011 cfs, the target flows would be missed by 11%.

$$(100 - [(5011 / 5630) \times 100\%]) = 11\%$$

Step 2: Assuming use of the Consumptive Use Percentage is 78.7% during the month of July and the use of this percentage is authorized, then the 11% reduction based on missed target flows would be further limited to 8.7%.

$$([11\% \times 78.7\%] / 100) = 8.7\%$$

Step 3: If the maximum total amount of the undeveloped portion of the permit that legally can be diverted under a permit is 10.0 cfs, then the reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted due to the missed target flow percentage adjusted by the consumptive use percentage would be 0.87 cfs.

$$(10.0 \text{ cfs} \times [8.7\% / 100]) = 0.87 \text{ cfs}$$

Step 4: This 0.87 cfs reduction is only 8.7% of 10.0 cfs (the undeveloped portion that legally can be diverted), which does not exceed the 20% maximum overall reduction. (In this example, the 20% maximum overall reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted would be 2.0 cfs).

$$([0.87 / 10] \times 100\%) = 8.7\%$$

Step 5: In this example, the maximum total amount of the undeveloped portion of the permit that legally could be diverted under the permit under this condition would be 9.13 cfs

$$(10.0 \text{ cfs} - .87 \text{ cfs}) = 9.13 \text{ cfs}$$

## E. Division 86 WMCP Updates under OAR 690-086-0140(3) and OAR 690-086-0170(7)

Updates to any WMCP approved after the date of the Final Order approving this extension of time must include (1) a description of these conditions to maintain the persistence of listed fish within the Municipal Water Supplier element under



## DRAFT

OAR 690-086-0140(3), and (2) if applicable, a discussion of these conditions to maintain the persistence of listed fish within the Municipal Water Supply element under OAR 690-086-0170(7).





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

May 6, 2009

City of Dundee  
Attention: Rob Daykin, City Administrator  
PO Box 220  
Dundee, OR 97115

REFERENCE: Pending Application for Extension of Time Water Right Application  
S-58951 (Permit S-44462) and Application G-6331 (Permit G-6017).

Dear Municipal Water Right Holder:

The purpose of this letter is to provide you with notification as per OAR 690-315-0080(2)(f) of any fishery resource protection conditions that may be proposed in the proposed final orders under OAR 690-315-0050; the conditions are enclosed for your review.

This letter will also act to provide you notice of your opportunity to request the Department place any of the above referenced municipal permit extension applications on administrative hold.

If you should have any questions concerning your extension request you may contact me at (503) 986-0813.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Kudlemyer", with a long horizontal stroke extending to the right.

Scott Kudlemyer  
Water Rights Specialist

Enclosures

cc: Application File S-58951 & G-6331  
Mike McCord, Watermaster District # 16  
Justin D. Gericke Jordan Schrader Ramis PC PO Box 230669 Portland, OR 97281  
Chris Uber, P.E., Murray, Smith and Assoc., 121 SW Salmon, Suite 900, Portland, OR 97204





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 8, 2009

City of Dundee *Rob Daykin*  
Attention: ~~Eve Foote~~, City Administrator  
PO Box 220  
Dundee, OR 97115

REFERENCE: Pending Application for Extension of Time Water Right Application  
S-58951 (Permit S-44462) and Application G-6331 (Permit G-6017).

Dear Municipal Water Right Holder:

The purpose of this letter is to provide clarification regarding the previous letter that was sent to the City of Dundee, dated April 2, 2009 regarding ODFW advice. The aforementioned letter erroneously stated that both the ODFW advice and conditions were included in that mailing. Only the ODFW advice was included, conditions have yet to be drafted and will be forthcoming in the near future.

This letter will also act to provide you notice of your opportunity to request the Department place any of the above referenced municipal permit extension applications on administrative hold.

If you have any questions concerning your extension request or this letter please contact me at (503) 986-0813.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Kudlemyer", with a long horizontal line extending to the right.

Scott Kudlemyer  
Water Rights Specialist

Enclosures

cc: Application File S-58951 & G-6331  
Mike McCord, Watermaster District # 16  
Justin D. Gericke Jordan Schrader Ramis PC PO Box 230669 Portland, OR 97281





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 2, 2009

City of Dundee *Rob Daykin*  
Attention: ~~Eve Foote~~, City Administrator  
PO Box 220  
Dundee, OR 97115

REFERENCE: Pending Application for Extension of Time Water Right Application  
S-58951 (Permit S-44462) and Application G-6331 (Permit G-6017).

Dear Municipal Water Right Holder:

The purpose of this letter is to provide you with notification as per OAR 690-315-0080(2)(f) of Oregon Department of Fish and Wildlife's written advice on the above referenced municipal permit extension applications and any fishery resource protection conditions that may be proposed in the proposed final orders under OAR 690-315-0050; the advice and conditions are enclosed for your review.

This letter will also act to provide you notice of your opportunity to request the Department place any of the above referenced municipal permit extension applications on administrative hold.

If you should have any questions concerning your extension request you may contact me at (503) 986-0813.

Sincerely,

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Scott Kudlemyer  
Water Rights Specialist

Enclosures

cc: Application File S-~~47453~~  
Mike McCord, Watermaster District # 16  
Adam Sussman, Groundwater Solutions, 1600 Western Blvd., Suite 240, Corvallis, OR 97333





# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Office of the Director  
3406 Cherry Avenue, NE  
Salem, OR 97303  
503.947.6044  
FAX 503.947.6042  
TTY 503.947.6339  
www.dfw.state.or.us

March 20, 2009

Phil Ward, Director  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301



Re: ODFW's Division 315 Evaluation of Fish Persistence for Municipal Extension  
City of Dundee Application # S-58951

Director Ward:

The City of Dundee has requested an extension of time to develop the municipal water right referenced above; the undeveloped portion of their permit is 4.0 cfs out of the Willamette River. ORS 537.230(2)(c) and 537.630(2)(c) directs the Water Resource Department (WRD) to find that the undeveloped portion of the permit is conditioned to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. WRD is to base their findings on existing data and advice from the Oregon Department of Fish and Wildlife (ODFW). This letter is the advice provided to WRD by ODFW.

### Summary

The Water Resource Commission has recognized the need to maintain flows in the Willamette Basin for aquatic life and to minimize pollution through the adoption of Minimum Perennial Streamflows from natural flow, plus additional storage releases, in the Willamette Basin Program. The Willamette Basin Program established a minimum perennial stream flow (MPSF) from natural flow for fish of 1,500 cfs at Wilsonville (OAR 690-502-0050). The MPSF at Salem, the location of USGS Gage #14191000, is 1,300 cfs. Additionally several other flows have been identified as necessary to maintain the persistence of listed fish species.

- An additional amount up to 4,700 cfs from storage was recommended by WRD's Willamette Basin Program to address instream flow needs;
- Higher spring flows were identified by ODFW as necessary to facilitate migration of listed Winter Steelhead through the Willamette River in April, May and June;
- Congressionally authorized minimum flows were set for July – September;

**RECEIVED**

MAR 25 2009

WATER RESOURCES DEPT  
SALEM, OREGON



- DEQ has developed Total Maximum Daily Loads (TMDL's) for a number of constituents within the basin. Loads are based on concentrations that protect the most sensitive species at a 7Q10 base flow. The water temperature standard is of special importance, as it is set to maintain the health of salmonids, which are two of the listed fish species in this basin;
- Finally, a Biological Opinion for the Willamette River Basin Flood Control Project (BiOp) was recently completed by NOAA Fisheries. This BiOp addresses the recovery of Threatened Winter Steelhead and Spring Chinook, and includes flow targets for these listed species from the beginning of April to the end of October.

There are 13 United States Army Corps of Engineers (USACE) storage projects in the basin, which store about 1.6 million acre feet of water. The Willamette Basin Program and the USACE have identified a number of beneficial uses for this stored water, including fish and wildlife needs; however, the Bureau of Reclamation, through the state water right system, originally applied for all the storage water to be designated for irrigation. This designation means that no other water use may apply for a stored water right; therefore, all other uses (including flows for fish and municipal use) must rely on natural flow or releases of uncontracted surplus stored water. Although listed fish species rely on the release of stored water to maintain viability, there is currently no means to acquire a corresponding instream flow water right or contract from stored water. The Willamette BiOp directs the USACE to meet specific flow targets to maintain flows for listed fish while balancing fish flows and water quality needs with other demands for the surplus stored water within the basin.

### Evaluation

#### **Listed Species**

Fall Chinook – (Federal - Threatened, State Sensitive)  
Spring Chinook – (Federal - Threatened)  
Coastal Cutthroat – (State Sensitive, below Willamette Falls)  
Coho – (Federal - Threatened, State - Endangered)  
Pacific Lamprey – (State Sensitive, Federal – petitioned for listing)  
Winter Steelhead – (Federal - Threatened, State Sensitive)

**RECEIVED**

**MAR 25 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**

### Findings and Justification

#### **Fish Flow Analysis:** (Water Availability and Fish Flow Needs).

According to WRD's Water Availability Tables, water is still available for all months of the year; the lowest flow months are typically August and September. The live flow (non-storage) portion of the water, 1,300 cfs, is included in the water availability calculations. The Willamette Basin Program (OAR 690-502-0500 with Tables) identifies the minimum Perennial Streamflows for the Willamette River Sub-basin. The identified flows were split into two components: a "Minimum Perennial Streamflow"



value and an additional amount to be supplied through storage releases. These combined flows are needed for fish persistence and are one measure of fish flow needs.

In the past the Corps of Engineers (USACE et al. 1997) augmented flows in the Willamette River through the release of water from its 13 projects to meet annually established operational target flows in the Willamette River at Albany and Salem and the basin's tributaries. These augmented flows address fish flow needs and maintain adequate water quality while balancing recreation, flood control and other needs. Flows were not guaranteed, because most of the water in storage is designated for irrigation use and could be contracted for irrigation use, although at the current time, less than 5% has been contracted for irrigation.

The USACE consulted with NOAA Fisheries, who developed a Biological Opinion (July 2008) for Winter Steelhead and Spring Chinook in the Willamette basin. The Biological Opinion included flow targets for April 1 – October 31. April-June flows were based on the ODFW analysis for steelhead migration (see above); June-September flows are the congressionally authorized flows, established in the 1950's as part of the authorization for the development of the Willamette Basin projects. The flows represent those needed to maintain navigation in the Willamette during the summer and fall and are not specifically set as flows to sustain listed fish populations (October designated flows are an extension of the authorized flows). Table 1 summarizes the monthly flows based on all the above-mentioned references, and includes an overall ODFW minimum flow recommendation for each month.

**Spring flows:** A study by ODFW identified the need for minimum and target flows in the Willamette and its tributaries to maintain the persistence of Winter Steelhead (Summary of Flow and Temperature Analysis for Willamette River Wild Winter Steelhead, November 24, 2003 Draft, Tom Friesen and Mary Buckman). The report focused on flows needed from April through June for spring migration of Winter Steelhead smolts out of the system (out-migration).

Two flow levels were identified for Winter Steelhead out-migration: a minimum flow (to avoid declining population growth) and a target flow (to provide positive population growth and recruitment). This advice letter, while recognizing the importance of higher target flows, is confined to minimum recommended flows.

The bulk of steelhead out-migration occurs in May with part occurring in April when flows are naturally higher, and ending in June when flows begin to decline. This range of flows is important in maintaining the genetic diversity of the species, because different portions of the population probably key in on different flow ranges. April and May flows should mimic the higher flows that would occur naturally, and June flows should mimic the declining flows; a range of flows allows the system to maintain the natural diversity of the species and its relationship to flows. The April-June flows (Table 1, Column 4) are the ODFW-estimated minimum flows to maintain the persistence of winter steelhead populations. The Willamette BiOp suggests slightly higher flows than what ODFW has suggested for this period.

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**Summer-Fall flows:** Flows in the summer and fall (July-October) were established by USACE in consultation with DEQ (and other state and federal agencies) to address water quality concerns and to meet water quality standards (many of the standards are set to protect fish and aquatic life). DEQ has calculated acceptable loads (TMDL's) for maintenance of water quality standards based on a 7Q10 flow (the regulated streamflow at its lowest consecutive seven day level in an average 10 year period). These 7Q10 flows need to be met to maintain water quality at a level that would continue to protect the health of listed salmonids. Therefore, these flows are one measure of the minimum needed July-October to maintain the persistence of listed fish species. The Willamette BiOp has designated the congressionally authorized flows for the USACE projects as the flows needing to be met during this period. These flows would provide adequate protection for the listed species as they are above the TMDL flows.

**Late Fall and Winter flows:** ODFW is recommending that the instream flows applied for by ODFW be maintained to provide habitat for listed fish rearing in the Willamette and its tributaries. These flows are the combination of the minimum perennial streamflows and the instream storage flows which would both be needed to maintain the appropriate level of habitat. In most years flows are much higher than the recommended flows during this time period.

ODFW is recommending the use of the state's flow recommendations rather than the Willamette Biological Opinion flows. The differences between the state and federal flow recommendations are based on the objectives each law is attempting to implement. In the case of the federal Willamette Basin Biological Opinion the objective is to set flows to allow for the recovery of federally listed fish species. Current litigation on Columbia River management of the hydroelectric system is establishing what kinds of actions are required to achieve "recovery" under the federal ESA. In the state's case, on the other hand, it is instructed through state law to condition the permit "to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law". The standard of maintaining the persistence of the listed fish is a question of state, not federal law. Under this direction the state will be identifying the minimum flows necessary to maintain the persistence of listed fish species. ODFW is required by state law to address situations that put listed fish populations at risk of decline and extirpation. If current flows are putting a listed species at risk, then ODFW is required to restrict further depletions of flow caused by the development of currently undeveloped municipal water rights.

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Fish Persistence Evaluation Application # S-58951  
February 23, 2009

Table 1 – Identified fish flow needed at Salem for listed fish species.

| Month    | Minimum perennial streamflow (cfs) | Instream Storage Flows Not Included in Water Availability (cfs) | ODFW Minimum Recommendation for winter steelhead (cfs) | DEQ TMDL 7Q10 Flow (cfs) | Willamette BiOp Flows (cfs)              | ODFW Recommended Minimum Fish Flows (cfs) |
|----------|------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------|--------------------------|------------------------------------------|-------------------------------------------|
| Oct      | 1,300                              | 4,700                                                           |                                                        | 5,630                    | 7,000 <sup>2</sup><br>5,000 <sup>3</sup> | 5,630                                     |
| Nov      | 1,300                              | 4,700                                                           |                                                        |                          |                                          | 6,000                                     |
| Dec      | 1,300                              | 4,700                                                           |                                                        |                          |                                          | 6,000                                     |
| Jan      | 1,300                              | 4,700                                                           |                                                        |                          |                                          | 6,000                                     |
| Feb      | 1,300                              | 4,700                                                           |                                                        |                          |                                          | 6,000                                     |
| Mar      | 1,300                              | 4,700                                                           |                                                        |                          |                                          | 6,000                                     |
| Apr1-15  | 1,300                              | 4,700                                                           | 15,000 to 19,200                                       |                          | 17,800<br>15,000 <sup>3</sup>            | 15,000 to 19,200                          |
| Apr16-30 | 1,300                              | 4,700                                                           | 17,000                                                 |                          | 17,800<br>15,000 <sup>3</sup>            | 17,000                                    |
| May      | 1,300                              | 4,700                                                           | 15,000                                                 |                          | 15,000<br>15,000 <sup>3</sup>            | 15,000                                    |
| Jun1-15  | 1,300                              | 4,700                                                           | 12,600                                                 |                          | 13,000<br>11,000 <sup>3</sup>            | 12,600                                    |
| Jun16-30 | 1,300                              | 4,700                                                           | 8,500                                                  |                          | 8,700<br>5,500 <sup>3</sup>              | 8,500                                     |
| Jul      | 1,300                              | 4,700                                                           |                                                        | 5,630                    | 6,000 <sup>1</sup><br>5,000 <sup>3</sup> | 5,630                                     |
| Aug1-15  | 1,300                              | 4,700                                                           |                                                        | 5,630                    | 6,000 <sup>1</sup><br>5,000 <sup>3</sup> | 5,630                                     |
| Aug16-31 | 1,300                              | 4,700                                                           |                                                        | 5,630                    | 6,500 <sup>1</sup><br>5,000 <sup>3</sup> | 5,630                                     |
| Sept     | 1,300                              | 4,700                                                           |                                                        | 5,630                    | 7,000 <sup>1</sup><br>5,000 <sup>3</sup> | 5,630                                     |

Explanation of Table Columns

- Minimum perennial streamflow: amount of flow provided by the Willamette Basin Program (OAR 690-502) from natural flow.

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Fish Persistence Evaluation Application # S-58951  
February 23, 2009

- Instream Storage Flows : an additional amount of flow that can be provided from storage to address instream flow needs.
- ODFW Recommendation for Winter Steelhead: Minimum Flows to Avoid Decline in the Population (Friesen and Buckman 2003. DRAFT).
- DEQ's TMDL: 7Q10 Flows at Salem used to establish TMDL loadings to maintain water quality standards.
- Willamette BiOp: NMFS Willamette Project Biological Opinion (July 2008).
- "ODFW Recommended Fish Flow Minimums" ODFW flow recommendations taking all columns into account.
- <sup>1</sup>- Congressionally authorized minimum flow at Salem
- <sup>2</sup>-Extension of Congressionally-authorized flow to October
- <sup>3</sup>-Dry year flows the USACE will be targeting (not a persistence flow)

Table 2. Monthly flows with the 2008 Biological Opinion and ODFW flows, and percentage of time those flows were not met based on 1970-2007 gage records at Salem

| Time        | BiOp flow | % Time Not met |           | ODFW flow | % Time Not met |           |
|-------------|-----------|----------------|-----------|-----------|----------------|-----------|
|             |           | 1970-2007      | 2000-2007 |           | 1970-2007      | 2000-2007 |
| October     | 7,000     | 1.8%           | 9.7%      | 5,630     | 0.0%           | 0.0%      |
| November    | 6,000     | 0.0%           | 0.0%      | 6,000     | 0.0%           | 0.0%      |
| December    | 6,000     | 0.0%           | 0.0%      | 6,000     | 0.0%           | 0.0%      |
| January     | 6,000     | 0.6%           | 0.0%      | 6,000     | 0.6%           | 0.0%      |
| February    | 6,000     | 2.1%           | 0.0%      | 6,000     | 2.1%           | 0.0%      |
| March       | 6,000     | 0.0%           | 0.0%      | 6,000     | 0.0%           | 0.0%      |
| April1-15   | 17,800    | 68.9%          | 16.7%     | 19,200    | 87.9%          | 37.5%     |
| April16-30  | 17,800    | 77.8%          | 30.0%     | 17,000    | 67.8%          | 22.5%     |
| May         | 15,000    | 33.7%          | 15.7%     | 15,000    | 33.7%          | 15.7%     |
| June1-15    | 13,000    | 45.8%          | 35.8%     | 12,600    | 42.5%          | 29.2%     |
| June16-30   | 8,700     | 34.6%          | 42.5%     | 8,500     | 33.2%          | 38.3%     |
| July        | 6,000     | 13.8%          | 12.9%     | 5,630     | 2.9%           | 8.5%      |
| August1-15  | 6,000     | 15.6%          | 21.7%     | 5,630     | 2.6%           | 12.5%     |
| August16-31 | 6,500     | 14.8%          | 34.4%     | 5,630     | 0.8%           | 3.9%      |
| September   | 7,000     | 11.8%          | 30.4%     | 5,630     | 0.0%           | 0.0%      |

\* During this period (2000-2007) the USACE operated the 13 dam complex to provide for fish flows and water quality needs while providing for other beneficial uses.

#### Analysis of Risk to Fish Persistence (Stock Status and Flow Restoration)

- Winter Steelhead – Species is meeting the stock status criteria in some tributaries and is not meeting them in others. Migration and rearing occurs in mainstream and tributaries up and downstream of the POD. We believe low flows are a constraining factor for this species, especially in the spring.
- Spring Chinook – The stock status criteria for this species are not being met in several of the tributaries upstream and downstream of the POD. Mainstem Willamette is used for rearing and as a migration corridor, where adequate flows are one constraining factor.

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|                     |                                                                                                                                                                                                                                              |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pacific Lamprey –   | Species occurs throughout the basin, the stock status criteria for this species are not being met, populations are declining and there is little information about flow requirement needs.                                                   |
| Fall Chinook –      | Some of the stock status criteria are not being met for this species in downstream tributaries (Clackamas River). The species uses the mainstem Willamette for rearing and as a migration corridor, where flow can be a constraining factor. |
| Coho –              | Species occurs in several tributaries downstream of the POD and has met all the stock status criteria in those tributaries. Mainstem Willamette is used as a migration corridor, where flows are not a constraining factor.                  |
| Coastal Cutthroat – | Species occurs throughout the basin and meets all the stock status criteria.                                                                                                                                                                 |
| Oregon Chub –       | Extinct in this area and downstream in the Willamette and its tributaries.                                                                                                                                                                   |
| Chum –              | Extinct in tributaries downstream of the POD and in the mainstem Willamette.                                                                                                                                                                 |

#### **Flow Restoration Priorities**

Based on the Oregon Plan Flow Restoration 2001 priorities developed by ODFW and OWRD, the Willamette River downstream of the POD shows a low need for flow restoration if USACE target flows are maintained.

#### **Existing Fish Protection Agreement**

None noted

#### **ODFW's Advice to WRD on Maintaining the Persistence of Listed Fish Species as the City of Dundee Develops the Undeveloped Portions of its Water Right Permit for the Mainstem Willamette River**

#### **General Considerations**

As directed by ORS 537.230 (2)(c) and ORS 537.630 (2)(c) ODFW provides the following advice to WRD to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. ODFW's advice is based on existing data. ODFW recommends the following flows and advises WRD to develop conditions which allow The City of Dundee to meet its water needs while maintaining the persistence of listed fish species.

- The main influence on river flow levels is the federal management of the dams and release of surplus storage water to meet out-migration flow needs for listed Winter Steelhead. This species has evolved and adapted under flow conditions that vary seasonally and year to year. Winter Steelhead are adapted to the natural flow variation in the system, with flows typically high in April and slowly declining over

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the spring months. ODFW in consultation with the USACE and other state and federal agencies in the past have attempted to mimic this variation through surplus water storage releases in the spring and maintaining minimum flows for water quality in the summer. These flows have been recognized in the Willamette BiOp with recommended flows being generally higher than ODFW recommended flows.

- ODFW recognizes that long term climatic variations will affect the amount of water the USACE will be able to release in any given year. In favorable water years fish populations tend to increase and in unfavorable water years fish populations contract. The long term objective for a listed species is to have the population increase to a sustainable level over time and be able to maintain itself through natural fluctuations in the environment.
- ODFW also recognizes that municipalities return a certain amount of flow to a river or stream through their effluent discharge. If the withdrawal point(s) and effluent discharge(s) are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly then ODFW recommends that curtailment of the water right extension be based on the monthly estimated ratio of the difference between the total water withdrawals and their return flows.

#### Specific Advice by Season of Use

##### **April, May, June**

- The Willamette BiOp recommended flows are slightly higher than the state recommendations for moderate and abundant water years. If the USACE meets the Willamette BiOp-prescribed flows then ODFW's recommended flows will also be met during these years. During the low water years the Willamette BiOp-prescribed flows are below those recommended by ODFW to maintain the persistence of listed fish species. In these years municipalities should curtail their use of water as much as is feasible to provide additional flow for fish
- Long term flow measurements at the Salem streamflow gage indicate that during this period the 7 day running averages of flow failed to meet the ODFW recommended fish flows in Table 1 about 34-88% of the time over the 1970-2007 period of record (Table 2). Since 2000 when the USACE has been managing the reservoir system to meet flows for fish and water quality, recommended flows were missed 16-38% of the time. USACE flow modeling for future operating conditions, based on the BiOp target flows, indicates that the recommended flows would be missed less than 5% of the time in "moderate" to "abundant" water years. In low water years (which, over the past 64-year period occurred 25% of the time), the USACE attempts to balance spring and summer flows with storage, recreation, irrigation contracts and other needs, and adjusts flow targets downward. The BiOp flows may be reduced below those flows which ODFW has determined are necessary to maintain the persistence of listed fish species; therefore, in low water years when the USACE is using lower flow

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targets, the municipality should curtail their use to minimize impacts to listed fish species.

- Use of the presently-undeveloped portion of the City of Dundee's water right from the Willamette would represent less than 0.05% of the April-June streamflow in the Willamette at Salem. The City of Dundee water use will typically be appreciably lower than its full right during this time of the year since the largest consumptive uses have not yet begun and the majority of the flow will return to the river at some point through sewerage discharges. Therefore, withdrawal of water in the spring will have minimal overall impact on streamflows.

**ODFW Advice:** Use of water under the portion of this permit that was undeveloped as of the date of the extension final order should be conditioned to maintain persistence of listed fish species consistent with the ODFW recommended flows in Table 1. If the USACE is not able to maintain the recommended fish flows, the City of Dundee should have the amount of water that can be diverted through this extension be reduced, through conditioning the permit. The severity of the measures taken should reflect the degree to which the recommended flows are being missed, the percentage of water that is withdrawn by the municipality vs. the overall streamflow level and an adjustment to the amount to be curtailed by the ratio of water withdrawn to water being returned directly to the same stream through effluent discharges.

#### **July, August, Sept, October**

- The main influence on river flow levels continues to be the federal management of the dams. The USACE will be attempting to balance other water uses with the release of water to meet the Willamette BiOp flows and water quality needs. The main objectives for fish persistence review during this period are to maintain rearing habitat and good water quality for fish health.
- The TMDL 7Q10 flows represent the minimum necessary flow to maintain water quality. The 7Q10 flow level for the Willamette at Salem is currently 5,630cfs, but could be modified in the future based on what flow levels the USACE is able to maintain over time, therefore, the 7Q10 flow levels for the TMDL could change over time based on what flows the USACE is able to consistently maintain. ODFW is recommending that the TMDL flows be met to maintain the listed fish populations during this period.
- The flows recommended in the Willamette BiOp during this period are the congressionally authorized flows which are higher than the TMDL 7Q10 flows. Since the USACE will be attempting to meet the BiOp target flows in most years the TMDL flows should be met. In low water years the Willamette BiOp-prescribed flows are below those recommended by ODFW to maintain the persistence of listed

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fish species. In these years municipalities should curtail their use of water as much as is feasible to provide additional flow for fish.

- During this time period the City of Dundee municipal water right has a slightly higher impact (0.07%) on the flows recommended by ODFW. The consumptive portion of the City's use is expected to be appreciably higher than in the spring and winter, thus reducing the proportion that the municipality will return to the river with sewerage return flows. Willamette River flows are lower during this time period and therefore water withdrawals have a proportionally greater effect on flows. The recommended flows were missed from 0 to 3 % of the time based on the last 38 years of Salem gaging records (Table 2). USACE flow modeling for future operations, based on the BiOp flow targets, indicates that the recommended flows would be missed less than 5% of the time in "abundant" water years, and from 5-20% of the time in "moderate" water years.

**ODFW Advice:** Use of water under the portion of this permit that was undeveloped as of the date of the extension final order should be conditioned to maintain persistence of listed fish species consistent with the recommended flows in Table 1. If the USACE is not able to maintain the recommended fish flows, the City of Dundee should have the water that can be diverted through this extension be reduced through conditioning the permit. The severity of the measures taken should reflect the degree to which the recommended flows are being missed, the percentage of water that is withdrawn by the municipality vs. the overall streamflow level and an adjustment to the amount to be curtailed by the ratio of water withdrawn to water being returned directly to the same stream through effluent discharges.

#### **November – March**

- Municipal use is typically low during this time of the year due to the discontinuation of the more substantial consumptive uses in the municipal system. Willamette River flows are dependent on storage schedules for filling USACE reservoirs. Typically, flows exceed minimum perennial streamflows and corresponding flows from storage for instream needs. Based on the past 38 years, the recommended flows were missed, during this period, from 0 to 2% of the time.

**ODFW Advice:** Use of water under the portion of this permit that was undeveloped as of the date of the extension final order should be conditioned to maintain persistence of listed fish species in the Willamette basin consistent with the recommended flows in Table 1. If the USACE is not able to maintain the recommended fish flows, the City of Dundee should have the water that can be diverted through this extension be reduced through conditioning the permit. The severity of the measures taken should reflect the degree to which the recommended flows are being missed, the percentage of water that is withdrawn by the municipality vs. the overall streamflow level and an adjustment to the amount to be curtailed by the ratio of water withdrawn to water being returned directly to the same stream through effluent discharges.

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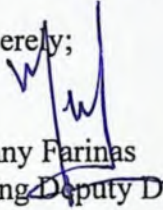
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Fish Persistence Evaluation Application # S-58951  
February 23, 2009

This concludes ODFW's advice to WRD on City of Dundee's Municipal Extension Application # S-58951. If you have questions about our advice or need further clarification please contact me at 503-947-6044 or Rick Kepler, the manager of our Water Quality/Quantity Section, at 503-947-6084.

Sincerely;

  
Manny Farinas  
Acting Deputy Director

Bc:

Steve Marx  
Steve Mamoyac  
Rob Daykin, City of Dundee  
Justin Gericke

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Fish Division  
3406 Cherry Avenue NE  
Salem, OR 97303  
503-947-6200  
Fax: 503-947-6202  
TTY: 503-947-6339  
[www.dfw.state.or.us](http://www.dfw.state.or.us)



September 26, 2008

Rob Daykin  
City Administrator  
City of Dundee  
PO Box 220  
Dundee, OR

Dear Mr. Daykin:

The Water Resources Department recently notified us of the need for ODFW to contact the City of Dundee directly in order to request additional time to complete the review and evaluation of Municipal Water Right Extension Application G-6331/Permit S-6017. Therefore, this letter replaces the one sent September 18, 2008 to WRD, and copied to you and Justin Gericke.

Would it be acceptable to you if our advice is delivered to WRD by November 3, 2008? Thank you for your attention, and please contact Rick Kepler or me if you have any questions.

Sincerely,

Tim Hardin  
Instream Flow Specialist  
Oregon Department of Fish and Wildlife

Cc: Chris Uber  
Justin Gericke  
Ann Reece  
Rick Kepler

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**WATER RESOURCES DEPT  
SALEM OREGON**



**Ann Reece**

6-58951

**From:** Ann Reece  
**Sent:** Thursday, September 25, 2008 11:53 AM  
**To:** 'Rick Kepler'  
**Cc:** FRENCH Dwight W; 'Tim S Hardin'  
**Subject:** Dundee Persistence Review - more time needed by ODFW

Hi Rick,

I have a September 18, 2008 letter from Curt Melcher (ODFW Deputy Director) to Phil Ward (OWRD Director) notifying our agency that ODFW will require an 60 day additional period to complete the persistence review for the Dundee extensions. If my accounting (below) is correct, the review period is past 120 days, and per rule, ODFW needs make their request for more time to the City of Dundee.

The Dundee extensions were sent over to ODFW for persistence review on March 13, 2006. On May 10, 2006, ODFW requested an additional 60 day review period, for a total review period of 120 days. On June 20, 2006, 99 days into the 120 review period, the extension requests on were placed on administrative hold at the City of Dundee's request. On July 24, 2008 the extension requests were taken off of administrative hold at the City of Dundee's request. The 120 day review period expired on August 13, 2008. As allowed under OAR 690-315-0080(2)(d), ODFW may ask the applicant (the City of Dundee) to consent to more time to complete its persistence review.

Ann

9/25/2008





# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Fish Division

3406 Cherry Avenue NE

Salem, OR 97303

(503) 947-6200

Fax (503) 947-6202

TTY (503) 947-6339

[www.dfw.state.or.us](http://www.dfw.state.or.us)

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**WATER RESOURCES DEPT  
SALEM, OREGON**

September 18, 2008



Phil Ward  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

*Phil*  
Dear Mr. Ward:

With this letter, the Oregon Department of Fish and Wildlife is notifying the Water Resources Department, as allowed under OAR 690-315-0080 (2) (d), that ODFW will require additional time to complete the review and evaluation of Municipal Water Right Extension Application S-58951/Permit S-44462. The additional time will not exceed 60 days or a total of 120 days for review unless the applicant consents to more time.

Sincerely;

Curt Melcher  
Deputy Director

Cc: City of Dundee (Ray Daykin, Justin Gericke)





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1266

503-986-0900

FAX 503-986-0904

July 28, 2008

*Rob*

~~Ray~~ Daykin

City Administrator

City of Dundee

PO Box 220

Dundee, OR 97115

Re: Extensions of Time for the City of Dundee:  
Water Right Application S-58951 / Permit S-44462  
Water Right Application G-6331 / Permit G-6017

Dear Mr. Daykin,

As per the City's July 24, 2008 request, the Department has removed the administrative hold on the City's pending Extension of Time requests for Application S-58951 / Permit S-44462 and Application G-6331 / Permit G-6017. The Department will resume processing the City's extension applications.

Sincerely,

Ann L. Reece

Extensions

Water Rights and Adjudications Division

cc: Application File S-58951

Application File G-6331

Rick Kepler, ODFW

Justin D. Gericke, Jordan Schrader Ramis PC, PO Box 230669, Portland, OR 97281

Chris Uber, P.E., Murray, Smith and Assoc., 121 SW Salmon, Suite 900, Portland, OR 97204

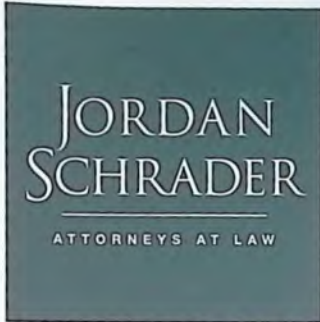




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JORDAN SCHRADER RAMIS PC

July 23, 2008

Ann Reese  
Water Right Extensions  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem, OR 97301

Re: **Municipal Permit Extension Applications for  
Permit Nos. S-44462 and G-6017**  
*Black Family Vineyard LLC*  
Our File No. 50249-37505

Dear Ann:

JUSTIN D. GERICKE

Admitted In:  
Oregon

Direct Dial  
(503) 598-5586

E-mail  
justin.gericke@jordanschrader.com

Our office represents the City of Dundee, Oregon ("City") regarding the above-referenced matters. Please include our office on all future correspondence regarding these files.

This letter is to request that the City's extension applications be removed from administrative hold for further processing by the Oregon Water Resources Department ("OWRD") and the Oregon Department of Fish & Wildlife ("ODFW"). At the conclusion of ODFW's review, the City would like to meet with OWRD and ODFW to review ODFW's findings and any conditions proposed for inclusion in the Proposed Final Order.

Please contact our office with any questions.

Regards,

JORDAN SCHRADER RAMIS PC

A handwritten signature in blue ink, appearing to read "Justin D. Gericke".

Justin D. Gericke

cc: City of Dundee  
Rick Kepler





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OVER THE COUNTER

APPLICATION TO

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WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT  
SALEM, OREGON

FOR

EXTENSION OF TIME

FOR

SURFACE WATER RIGHT

APPLICATION NO. 58951, PERMIT NO. S-44462

DECEMBER 2004

Submitted By:

THE CITY OF DUNDEE  
PO BOX 220  
620 SW 5th STREET  
DUNDEE, OR 97115  
(503) 538-3922



## APPLICATION FOR EXTENSION OF TIME

### for Quasi-Municipal and Municipal Water Use Permits

#### TO THE WATER RESOURCES DIRECTOR OF OREGON

I, the City of Dundee

NAME OF ENTITY

Eve Foote, City Administrator

NAME OF CONTACT

620 SW Fifth Avenue

ADDRESS

Dundee,

CITY

OR

STATE

97115

ZIP

(503) 538-3922

PHONE

permit holder, or duly authorized agent, of Application No. S-58951, Permit No. S-44462,  
[OAR 690-315-0070(3)(b)], do hereby request that the time in which to:

- ☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1997, be extended to October 1, 2025,

and/or the time in which to:

- ☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1997, be extended to October 1, 2025.

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

Eve L. Foote  
Signature      Eve Foote, City Administrator

12/22/04  
Date

WTR

The "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits" is continued on the following pages.

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**PLEASE NOTE:**

- \* You should request the reasonable amount of time necessary to fully develop the permit and complete the project.
- \* Permit extensions for Quasi-Municipal and Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, you will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of your WMCP. These rules may be viewed at: "[www.wrd.state.or.us/law/oar1999.shtml](http://www.wrd.state.or.us/law/oar1999.shtml)"
- \* Each item of the extension of time application includes instructions to assist you with your responses. Oregon Water Law and Administrative Rules require the Water Resources Department to consider these items when reviewing a Quasi-Municipal or Municipal water use permit extension application.
- \* *A separate extension application must be submitted for each permit* pursuant to OAR 690-315-0070(2). All items must be addressed or the application may be returned. Please feel free to provide the Department with any additional information or evidence that will aid us in making our decision.
- \* Once you have reviewed the extension of time application and instructions, if you have any questions, you may contact the Department at (503) 986-0800, and request assistance from the Water Rights Division, Permit Extensions personnel.

**Reference Materials Needed to Complete this Application**

Below is a listing of the minimum items you should review and consider as you are completing the extension of time application for your Quasi-Municipal or Municipal water use permit:

- \* A copy of the subject permit. *If you do not currently have a copy of your water right permit, you may be able to download a copy from the Department's website ([www.wrd.state.or.us](http://www.wrd.state.or.us)) or you may contact the Department's Customer Service Information Group at (503)986-0801 to obtain a copy.*
- \* Water Management and Conservation Plan (OAR Chapter 690, Division 86), *if applicable*, per Oregon Water Resources Department.
- \* Water System Master Plan, *if applicable*, per Oregon Health Division.
- \* Any supporting documentation demonstrating compliance with permit conditions, including but not limited to: well construction logs; static water level measurement reporting; annual water use reporting; a long-term alternative water supply plan; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit.
- \* An inventory of all water rights (certificates, permits and/or applications) held by the applicant illustrating how the water rights are utilized. If any water rights are not used, please explain the reason(s) why. A sample form is enclosed for your reference (See Attachment "A").

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*OAR 690-315-0070(3)]*

1. **Submit the appropriate extension of time fee (\$250), as specified under ORS 536.050.**

The application fee of \$250 is attached.

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

2. **Provide evidence of the actions taken to begin actual construction on the project as required under the applicable statute.**

No construction of facilities related to this permit has been completed pending ongoing overall City water source development planning.

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

3. **Describe and supply documentation of actions taken to develop the water right permit:**

- A. **If this is the first extension request for this permit**

Not Applicable.

**OR**

- B. **If a prior extension was granted for this permit**

The City is conducting planning activities related to the development of the water right which includes ongoing overall water source development planning. Completing the development of the water right will depend on the outcome of these planning efforts.

The City has also completed a master plan (City of Dundee September 2003 Water System Master Plan) which evaluates this and all other City water rights. Present and future water demands are presented in the Water System Master Plan.

*[OAR 690-315-0070(3)(e)]*

4. **Provide evidence of compliance with conditions contained in the original permit, as well as any conditions added by previous extensions. If any conditions have not been satisfied, please explain the reason(s) why.**

Currently, the City's primary water supply sources consist of several groundwater wells. These groundwater sources have been showing potential production decline over the years. As such, the City has authorized a hydrogeology consultant to evaluate the capacity of the aquifer common to the wells as part of the City's ongoing water source development planning. The City needs to maintain the option of developing this surface water right in the event the groundwater wells can no longer meet the City's existing and future drinking water supply needs.

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

5. Document evidence of the maximum instantaneous rate of water diverted to the date of this application, if any, for beneficial Quasi-Municipal or Municipal purposes.

No water has been diverted to date. The maximum rate of water use allowed under this permit is 4.0 cubic feet per second.

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

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

Current population is served by other City of Dundee water rights.

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

7. Provide a description of the financial expenditures made toward completion of the water development under this permit.

| ITEM                                                                      | COST      |
|---------------------------------------------------------------------------|-----------|
| a. September 2003, Development of City of Dundee Water System Master Plan | \$ 60,000 |

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

8. Provide an estimate of the cost necessary to complete the water development.

To develop the water right, a water treatment facility including a diversion structure would need to be designed and constructed. The following cost estimates are budgetary in nature and are presented in a range of costs

| ITEM                        | BUDGET                     |
|-----------------------------|----------------------------|
| a. Engineering and Planning | \$1,000,000 to \$1,400,000 |
| b. Diversion Structure      | \$ 500,000 to \$ 800,000   |
| c. Treatment Facilities     | \$4,000,000 to \$6,000,000 |
| d. Piping                   | \$ 500,000 to \$ 800,000   |
| TOTAL                       | \$6,000,000 to \$9,000,000 |

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

9. List and describe all 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.

At the time this surface water permit was applied for, the City was in the process of developing reliable groundwater wells as drinking water supply sources and relying less on its surface water sources. As the groundwater wells have provided adequate supply for the City over the years, the surface water permit has been maintained as a back up source for future increases in water demands. As discussed in Item 4 above, City groundwater sources have been showing indications of production decline recently and, as such, the surface water sources have become an important and potential vital drinking water source reserve.

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

- 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 and contracts 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.

A Municipal Water Uses and Projected Needs form is attached to this application. This attachment estimates long-term water demand projections for the City of Dundee's customers, and contains a description of the methodology used. As a municipal corporation, the City of Dundee is responsible for obtaining and developing long term water supply for its customers. The water demand projection presented in the attachment is consistent with the amounts and types of land and uses that are and will be served by the City of Dundee. The future water demand will result from a combination of increased population within the current service area, expansion of the service area, and changing types of uses. The development of this water right to full beneficial use is dependent on the results of ongoing groundwater aquifer exploration that will help to determine if future demands can be met by existing or expanded groundwater supplies.

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

- 10-B. Extension 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.

Not Applicable

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

11. Provide a summary of the future plan and schedule to complete construction and/or perfect the water right.

| ITEM                                  | YEAR      |
|---------------------------------------|-----------|
| a. Facilities planning                | 2005-2010 |
| b. Design and permitting              | 2010-2020 |
| c. Water Treatment Plant Construction | 2020-2025 |

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- [OAR 690-315-0070(3)(m)]
12. Justify the time requested to complete the project and/or apply the water to full beneficial use.

See attachments

- [OAR 690-315-0070(3)(n)]
13. Provide any other information you wish the Department to consider while evaluating the extension of time application.

**Before submitting, make sure the following items are included:**

- \* Completed Extension of Time application;
- \* Statutory fee of \$250 (pursuant to ORS 536.050);
- \* Extension of Time application Signature Page (*page 1 of application*); and
- \* All supporting documentation and/or evidence referenced in the application.

**Mail the above items to:**

**Water Right Permit Extensions  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271**



## ATTACHMENTS

City of Dundee Water Use and Projected Needs Description

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**SUPPLEMENT TO APPLICATIONS FOR EXTENSION OF TIME  
FOR CITY OF DUNDEE**

**WATER USES AND PROJECTED NEEDS**

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**1. CURRENT WATER DEMANDS**

Water demand estimates were developed from a review of historical water consumption records and data provided by the City and regional population forecasts specifically generated to reflect the water service area.

**Historical Water Use**

The term "water demand" refers to all the water requirements of the system including domestic, commercial, municipal, institutional and industrial as well as unaccounted-for water. Demands are discussed in terms of gallons or gallons per unit of time such as million gallons (MG), gallons per day (GPD), million gallons per day (MGD) or gallons per minute (GPM). Demands are also related to per capita use as gallons per capita per day (GPCD). The City of Dundee maintains records of historical monthly water usage by customers. Table 1 summarizes this data for the years 1999 through 2002.

**Existing Water Demands**

Based on historical water usage patterns and historical population, the water service area's average daily demand has been approximately 0.4 million gallons per day (MGD) with a per capita consumption of approximately 145 gallons per capita per day (GPCD). Recent maximum daily water demand usage has been as high as approximately 0.95 MGD in 2000. The annual demands and the monthly average demand during peak season for the years 1999 through 2002 are summarized in Table 1.

**Table 1  
Historical Water Use Summary**

| Year | Water Service Area Population | Water Demand             |                       |                    |                                          |
|------|-------------------------------|--------------------------|-----------------------|--------------------|------------------------------------------|
|      |                               | Average Day Demand (MGD) | Peak Day Demand (MGD) | Annual Demand (MG) | *Peak Season Monthly Average Demand (MG) |
| 1999 | 2,478                         | 0.41                     | 0.91                  | 150.4              | 19.95                                    |
| 2000 | 2,598                         | 0.43                     | 0.95                  | 157.5              | 20.34                                    |
| 2001 | 2,670                         | 0.38                     | 0.69                  | 139.1              | 19.64                                    |
| 2002 | 2,770                         | 0.38                     | 0.81                  | 137.5              | 20.09                                    |

\*Peak Season is June through September



## 2. PROJECTED POPULATION AND WATER DEMAND

### Existing Population

Historical population estimates were obtained through the analysis of data provided by the City of Dundee and the Center for Population Research and Census (CPRC) at Portland State University. The CPRC data represents estimates of Dundee's population inside the existing City limits as of July 1 each year. Population estimates for the beginning of each decade are based on census counts published by the U.S. Census Bureau, while annual estimates between the census counts are derived by analyzing supplemental data, including economic changes, building permits issued, and annexations. Table 2-1 presents a summary of these historical population estimates from 1970 through 2002. The average annual growth rate over this period was approximately 5.0 percent. The most current published population figures for the year 2002 place the City's population at 2,770 residents, while the 2003 population of approximately 2,882 is a projection.

The City of Dundee currently supplies water to approximately 2,882 people through approximately 1,000 residential service connections. Based on current City data, there are approximately 2.8 persons per equivalent dwelling unit (EDU). This results in approximately 1,030 existing dwelling units (DUs).

**Table 2-1**  
**Historical and Current Population Summary**

| Year | Population |
|------|------------|
| 1970 | 588        |
| 1980 | 1,223      |
| 1990 | 1,663      |
| 2000 | 2,598      |
| 2001 | 2,670      |
| 2002 | 2,770      |
| 2003 | 2,882      |

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Table 2-2 summarizes estimates of the existing population and DUs within each pressure zone.

**Table 2-2**  
**Existing Population and Equivalent Dwelling Units Summary**

| Pressure Zone     | Area (acres) | Equivalent Dwelling Units | Population   |
|-------------------|--------------|---------------------------|--------------|
| Upper Zone        | 23.4         | 45                        | 125          |
| Intermediate Zone | 86.5         | 200                       | 560          |
| Lower Zone        | 374.3        | 785                       | 2,197        |
| <b>Total</b>      | <b>484.2</b> | <b>1,030</b>              | <b>2,882</b> |



## Population Forecast

As part of on-going population forecasting efforts, population projections have been developed and summarized in Table 2-3. In 1998 the City had approximately 270 acres of net buildable land available within the UGB. Using the established planning densities of 4 lots per acre for R1 zoning, 5 lots per acre for R2 zoning, 9 lots per acre for R3 zoning, 5 lots per acre as an assumed value for the agricultural area, and an occupancy rate of 3 people per lot, the saturation development population is projected to be 6,350.

**Table 2-3**  
**Saturation Development Population Projection Summary**

| Zoning Designation            | Net Buildable Land (acres) | Estimated Population |
|-------------------------------|----------------------------|----------------------|
| 1998 Baseline Population      | -                          | 2,383                |
| R-1                           | 39.1                       | 469                  |
| R-2                           | 5.0                        | 75                   |
| R-3                           | 5.9                        | 159                  |
| Residential/Agricultural      | 217.6                      | 3,264                |
| <b>Saturation Development</b> |                            | <b>6,350</b>         |

Yamhill County's Transportation System Plan (TSP) projects a City population of approximately 9,127 in 2020 using a growth rate of 5.76%. The Oregon Office of Economic Analysis (OEA) has estimated Yamhill County's population to be 119,589 in the year 2020 with Dundee's population being only 1.7% of Yamhill County's population or approximately 3,994. Taking into consideration historical growth rates, TSP growth estimates, OEA growth estimates and the available buildable land within the existing UGB, the City has adopted a population of 5,750 in the year 2020. This correlates to a growth rate of 4.05% between the 2000 census population and the adopted 2020 population, which will be used for population projections. Table 2-4 presents a population forecast summary.

**Table 2-4**  
**Population Forecast Summary**

| Year                                 | Population |
|--------------------------------------|------------|
| 2002                                 | 2,770      |
| 2003                                 | 2,882      |
| 2008                                 | 3,515      |
| 2013                                 | 4,286      |
| 2018                                 | 5,228      |
| 2020                                 | 5,750      |
| 2023<br>(UGB Saturation Development) | 6,350      |

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For water system planning purposes, it is prudent to use the saturation development population forecasting methodology. This methodology provides for the most economical development of water infrastructure improvements by assuming full occupancy at saturation development conditions allowing for actual development to progress without incurring additional costs for facility duplication.

## Water Demand Projections

Future water demand estimates were developed by projecting historical flows using the same relative growth as the population. As growth continues, both residential infill and zoning expansions are expected, resulting in an increased population density and an overall water demand. For the purposes of this plan, estimated average daily water usage is assumed to remain constant at approximately 145 GPCD.

Dundee's water demand patterns have varied greatly over the past few years. Historical maximum day per capita usage has been as low as 260 GPCD and as high as 360 GPCD. As conservation plays an increasing role in water usage patterns, it is anticipated that Dundee's maximum daily per capita usage can ultimately be maintained at approximately 320 GPCD, even in drought years.

Future maximum day per capita usage is estimated at approximately 320 GPCD. Estimated average and maximum day water demands are developed by multiplying the estimated per capita usage by the anticipated population for that year. To provide an estimate of peak hourly usage, a factor of 1.5 was applied to the estimated maximum day water demands. This is consistent with water demand patterns of similar communities in the region. Population projections and anticipated water demands, in five-year increments through saturation development, are summarized in Table 2-5.

**Table 2-5**  
**Population Forecasts and**  
**Estimated Water Demand Summary**

| Year                                       | Population | Water Demand (MGD) |                    |                  |
|--------------------------------------------|------------|--------------------|--------------------|------------------|
|                                            |            | Average Day Demand | Maximum Day Demand | Peak Hour Demand |
| 2003                                       | 2,882      | 0.42               | 0.92               | 1.38 (2.139 cfs) |
| 2008                                       | 3,515      | 0.51               | 1.12               | 1.68             |
| 2013                                       | 4,286      | 0.62               | 1.37               | 2.06             |
| 2018                                       | 5,228      | 0.76               | 1.67               | 2.51             |
| 2023<br>(UGB<br>Saturation<br>Development) | 6,350      | 0.92               | 2.03               | 3.05 (4.52 cfs)  |

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### **3. POTENTIAL GROWTH**

#### **Service Area**

The City of Dundee Urban Growth Boundary (UGB), as defined by the City's comprehensive plan, encompasses approximately 747 acres, while the City limits include approximately 900 acres. Approximately 153 acres of land inside the City limits is outside of the UGB and is non-developable flood plain land. The City water system currently provides service to the area within the UGB as well as to several connections outside of this boundary. The services outside the UGB have historically accounted for approximately six percent of the water demand and are anticipated to continue being served at this same level by the City throughout the planning period (2023).

The City of Dundee's future water service area includes the area enclosed within the established UGB. According to Dundee's Buildable Lands Inventory and Urbanization Project report, the agricultural area within the UGB is expected to be rezoned as residential prior to the saturation development of the UGB with a population density of five people per net available acre. This assumption was incorporated in the demand estimates discussed above.

### **4. INVENTORY OF WATER RIGHTS HELD**

#### **Existing Water rights and Permits**

The City of Dundee currently holds surface water rights on nine sources and groundwater rights on eleven sources. Attachment "A" summarizes the existing water rights and the corresponding amount of beneficial water use.

#### **Supply Sources**

The City is supplied water from nine groundwater wells located in and around the City that pump water from the Columbia River Basalt Group Formation (CRBG) aquifers. All but two of these wells are City owned. The City owns an additional well, referred to as Well No. 4 or old river well, which is no longer operational. These wells have a total combined production capacity of approximately 1.14 million gallons per day (MGD) under normal operating conditions. Water from each well is either pumped to a storage reservoir or is pumped into the water distribution system. All of the supply wells are equipped with submersible pumps and disinfection at all wells is by liquid chlorine injection. Table 4-1 presents a summary of the supply wells and a brief description of each well is presented below. Also presented is a brief discussion of the City's surface water and groundwater sources and associated water rights that are currently not being used.

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**Table 4-1  
Groundwater Well Pump, Depth and Production Summary**

| City Well No.                                              | OWRD Source Name  | Horse-power (hp) | Total Well Depth (feet) | Approximate Existing Production Capacity (gpm) |
|------------------------------------------------------------|-------------------|------------------|-------------------------|------------------------------------------------|
| 1                                                          | Well 1            | 15               | 103                     | 53                                             |
| 2                                                          | Well 3            | 10               | 200                     | 54                                             |
| 3                                                          | Supply Well       | 7.5              | 471                     | 35                                             |
| 5                                                          | Well 5            | 7.5              | 160                     | 135                                            |
| 6                                                          | Well 6            | 7.5              | 160                     | 135                                            |
| 7                                                          | Well 7            | 10               | 215                     | 80                                             |
| 8                                                          | Well 7A           | 10               | 304                     | 130                                            |
| 9                                                          | First Street Well | 20               | 385                     | 145                                            |
| 10                                                         | Alder Street Well | 10               | 482                     | 50                                             |
| <b>Total Supply Source Production Capacity<sup>1</sup></b> |                   |                  |                         | <del>790</del> 817<br>(1.14 MGD)               |

cf5  
0.118  
0.12  
0.078  
0.3  
0.3  
0.178  
0.29  
0.32  
0.11  
1.8

1. Total supply source production capacity is the sum of the production capacities of all operational well pumps.

1.82

**Well Nos. 1, 2, 7 and 8**

The City operates four wells and a pumping facility on a parcel of land located approximately 1.25 miles west of the City limits. These are City Well Nos. 1, 2, 7 and 8, and are also collectively referred to as the Spring Wells. Extension of Time is needed for well Nos. 1, 2 and 8. Each well pumps water to a 6,000 gallon clearwell where it is chlorinated and then pumped through a 6-inch diameter pipe to the 0.2 million gallons (MG) Reservoir. The wells at this site have a combined production capacity of approximately 320 gallons per minute (gpm) and are described below:

- Well No. 1 is capable of producing approximately 53 gpm of water. The well was constructed in 1971, has an 8-inch diameter casing, a depth of approximately 103 feet, and a wellhead elevation of approximately 440 feet.
- Well No. 2 is capable of producing approximately 54 gpm of water. The well was constructed in 1973, has an 8-inch diameter casing, a depth of approximately 200 feet, and a wellhead elevation of approximately 429 feet. AKA WELL 3
- Well No. 7 is capable of producing approximately 80 gpm of water. The well was constructed in 1988, has an 8-inch diameter casing, a depth of approximately 215 feet, and a wellhead elevation of approximately 451 feet.
- Well No. 8 is capable of producing approximately 130 gpm of water. The well was constructed in 1991, has an 8-inch diameter casing, a depth of approximately 304 feet, and a wellhead elevation of approximately 460 feet.

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Well No. 3, also referred to as the deep well or supply well, is located adjacent to the City's 0.4 MG Reservoir, near the intersection of SW Upland Drive and SW Red Hills Loop. This well has a current production capacity of approximately 35 gpm, a 16-inch diameter casing, a depth of approximately 471 feet, and a wellhead elevation of approximately 400 feet. Water from Well No. 3 is chlorinated at the wellhead and pumped directly into the 0.4 MG Reservoir. The well was originally constructed in 1956 to a depth of approximately 385 feet and was increased to a depth of approximately 471 feet in 1960. This well had a production capacity of approximately 65 gpm in 1980, approximately 41 gpm in 1991, and a recorded production capacity of approximately 35 gpm in 2002. Due to the steadily declining water production rates, static water level data is being gathered on Well No. 3 to better assess the well's long term production potential.

*Well Nos. 5 and 6*

Well Nos. 5 and 6, also referred to as the Pruitt Wells, are located on private property near the intersection of SW 9th Street and SW Alder Street and are not owned by the City. The City has an agreement with the current property and well owners to purchase water from these wells during high water demand periods. Well No. 5 is capable of producing approximately 135 gpm of water. The well was constructed in 1977, has a 6-inch diameter casing, a depth of approximately 160 feet, and a wellhead elevation of approximately 220 feet. Well No. 6 is capable of producing approximately 135 gpm of water. The well was also constructed in 1977, has a 6-inch diameter casing, a depth of approximately 140 feet, and a wellhead elevation of approximately 220 feet. While other wells appear to have declining production yields, Well Nos. 5 and 6 appear to be producing consistent yields over time.

*Well No. 9*

Well No. 9, also referred to as the First Street Well, is located in the northwest section of the City near the intersection of SW First Street and Highway 99W. Extension of Time is needed for well No. 9. This well became operational in 2002 and has an 8-inch diameter casing, a depth of approximately 385 feet, and a wellhead elevation of approximately 220 feet. Water from Well No. 9 is chlorinated at the site and pumped directly into the lower pressure zone at a rate of approximately 145 gpm.

*Well No. 10*

Well No. 10, also referred to as the Alder Street Well, is located near the southern edge of the City limit boundary near the intersection of SW Alder Street and SW Niederberger Road. Extension of Time is needed for well No. 10. This well became operational in 1991 and has an 8-inch diameter casing, a depth of approximately 482 feet, and a wellhead elevation of approximately 180 feet. For approximately nine years following well construction it produced approximately 100 gpm. Recently static water levels in the vicinity of Well No. 10 appear to be declining along with the well's production capacity. The well discharge is currently throttled such that the well currently produces



approximately 50 gpm. Water from Well No. 10 is chlorinated at the site and pumped into the lower pressure zone.

### ***In-Active Groundwater Sources***

The City holds water rights on three groundwater sources that are not currently connected to the City's water supply system and are not being utilized at this time. Extension of Time is needed for well Nos. 4 (River Well), 11 and 12. These wells will become incorporated into the City's water supply system to increase the overall supply source capacity over time as demand increases. The long term production rates of these wells are not currently known.

### ***In-Active Surface Water Sources***

Prior to the development of the City's current groundwater supply wells the City relied on surface water springs located west of the City. According to discussions with City staff these spring sources consist of small cast-in-place concrete catchment tubs and are maintained as a back-up supply. Additionally, the City is requesting an Extension of Time on the Willamette River Source that will be held for potential future needs.

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# Attachment "A"

## City of Dundee, Oregon Existing Water Rights and Permits Surface Water

| City Source Name | Application # | Permit # | Certificate # | OWRD Source Name           | Use       | Priority Date | Authorized Amount of Water cfs (gpm) | Max. Amount of Beneficial Water Use (gpm) | Use Limitations                                                                     |
|------------------|---------------|----------|---------------|----------------------------|-----------|---------------|--------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------|
| Spring           | 9028          | S5932    | 8781          | A Spring, Harvey Creek     | Municipal | 6/20/1923     | 0.5 (224)                            | 0                                         | Held as an emergency water supply source                                            |
| Spring           | 9028          | S5932    | 8781          | A Spring, Harvey Creek     | Municipal | 6/20/1923     | 0.5 (224)                            | 0                                         | Held as an emergency water supply source                                            |
| Spring           | 12629         | S8978    | 8817          | A Spring 1, Harvey Creek   | Municipal | 3/25/1929     | 0.5 (22)                             | 0                                         | Held as an emergency water supply source                                            |
| Spring           | 12629         | S8978    | 8817          | A Spring 1, Harvey Creek   | Municipal | 3/25/1929     | 0.5 (22)                             | 0                                         | Held as an emergency water supply source                                            |
| Spring           | 12629         | S8978    | 8817          | A Spring 2, Harvey Creek   | Municipal | 3/25/1929     | 0.5 (22)                             | 0                                         | Held as an emergency water supply source                                            |
| Spring           | 12629         | S8978    | 8817          | A Spring 2, Harvey Creek   | Municipal | 3/25/1929     | 0.5 (22)                             | 0                                         | Held as an emergency water supply source                                            |
| Mossy Spring     | 18173         | S13880   | 14654         | Mossy Spring, Harvey Creek | Municipal | 6/8/1939      | 0.007 (3)                            | 0                                         | Held as an emergency water supply source                                            |
| Harvey Creek     | 22077         | S17367   | 17145         | Harvey Creek               | Municipal | 11/7/1946     | 0.25 (112)                           | 0                                         | Held as an emergency water supply source                                            |
| Willamette River | 58951         | S44462   | NA            | Willamette River           | Municipal | 7/24/1979     | 4.0 (1795)                           | 0                                         | Source not yet developed. Source for potential future surface water treatment plant |

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# Attachment "A" Continued

## City of Dundee, Oregon Existing Water Rights and Permits Ground Water

→ for 2008 Extension  
PFO used Table D-1  
Water Rights Summary  
from 2003 Water  
System Master Plan  
(more comprehensive)

| City Source Name        | Application # | Permit # | Certificate # | OWRD Source Name          | Use       | Priority Date | Authorized Amount of Water cfs (gpm) | Max. Amount of Beneficial Water Use (gpm) | Use Limitations                                                                    |
|-------------------------|---------------|----------|---------------|---------------------------|-----------|---------------|--------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------|
| Well 1                  | G6331         | G6017    | NA            | Well 1 (meter)            | Municipal | 4/22/1974     | 0.22 (99)                            | 53                                        | Current pumping capacity is lower than the permitted rate ✓                        |
| Well 2                  | G6331         | G6017    | NA            | Well 3 (meter)            | Municipal | 4/22/1974     | 0.22 (99)                            | 54                                        | Current pumping capacity is lower than the permitted rate ✓                        |
| Well 3<br>Deep Well     | G1217         | G1263    | 29157         | Supply Well (meter)       | Municipal | 11/28/1958    | 0.18 (81)                            | 35                                        | Production capacity appears to be declining over time ✓                            |
| Well 4<br>River Well    | G6331         | G6017    | NA            | Well 2 (meter)            | Municipal | 4/22/1974     | 0.26 (116)                           | 0                                         | Pumping, treatment and transmission facilities need to be installed prior to use ✓ |
| Old<br>River Well       | G6331         | G6017    | 61759         | Well 4 (abandoned)        | Municipal | 4/22/1974     | 0.27 (121)                           | 0                                         | Well has been abandoned                                                            |
| Well 7                  | G11866        | G11058   | NA            | Well 7 (meter)            | Municipal | 10/31/1988    | 0.33 (148)                           | 80                                        | Current pumping capacity is lower than the permitted rate ✓                        |
| Well 8                  | G12568        | G12685   | NA            | Well 7A (meter)           | Municipal | 6/7/1991      | 0.334 (150)                          | 130                                       |                                                                                    |
| Well 9<br>1st Street    | G12568        | G12685   | NA            | 1st Street Well           | Municipal | 6/7/1991      | 0.334 (150)                          | 145                                       |                                                                                    |
| Well 10<br>Alder Street | G12568        | G12685   | NA            | Alder Street Well (meter) | Municipal | 6/7/1991      | 1.114 (500)                          | 50                                        | Production capacity appears to be declining over time ✓                            |
| Well 11                 | G14066        | G12736   | NA            | Well 11                   | Municipal | 5/19/1995     | 0.5 (225)                            | 0                                         | Pumping, treatment and transmission facilities need to be installed prior to use ✓ |
| Well 12                 | G14070        | G13035   | NA            | Well 12 (Watershed)       | Municipal | 5/19/1995     | 0.5 (225)                            | 0                                         | Pumping, treatment and transmission facilities need to be installed prior to use ✓ |

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## **APPENDIX A**

Copy of Original Permit/Water Right Information Query Results

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# Water Rights Information Query Results

**Owner(s) Information**

CITY OF DUNDEE  
BOX 201  
DUNDEE OR 97115

**Application(s)**

| Application | Received |     |
|-------------|----------|-----|
| S 58951     |          | Map |

**Permit(s)**

| Permit  | Signature |     |
|---------|-----------|-----|
| S 44462 |           | Map |

**Certificate(s)**

n/a

**Claim(s)**

n/a

**Decree(s)**

n/a

**Order(s)**

n/a

**Transfer(s)**

n/a

**Misc. Info**

| Authority | File Location |
|-----------|---------------|
|           | Salem         |

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SALEM, OREGON**

**Document Process**

n/a

**Point(s) of Diversion**

| Location (T-R-S-QQ) | DLC/Lot | Source       | Tributary to | Max Rate | Rate | Max Acre Feet | Acre Feet | Legal Description                                        | Rema |
|---------------------|---------|--------------|--------------|----------|------|---------------|-----------|----------------------------------------------------------|------|
| 3.0S-2.0W-30-SWSW   |         | WILLAMETTE R | COLUMBIA R   | 4.0      | 4.0  |               |           | 50 FEET NORTH & 770 FEET EAST FROM SW CORNER, SECTION 30 |      |

**Uses from this Point of Diversion**

| Use | P/S | Priority Date | Start Date | End Date | Acres | Rate/Acre | Duty | Max Rate | Rate | Max Acre Feet | Acre Feet | Status | Remarks |
|-----|-----|---------------|------------|----------|-------|-----------|------|----------|------|---------------|-----------|--------|---------|
| MU  | P   | 07/24/1979    | 1/1        | 12/31    |       |           |      | 4.0      | 4.0  |               |           | NC     |         |

**Place of Use**

| Use | P/S | Priority Date | Location (T-R-S-QQ) | DLC/Lot | Acres | Status | Remarks |
|-----|-----|---------------|---------------------|---------|-------|--------|---------|
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-NENW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-NWNW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-SWNW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-SENW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-NESW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-NWSW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-SWSW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-SESW   |         |       | NC     |         |
| MU  | P   | 07/24/1979    | 3.0S-3.0W-25-SWSE   |         |       | NC     |         |



|    |   |            |                   |  |  |    |  |
|----|---|------------|-------------------|--|--|----|--|
| MU | P | 07/24/1979 | 3.0S-3.0W-25-SESE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-NENE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-NWNE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-SWNE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-SENE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-SENW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-NESW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-SESW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-NESE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-NWSE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-SWSE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-26-SESE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-30-SWSW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-30-SESW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-31-NWNW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-35-NENE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-35-NWNE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-NENE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-NWNE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-SWNE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-SENE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-NENW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-NWNW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-SENW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-NESW |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-NESE |  |  | NC |  |
| MU | P | 07/24/1979 | 3.0S-3.0W-36-NWSE |  |  | NC |  |

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SALEM, OREGON[View Water Rights in same Family](#)[Return to the Water Right Information search screen](#)*Phillip C. Ward, Director*

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903



# Memorandum

**To:** FILE – S-58951  
**From:** Ann Reece  
**Date:** July 13, 2006  
**Re:** September 2003 Water System Master Plan for City of  
Dundee

---

A copy of the City's 2003 Water  
System Master Plan is in Application  
File G-12568



# WATER SYSTEM MASTER PLAN

FOR

CITY OF DUNDEE

SEPTEMBER 2003



EXPIRES  
6/30/04



EXPIRES: 12-31-03

Prepared by:

**MURRAY, SMITH & ASSOCIATES, INC.**  
Engineers/Planners  
121 SW Salmon, Suite 900  
Portland, Oregon 97204

In association with:  
**GROUNDWATER SOLUTIONS, INC.**  
3758 SE Milwaukie Ave.  
Portland, OR 97202

And:  
**FINANCIAL CONSULTING SOLUTIONS  
GROUP, INC.**  
8642 154<sup>th</sup> Ave. NE  
Redmond, WA 98052

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03-0597.106

JUL 13 2006  
WATER RESOURCES DEPT  
SALEM, OREGON



**Table D-1  
City of Dundee  
Water Rights Summary**

| City Source Name     | Oregon Water Resources Department<br>Source Name | Permit Rate<br>(cfs) (gpm) | Pump<br>Capacity<br>(gpm) | Application<br>Number | Permit<br>Number | Certificate<br>Number | Status or Recommendation                | Priority<br>Date | Point of Use<br>Identification | Use  | Township,<br>Range &<br>Section | 1/16 Section |
|----------------------|--------------------------------------------------|----------------------------|---------------------------|-----------------------|------------------|-----------------------|-----------------------------------------|------------------|--------------------------------|------|---------------------------------|--------------|
| Spring               | A Spring, Harvey Creek                           | 0.5 (224)                  | 0                         | 9028                  | S5932            | 8781                  | Complete                                | 6/20/23          | 11394                          | MU-A | 3S.3W.27                        | NW NE        |
| Spring               | A Spring, Harvey Creek                           | 0.5 (224)                  | 0                         | 9028                  | S5932            | 8781                  | Complete                                | 6/20/23          | 11396                          | MU-P | 3S.3W.27                        | SE NW        |
| Spring               | A Spring 1, Harvey Creek                         | 0.5 (22)                   | 0                         | 12629                 | S8978            | 8817                  | Complete                                | 3/25/29          | 11386                          | DO-P | 3S.3W.27                        | NW NE        |
| Spring               | A Spring 1, Harvey Creek                         | 0.5 (22)                   | 0                         | 12629                 | S8978            | 8817                  | Complete                                | "                | "                              | IM-A | 3S.3W.27                        | NW NE        |
| Spring               | A Spring 2, Harvey Creek                         | 0.5 (22)                   | 0                         | 12629                 | S8978            | 8817                  | Complete                                | 3/25/29          | 11387                          | DO-A | 3S.3W.22                        | SW SE        |
| Spring               | A Spring 2, Harvey Creek                         | 0.5 (22)                   | 0                         | 12629                 | S8978            | 8817                  | Complete                                | "                | -                              | IM-A | 3S.3W.22                        | SW SE        |
| Mossy Spring         | Mossy Spring, Harvey Creek                       | 0.007 (3)                  | 0                         | 18173                 | S13880           | 14654                 | Complete                                | 6/8/39           | 11395                          | DO-P | 3S.3W.27                        | NW NE        |
| Harvey Creek         | Harvey Creek                                     | 0.25 (112)                 | 0                         | 22077                 | S17367           | 17145                 | Complete                                | 11/7/46          | 11388                          | MU-P | 3S.3W.22                        | SW SE        |
| Willamette River     | Willamette River                                 | 4.0 (1795)                 | 0                         | 58951                 | S44462           | -                     | Extension application due 9/03          | 7/24/79          | 30162                          | MU-P | 3S.2W.30                        | SW SW        |
| Well 1 Watershed     | Well 1 (meter)                                   | 0.22 (99)                  | 53                        | G6331                 | G6017            | -                     | Extension application due 9/03          | 4/22/74          | 30158                          | MU-P | 3S.3W.27                        | NW NE        |
| Well 2 Watershed     | Well 3 (meter)                                   | 0.22 (99)                  | 54                        | G6331                 | G6017            | -                     | Extension application due 9/03          | 4/22/74          | 30160                          | MU-P | 3S.3W.27                        | NW NE        |
| Well 3 Deep Well     | Supply Well (meter)                              | 0.18 (81)                  | 35                        | G1217                 | G1263            | 29157                 | Complete                                | 11/28/58         | 29157                          | MU-P | 3S.3W.26                        | SW NE        |
| Well 4 River Well    | Well 2 (meter)                                   | 0.26 (116)                 | 0                         | G6331                 | G6017            | -                     | Extension application due 9/03          | 4/22/74          | 30159                          | MU-P | 3S.2W.30                        | SW SW        |
| Old River Well       | Well 4 (abandoned)                               | 0.27 (121)                 | 0                         | G6331                 | G6017            | -                     | Extension application due 9/03          | 4/22/74          | 30161                          | MU-P | 3S.3W.36                        | NE NE        |
| Well 5 Pruitt        | Well 5 (meter)                                   | 0.30 (135)                 | 135                       | G10904                | G10148           | 61759                 | Complete                                | 3/24/83          | 11389                          | MU-P | 3S.3W.26                        | NW SE        |
| Well 6 Pruitt        | Well 6 (meter)                                   | 0.30 (135)                 | 135                       | G10904                | G10148           | 61759                 | Complete                                | 3/24/83          | 11390                          | MU-P | 3S.3W.26                        | NW SE        |
| Well 7 Watershed     | Well 7 (meter)                                   | 0.33 (148)                 | 150                       | G11866                | G11058           | -                     | Claim submitted 10/15/94                | 10/31/88         | 21048                          | MU-P | 3S.3W.27                        | NW NE        |
| Well 8 Watershed     | Well 7A (meter)                                  | 0.334 (150)                | 140                       | G12568                | G12685           | -                     | Recommend submitting final proof survey | 6/7/91           | -                              | MU-P | 3S.3W.27                        | NW NE        |
| Well 9 1st Street    | 1st Street Well                                  | 0.334 (150)                | 145                       | G12568                | G12685           | -                     | Recommend submitting final proof survey | 6/7/91           | -                              | MU-P | 3S.3W.25                        | SW NW        |
| Well 10 Alder Street | Alder Street, Well (meter)                       | 1.114 (500)                | 50                        | G12568                | G12685           | -                     | Extension application due 9/03          | 6/7/91           | -                              | MU-P | 3S.3W.35                        | NW NE        |
| Well 11 Watershed    | Well 11                                          | 0.5 (225)                  | -                         | G14066                | G12736           | -                     | Extension application due 9/03          | 5/19/95          | -                              | MU-P | 3S.3W.27                        | NW NE        |
| Well 12 Watershed    | Well 12 (Watershed)                              | 0.5 (225)                  | -                         | G14070                | G13035           | -                     | Submit claim after construction         | 5/19/95          | -                              | MU-P | 3S.3W.27                        | NW NE        |

9.67 cfs 897 gpm  
2.0 cfs  
Well 10 - Historically permitted 100 gpm throttled to 50 gpm  
Well 9 = 100 gpm  
Well 8 = 100 gpm  
Well 7 = 100 gpm  
Well 6 = 100 gpm  
Well 5 = 100 gpm  
Well 4 = 100 gpm  
Well 3 = 100 gpm  
Well 2 = 100 gpm  
Well 1 = 100 gpm  
Well 12 = 100 gpm  
Well 11 = 100 gpm  
Well 10 = 100 gpm  
Well 9 = 100 gpm  
Well 8 = 100 gpm  
Well 7 = 100 gpm  
Well 6 = 100 gpm  
Well 5 = 100 gpm  
Well 4 = 100 gpm  
Well 3 = 100 gpm  
Well 2 = 100 gpm  
Well 1 = 100 gpm



**Table 3-2**  
**Historical and Current Population Summary**

| Year | Population |
|------|------------|
| 1970 | 588        |
| 1980 | 1,223      |
| 1990 | 1,663      |
| 2000 | 2,598      |
| 2001 | 2,670      |
| 2002 | 2,770      |
| 2003 | 2,882      |

Table 3-3 summarizes estimates of the existing population and DUs within each pressure zone.

**Table 3-3**  
**Existing Population and Equivalent Dwelling Units Summary**

| Pressure Zone     | Area (acres) | Equivalent Dwelling Units | Population   |
|-------------------|--------------|---------------------------|--------------|
| Upper Zone        | 23.4         | 45                        | 125          |
| Intermediate Zone | 86.5         | 200                       | 560          |
| Lower Zone        | 374.3        | 785                       | 2,197        |
| <b>Total</b>      | <b>484.2</b> | <b>1,030</b>              | <b>2,882</b> |

### ***Population Forecast***

As part of on-going population forecasting efforts, population projections have been developed and summarized in Table 3-4. In 1998 the City had approximately 270 acres of net buildable land available within the UGB. Using the established planning densities of 4 lots per acre for R1 zoning, 5 lots per acre for R2 zoning, 9 lots per acre for R3 zoning, 5 lots per acre as an assumed value for the agricultural area, and an occupancy rate of 3 people per lot, the saturation development population is projected to be 6,350.

**Table 3-4**  
**Saturation Development Population Projection Summary**

| Zoning Designation            | Net Buildable Land (acres) | Estimated Population |
|-------------------------------|----------------------------|----------------------|
| 1998 Baseline Population      | -                          | 2,383                |
| R-1                           | 39.1                       | 469                  |
| R-2                           | 5.0                        | 75                   |
| R-3                           | 5.9                        | 159                  |
| Residential/Agricultural      | 217.6                      | 3,264                |
| <b>Saturation Development</b> |                            | <b>6,350</b>         |



Dundee County's Transportation System Plan (TSP) projects a City population of approximately 9,127 in 2020 using a growth rate of 5.76%. The Oregon Office of Economic Development (OEA) has estimated Yamhill County's population to be 119,589 in the year 2020, with Dundee's population being only 1.7% of Yamhill County's population or approximately 2,073. Taking into consideration historical growth rates, TSP growth estimates, OEA growth estimates, and the available buildable land within the existing UGB, the City has adopted a population of 5,750 in the year 2020. This correlates to a growth rate of 4.05% between the 2002 census population and the adopted 2020 population, which will be used for population forecasts. Table 3-5 presents a population forecast summary.

**Table 3-5  
Population Forecast Summary**

| Year                                    | Population |
|-----------------------------------------|------------|
| 2002                                    | 2,770      |
| 2003                                    | 2,882      |
| 2008                                    | 3,515      |
| 2013                                    | 4,286      |
| 2018                                    | 5,228      |
| 2020                                    | 5,750      |
| 2023<br>(UGB Saturation<br>Development) | 6,350      |

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SALEM, OREGON**

For system planning purposes, it is prudent to use the saturation development forecasting methodology. This methodology provides for the most economical development of water infrastructure improvements by assuming full occupancy at saturation development conditions allowing for actual development to progress without incurring costs for facility duplication.

#### **Water Demand Estimates**

Water demand estimates were developed from a review of historical water consumption data provided by the City and regional population forecasts specifically to reflect the water service area.

#### **Water Use**

"Water demand" refers to all the water requirements of the system including commercial, municipal, institutional and industrial as well as unaccounted-for demands. Demands are discussed in terms of gallons per unit of time such as gallons per day (gpd) or gallons per minute (gpm). Demands are also related to population as gallons per capita per day (gpcd). The City of Dundee maintains records



of historical monthly water usage by customers. Table 3-6 summarizes this data for the years 1999 through 2002.

### ***Existing Water Demands***

Based on historical water usage patterns and historical population, the water service area's average daily demand has been approximately 0.4 million gallons per day (mgd) with a per capita consumption of approximately 145 gallons per capita per day (gpcd). Recent maximum daily water demand usage, has been as high as approximately 0.95 mgd in 2000. This is equivalent to a maximum per capita usage of approximately 366 gpcd.

**Table 3-6  
Historical Water Use Summary**

| Year | Water Service Area Population | Water Demand (mgd) |                    |
|------|-------------------------------|--------------------|--------------------|
|      |                               | Average Day Demand | Maximum Day Demand |
| 1999 | 2,478                         | 0.41               | 0.91               |
| 2000 | 2,598                         | 0.43               | 0.95               |
| 2001 | 2,670                         | 0.38               | 0.69               |
| 2002 | 2,770                         | 0.38               | 0.81               |

### ***Water Demand Projections***

Future water demand estimates were developed by projecting historical flows using the same relative growth as the population. As growth continues, both residential infill and zoning expansions are expected, resulting in an increased population density and an overall water demand. For the purposes of this plan, estimated average daily water usage is assumed to remain constant at approximately 145 gpcd.

Dundee's water demand patterns have varied greatly over the past few years. Historical maximum day per capita usage has been as low as 260 gpcd and as high as 360 gpcd. As conservation plays an increasing role in water usage patterns, it is anticipated that Dundee's maximum daily per capita usage can ultimately be maintained at approximately 320 gpcd, even in drought years.

For the purposes of this study, future maximum day per capita usage is estimated at approximately 320 gpcd. Estimated average and maximum day water demands are developed by multiplying the estimated per capita usage by the anticipated population for that year. To provide an estimate of peak hourly usage, a factor of 1.5 was applied to the estimated maximum day water demands. This is consistent with water demand patterns of



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **19830**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: City of Eugene  
BY: \_\_\_\_\_

|             |       |
|-------------|-------|
| APPLICATION | 52951 |
| PERMIT      | 44462 |
| TRANSFER    |       |

CASH: ☐ CHECK: # X 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 280.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

**0427 WRD OPERATING ACCT**

PCA 66111

MISCELLANEOUS

0407 COPY & TAPE FEES see 19896

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) Extension

\$ 100.00

(New) TC165 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

(Existing) TC168

**WATER RIGHTS:**

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

**WELL CONSTRUCTION**

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS

\$

**0467 HYDRO ACTIVITY**

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **19830**

DATED: 3-20-98 BY: D. Buehler

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



RECEIVED

File No. 58951

MAR 20 1998

APPLICATION FOR EXTENSION OF TIME

WATER RESOURCES DEPT.  
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, City of Dundee

name

PO Box 220

Dundee OR

97115 (503)538-3922

address

city

state

zip

phone

record owner of permit No. S 44462, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1997, be extended to October 1, 2002, and/or the time in which to

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1997, be extended to October 1, 2002.

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

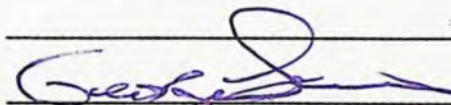
(1) within past year - none - financing not currently available. City is currently revising rate and SDC structure to raise necessary funds.

(2) prior to this past year completion of a water study and master plan which in part evaluated alternatives for future application of City's water rights.

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)

none.

(4) unable to complete construction and/or application of water within the permit time limits because funding limitations.

  
signature

3/16/98  
date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:  
WATER RESOURCES DEPARTMENT  
158 12TH ST NE  
SALEM, OREGON 97310





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

July 5, 2006

Eve Dolan  
City Administrator  
City of Dundee  
PO Box 220  
Dundee, OR 97115

Reference: City of Dundee - Pending Application for Extension of Time  
Water Right Permit S-44462 (Application S-58951)

Dear Ms. Dolan,

As of June 20, 2006, the Application for Extension of Time for Permit S-44462 (Application S-58951) for the City of Dundee has been placed on administrative hold as per the City's e-mail request, and will remain on administrative hold until the Department is notified otherwise. Due to your administrative hold request, the City's Application for Extension of Time will be withdrawn from review by the Oregon Department of Fish and Wildlife.

Sincerely,

Ann L. Reece  
Extensions  
Water Rights and Adjudications Division

Cc: File: Application S-58951 (Permit S-44462)



## Ann Reece

---

**From:** Ann Reece [Ann.L.REECE@wrd.state.or.us]  
**Sent:** Tuesday, June 20, 2006 3:52 PM  
**To:** 'Eve Dolan, City Administrator'  
**Cc:** 'Dwight French'  
**Subject:** Administrative Hold Request for G-6331 and S-58951

Eve:

Your two permits (Application numbers G-6331 and S-58951) for the City of Dundee have been placed on administrative hold as per your request, and will remain on administrative hold until you notify us otherwise. Thanks for your quick response!

**Ann Reece - Extensions**  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503.986.0808

---

**From:** Eve Dolan, City Administrator [mailto:dundeeve@comcast.net]  
**Sent:** Tuesday, June 20, 2006 3:44 PM  
**To:** Ann Reece  
**Cc:** Chris Uber  
**Subject:** Re: Extensions Ann Reece

Hello Ann,

Thank you for advising me that ODF & W would not be completed with Dundee's water permit review for G 6331 and S 58951 by the July 11, 2006 deadline. Please place our permits on administrative hold until further notice.

Thank-you,

Eve Dolan

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

**From:** Ann Reece  
**To:** [dundeeve@comcast.net](mailto:dundeeve@comcast.net)  
**Sent:** Tuesday, June 20, 2006 3:33 PM  
**Subject:** Extensions Ann Reece

6/20/2006





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

May 16, 2006

Chris Wheaton  
Interim Deputy Director  
Department of Fish and Wildlife: Fish Division  
3406 Cherry Avenue NE  
Salem, OR 97303

Re: Municipal Extension for Files S70056, S55550, S50693, S47453, G6331, S58951, S55010, S48146, S28213

Dear Mr. Wheaton,

Thank you for your May 10, 2006, letter notifying us of your need for an additional 60 days to complete your review of the above listed municipal extensions. These files were referred to you on March 13 of this year. Since these files were originally referred to you on March 13, we expect your completed review no later than July 11, 2006, unless both you and the applicant consent to a later date. Please notify us if a later date is agreed upon for any of these extensions.

We appreciate your willingness to work through these new review requirements. We look forward to working with you and your staff over the coming months.

As always, please feel free to contact me or my staff if we can be of assistance to you.

Sincerely,

Phillip C. Ward  
Director





# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Fish Division  
3406 Cherry Avenue NE  
Salem, OR 97303  
(503) 947-6200  
Fax (503) 947-6202  
TTY (503) 947-6339  
www.dfw.state.or.us



May 10, 2006

Phil Ward  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: Municipal Extension S58951

Dear Mr. ~~Ward~~, *Phil*

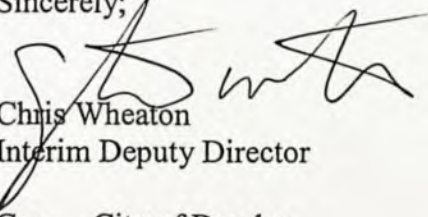
With this letter the Oregon Department of Fish and Wildlife is notifying the Water Resources Department, as described under OAR 690-315-0080 (2) (d), that ODFW will require additional time to complete the review and evaluation of Municipal Water Right Extension S58951. The additional time will not exceed 60 days or a total of 120 days for review, unless the Department needs and the applicant consents to more time for review at some point in the future.

As you know, ODFW has been working diligently with your staff reviewing the necessary information for this evaluation. We are also working together with your staff, the Department of Justice, and the Governor's Office to determine the definition of persistence, how it is applied, and how it is implemented in the context of conditioning Municipal Water Right Extensions.

ODFW has developed our procedures for evaluating Municipal Water Right Extensions. The evaluation is based on water availability as determined by WRD, fish flow needs as recommended by ODFW, the current conservation status of native fish, and whether any interim criteria concerns are related to flow. Our primary concerns are identifying where current information indicates that flows are a limiting factor for a listed species.

Once the draft evaluation is complete, ODFW will share it with the municipality and discuss the findings. We will also work with your staff to explore possible conditions that would allow both the municipality to continue to develop its water right and maintaining the persistence of listed species in the portions of the water way affected by the water right's development. ODFW's advice to WRD will reflect possible conditions to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law.

Sincerely,

  
Chris Wheaton  
Interim Deputy Director

Cc: City of Dundee

**RECEIVED**

**MAY 11 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

March 15, 2006

City of Dundee  
Attention: Eve Foote, City Administrator  
PO BOX 220  
Dundee, OR 97115

REFERENCE: Pending Application for Extension of Time  
Water Right Application #S-58951 (Permit #S-44462)

Dear Municipal Water Right Holder:

The purpose of this letter is to provide you with notification as per OAR 690-315-0080(2)(b) that the above referenced municipal permit extension application was delivered to ODFW on March 13, 2006 for review under OAR 690-315-0080.

If you should have any questions concerning your extension request you may contact me at (503) 986-0808.

Sincerely,

Ann L. Reece  
Water Rights Specialist

cc: Appl # 58951 (Permit # 44462)  
Mike McCord, Watermaster District # 16



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **71991**

INVOICE # \_\_\_\_\_

|                                                                             |                              |
|-----------------------------------------------------------------------------|------------------------------|
| RECEIVED FROM: <u>City of Dundee</u>                                        | APPLICATION <u>See below</u> |
| BY: _____                                                                   | PERMIT _____                 |
| CASH: <input type="checkbox"/> CHECK: # <u>9693</u> OTHER: (IDENTIFY) _____ | TRANSFER _____               |
| TOTAL REC'D <u>\$1,250.00</u>                                               |                              |

**1083 TREASURY 4170 WRD MISC CASH ACCT**

|                   |                            |                  |
|-------------------|----------------------------|------------------|
| 0407 COPIES       | RECEIVED                   | \$               |
| OTHER: (IDENTIFY) | OVER THE COUNTER           | \$               |
| 0243 I/S Lease    | 0244 Muni Water Mgmt. Plan | 0245 Cons. Water |

**4270 WRD OPERATING ACCT**

|                                |                           |                           |
|--------------------------------|---------------------------|---------------------------|
| MISCELLANEOUS                  | <u>S 58951 - \$250.00</u> | <u>G 14070 - \$250.00</u> |
| 0407 COPY & TAPE FEES          | <u>G 6331 - \$250.00</u>  | \$                        |
| 0410 RESEARCH FEES             | <u>G 12568 - \$250.00</u> | \$                        |
| 0408 MISC REVENUE: (IDENTIFY)  |                           | \$                        |
| TC162 DEPOSIT LIAB. (IDENTIFY) |                           | \$                        |
| 0240 EXTENSION OF TIME         |                           | <u>\$1250.00</u>          |
| <b>WATER RIGHTS:</b>           | <b>EXAM FEE</b>           | <b>RECORD FEE</b>         |
| 0201 SURFACE WATER             | \$                        | 0202 \$                   |
| 0203 GROUND WATER              | \$                        | 0204 \$                   |
| 0205 TRANSFER                  | \$                        |                           |
| <b>WELL CONSTRUCTION</b>       | <b>EXAM FEE</b>           | <b>LICENSE FEE</b>        |
| 0218 WELL DRILL CONSTRUCTOR    | \$                        | 0219 \$                   |
| LANDOWNER'S PERMIT             |                           | 0220 \$                   |
| OTHER (IDENTIFY)               |                           |                           |

**0536 TREASURY 0437 WELL CONST. START FEE**

|                           |    |        |
|---------------------------|----|--------|
| 0211 WELL CONST START FEE | \$ | CARD # |
| 0210 MONITORING WELLS     | \$ | CARD # |
| OTHER (IDENTIFY)          |    |        |

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

|             |          |
|-------------|----------|
| FUND        | TITLE    |
| OBJ. CODE   | VENDOR # |
| DESCRIPTION | \$       |

RECEIPT: **71991**

DATED: 12/27/04 BY: L. Alben

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



Lisa Brown  
WaterWatch of Oregon  
213 SW Ash Street, Suite 208  
Portland, OR 97204

November 12, 2007

Dwight French  
Water Resources Department  
725 Summer Street N.E., Suite A  
Salem, OR 97301-1271

**RE: Request for Notification of Proposed Municipal Extension Fishery Resource  
Protection Conditions (Willamette Group + McKenzie)**

Dear Mr. French:

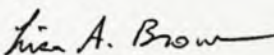
I am writing to request notification of any proposed fishery resource protection conditions for the municipal permit extension applications listed below. This request is made pursuant to OAR 690-315-0080(f) ("Upon receiving ODFW's written advice, the Department shall notify the applicant and any persons that requested notification of any fishery resource protection conditions that may be proposed in the proposed final order under OAR 690-315-0050").

- Done*
1. Application No: S-48416/Permit No. S-35819, Adair Village (Public Notice 3/21/06)
  2. Application No: S-47453/Permit No. S-35551, Corvallis (Public Notice 3/21/06)
  3. Application No: G-6331/Permit No. G-6017, Dundee (Public Notice 3/21/06)
  4. Application No: S-58951/Permit No. S-44462, Dundee (Public Notice 3/21/06)
  5. Application No: S-70056/Permit No. S-52885, Millersburg (Public Notice 3/21/06)
  6. Application No: S-55010/Permit No. S-45565, Salem (Public Notice 3/21/06)
  7. Application No: S-28213/Permit No. S-22200, Springfield U.B. (Public Notice 3/21/06)
  8. Application No: S-55500/Permit No. S-43246, Lake Oswego (Public Notice 3/21/06)
  9. Application No: S-35037/Permit No. S-27441, Eugene (Public Notice 9/25/07)

*conditions sent 5-6-09  
advice sent 4-8-09*

Please do not hesitate to contact me at 503.295.4039 x2 or [lisa@waterwatch.org](mailto:lisa@waterwatch.org) if there are any questions regarding this request.

Sincerely,

  
Lisa Brown

**RECEIVED**

NOV 15 2007

WATER RESOURCES DEPT  
SALEM, OREGON





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

May 6, 2009

WaterWatch of Oregon, Inc.  
Attn: Lisa Brown  
213 SW Ash, Suite 208  
Portland, OR 97204

RE: Request for Notification of Proposed Municipal Extension Fishery Resource  
Protection Conditions

Application S-58951 (Permit S-44462) City of Dundee  
Application G-6331 (Permit G-6017) City of Dundee

The purpose of this letter is to provide you with notification as per your request pursuant to OAR 690-315-0080(2)(f) of any fishery resource protection conditions that may be proposed in the proposed final order under OAR 690-315-0050.

Sincerely,

A handwritten signature in black ink, appearing to be "SK" followed by a long horizontal stroke.

Scott Kudlemyer  
Water Rights Specialist

Enclosures

Cc: Application File S-58951  
Application File G-6331



**Willamette River – Proposed Fish Persistence Conditions  
for Extension of Time Proposed Final Order (PFO)  
for Application S-58951 (Permit S-44462)  
City of Dundee**

**1. Conditions to Maintain the Persistence of Listed Fish**

**A. Minimum Fish Flow Needs**

Minimum fish flow needs on the Willamette River as recommended by ODFW are in Table 1, below, and flows are to be measured on the Willamette River at Salem (USGS Gage Number 14191000, or its equivalent).

**Table 1**

| <b>MINIMUM FISH FLOW NEEDS ON THE<br/>WILLAMETTE RIVER<br/>MEASURED AT USGS GAGE 14191000<br/>SALEM, OREGON</b> |                              |
|-----------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>Month</b>                                                                                                    | <b>Cubic Feet per Second</b> |
| July 1– October 31                                                                                              | 5,630                        |
| November 1 – March 31                                                                                           | 6,000                        |
| April 1 – April 15                                                                                              | 15,000                       |
| April 16 –April 30                                                                                              | 17,000                       |
| May 1 – May 31                                                                                                  | 15,000                       |
| June 1 – 15                                                                                                     | 12,600                       |
| June 16 – 30                                                                                                    | 8,500                        |

**B. Water Use Reductions**

The maximum total amount of the undeveloped portion of Permit S-44462 that legally can be diverted shall be reduced (1) in proportion to the amount by which the flows shown in Table 2 are not met based on a seven day rolling average of mean daily flows measured on the Willamette River at Salem (USGS Gage Number 14191000, or its equivalent) and (2) by a Consumptive Use Percentage, when applicable, as per Item 1.C., below. The overall reduction in the amount of the undeveloped portion of the permit that legally can be diverted will not exceed 20%.



C. Reduction Limited by Consumptive Use Percentages

a. Initial Consumptive Use Percentages

The City of Dundee has not identified any Consumptive Use Percentages based on the return of flows to the Willamette River through effluent discharge. Thus, at this time the City may not use Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition.

b. First Time Use of Consumptive Use Percentages

Use of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may begin after the issuance of this Final Order for an extension of time.

First time use of Consumptive Use Percentages is contingent upon the City (1) showing that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving concurrence by the Water Resources Director.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages.

Use of Consumptive Use Percentages is valid only up to 10 years from the date of concurrence by the Water Resources Director, as evidenced by the record.

c. Continued Use of Consumptive Use Percentages by Updates

Continuing use of Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-44462 that can be diverted as a result of this fish persistence condition may be obtained for subsequent intervals of time, not to exceed 10 years each. Continuing use of Consumptive Use Percentages is contingent upon the city submitting updated Consumptive Use Percentages and receiving concurrence of these updated Consumptive Use Percentages by the Water Resources Director.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

Continued use of Consumptive Use Percentages is valid only up to 10 years from the date of concurrence by the Water Resources Director as evidenced



by the record; however, updates may be submitted before the end of a 10 year approval period.

D. Examples

Example 1:

On July 15, the last seven mean daily flows were 7000, 6500, 6000, 5500, 5250, 5000 and 4750 cfs. The seven day rolling average is 5714 cfs. The maximum total amount of the undeveloped portion of the permit that legally could be diverted would not be reduced because the 7 day average of mean daily flows is greater than the 5,630 cfs target flow for July 15.

Example 2:

Step 1: If on July 15, the average of the last seven mean daily flows was 5011 cfs, the target flows would be missed by 11%.

$$(100 - [(5011 / 5630) \times 100\%]) = 11\%$$

Step 2: Assuming use of the Consumptive Use Percentage is 78.7% during the month of July and the use of this percentage is authorized, then the 11% reduction based on missed target flows would be further limited to 8.7%.

$$([11\% \times 78.7\%] / 100) = 8.7\%$$

Step 3: If the maximum total amount of the undeveloped portion of the permit that legally can be diverted under a permit is 10.0 cfs, then the reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted due to the missed target flow percentage adjusted by the consumptive use percentage would be 0.87 cfs.

$$(10.0 \text{ cfs} \times [8.7\% / 100]) = 0.87 \text{ cfs}$$

Step 4: This 0.87 cfs reduction is only 8.7% of 10.0 cfs (the undeveloped portion that legally can be diverted), which does not exceed the 20% maximum overall reduction. (In this example, the 20% maximum overall reduction to the maximum total amount of the undeveloped portion of the permit that legally can be diverted would be 2.0 cfs).

$$([0.87 / 10] \times 100\%) = 8.7\%$$

Step 5: In this example, the maximum total amount of the undeveloped portion of the permit that legally could be diverted under the permit under this condition would be 9.13 cfs

$$(10.0 \text{ cfs} - .87 \text{ cfs}) = 9.13 \text{ cfs}$$



E. Division 86 WMCP Updates under OAR 690-086-0140(3) and  
OAR 690-086-0170(7)

Updates to any WMCP approved after the date of the Final Order approving this extension of time must include (1) a description of these conditions to maintain the persistence of listed fish within the Municipal Water Supplier element under OAR 690-086-0140(3), and (2) if applicable, a discussion of these conditions to maintain the persistence of listed fish within the Municipal Water Supply element under OAR 690-086-0170(7).





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 8, 2009

WaterWatch of Oregon, Inc.  
Attn: Lisa Brown  
213 SW Ash, Suite 208  
Portland, OR 97204

RE: Request for Notification of Proposed Municipal Extension Fishery Resource  
Protection Conditions (Willamette Group)

Application S-48146 (Permit S-35819) City of Adair Village  
Application S-47453 (Permit S-35551) City of Corvallis  
Application S-55010 (Permit S-45565) City of Salem  
Application S-58951 (Permit S-44462) City of Dundee  
Application G-6331 (Permit G-6017) City of Dundee

The purpose of this letter is to provide you with notification as per your request pursuant to OAR 690-315-0080(2)(f) of Oregon Department of Fish and Wildlife's written advice on the above referenced municipal permit extension applications and any fishery resource protection conditions that may be proposed in the proposed final order under OAR 690-315-0050.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kudlemyer", with a long horizontal stroke extending to the right.

Scott Kudlemyer  
Water Rights Specialist

Enclosures

Cc: Application File S-48146  
Application File S-47453  
Application File S-55010  
Application File S-58951  
Application File G-6331





File # S-58951

RECEIVED

FEB 24 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

February 21, 2003

Ms. Lisa J. Juul  
Water Rights Specialist  
Water Rights Section  
Oregon Water Resources Department  
158 - 12th Street NE  
Salem, Oregon 97301-4172

Re: Water Right Permit Extensions

Dear Ms. Juul:

The City of Dundee is in receipt of several requests from Oregon Water Resources Department (OWRD) for submittal of new applications for extension of time for municipal water use permits, based on the recently adopted administrative rules that govern this process. The requests that have been received to date include the following:

| <u>Permit #</u> | <u>Application #</u> | <u>Due Date</u> |
|-----------------|----------------------|-----------------|
| S44462 S58951   | April 2, 2003        |                 |
| G6017           | G6331                | March 18, 2003  |
| G12736G14066    | April 6, 2003        |                 |

In addition to these, the City has three other water rights that are in the permit stage which we are currently evaluating.

We have just retained Murray, Smith & Associates, Inc. (MSA) to prepare a Water System Master Plan, including the water management and conservation elements to meet OWRD requirements. This planning process will develop the information used to estimate the time that will be needed to fully develop our existing water rights and to prepare the extension applications. The anticipated completion date of this planning effort is June 30, 2003.

We understand from your discussion with Jim Helton of MSA that the due dates for submitting the extension applications can be extended to allow us to complete our planning process. We respectfully request that the due dates for all our water right permit extension applications be extended until September 1, 2003. Please call me at (503) 538-3922 if you have any questions in this regard.

Sincerely,

CITY OF DUNDEE

Eve Foote  
City Administrator

cc: Jim Helton, Murray, Smith & Associates, Inc.





P.O. Box 220 • Dundee, Oregon 97115



Ms. Lisa J. Juul  
Water Rights Specialist  
Water Rights Section  
Oregon Water Resources Department  
158 - 12th Street NE  
Salem, Oregon 97301-4172

97301+4172 09







**WESTECH ENGINEERING, INC.**  
CONSULTING ENGINEERS & PLANNERS

**RECEIVED**

**MAR 20 1998**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

March 10, 1998

Mr. Dallas Miller  
Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

RE: Dundee Water Rights Extension  
JO 441.100.0

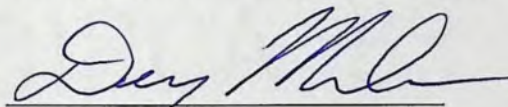
Dear Mr. Miller:

Enclosed please find copies of Request for Extension of Time for both the Willamette River water right (Permit S44462) and Well No. 4 (Permit G-6017) for the City of Dundee. Also enclosed please find a check for \$200.00.

If you have any questions or need any additional information regarding this matter, please contact us at (503) 585-2474.

Sincerely,

**WESTECH ENGINEERING, INC.**

  
Denny Muchmore, P.E.

drm  
enclosure



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF DUNDEE  
ATTN: EVE FOOTE, CITY  
ADMINISTRATOR  
PO BOX 220  
DUNDEE, OR 97115

58951

2. Article Number

(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature



☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

8/10/04

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

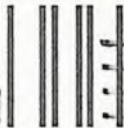
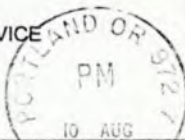
4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 3110 0003 1378 3839



UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

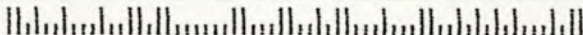
• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

AUG 11 2004

WATER RESOURCES DEPT  
SALEM, OREGON

WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE SUITE A  
SALEM OR 97301-1271



10





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

### **CERTIFIED MAIL Return Receipt Requested**

August 9, 2004

CITY OF DUNDEE  
ATTN: EVE FOOTE, CITY ADMINISTRATOR  
PO BOX 220  
DUNDEE, OR 97115

REFERENCE: Water Right Application #S-58951 (Permit #S-44462)

Dear Municipal Water Use Permit Extension Applicant:

The Department is currently in the process of evaluating your request for an extension of time on the above referenced municipal water use permit. The Department has determined additional information is necessary in order to evaluate your extension of time request. The information and/or materials listed below must be provided:

1. **Please fill out and return the enclosed new "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits."** In November 2002, the Department adopted new administrative rules under Chapter 690, Division 315 that govern the processing of Municipal and Quasi-Municipal permit extension requests. Shortly thereafter, the Department assessed your pending permit extension application and determined it did not contain sufficient information to meet the requirements of the new Division 315 standards. On January 2, 2003, the Department sent a letter requiring you to complete the new "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits." On February 24, 2003, the Department received a request from the permit holder to extend the due date to submit the extension application for Permit #S-44462 to September 1, 2003. The Department has not yet received the required extension application. A blank "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits" form is enclosed for your use.

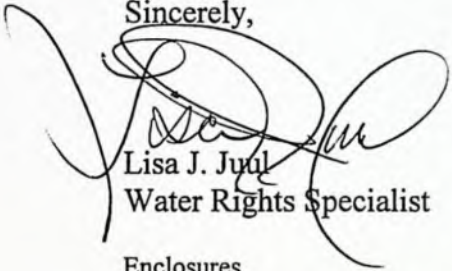


Please submit this information to the Department by **November 9, 2004**. If you cannot provide the requested information by this deadline, you must notify the Department in writing, explaining the reason(s) why, and indicate a date certain by which you anticipate the requested information can be supplied.

If, by **November 9, 2004**, the Department has not received the requested information and has not received written notification explaining why the deadline for submittal cannot be met, the Department **will** return your "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits" as incomplete and refund all fees paid toward the extension of time request.

If you should have any questions concerning your extension request or the required materials listed above, you may contact me at (503) 986-0808.

Sincerely,



Lisa J. Juul  
Water Rights Specialist

Enclosures

cc: Appl #S-58951 (Permit #S-44462)  
Bill Ferber , Watermaster District # 16

S:\groups\wr\extensions\Municipal\muni ext\_add'l info\city of Dundee\_app. s58951.wpd





# 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  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

January 2, 2003

CITY OF DUNDEE  
BOX 201  
DUNDEE OR 97115-0201

REFERENCE: Permit #S44462 (Application File #S58951) and the Adoption of New Administrative Rules for Municipal and Quasi-Municipal Water Use Permit Extensions

Dear Municipal and/or Quasi-Municipal Water Use Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of Municipal and Quasi-Municipal permit extension requests. The new rules are contained in Oregon Administrative Rules Chapter 690, Division 315 (OAR 690-315-0070 through 690-315-0100). If you wish to view a copy of the new Chapter 690, Division 315 Extension Rules, you may access the document from the Department's web page at:

[http://www.wrd.state.or.us/cgi-bin/notices.pl?new\\_oars](http://www.wrd.state.or.us/cgi-bin/notices.pl?new_oars)

The Department is preparing to implement the new Division 315 extension rules. As part of this process, we assessed pending permit extension applications and determined there is not sufficient information to meet the requirements of the new Division 315 standards. The Department, therefore, must receive the following:

1. **Please complete and return the enclosed new "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits." *Note that the Department has also enclosed a copy of your previously submitted Extension of Time application and related attachments for your use.***

You may also access the "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits" on the Department's website at:

<http://www.wrd.state.or.us/publication/forms/index.shtml>

Please submit this information by **April 2, 2003**.



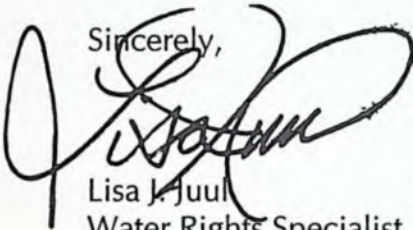


January 2, 2003  
Page two of two

If you have an urgent need for the Department to process your extension request, please describe in a cover letter the circumstances that necessitate prompt review.

You may contact me by telephone at 503-378-8455, extension 272 if you have any questions concerning the new rules or our request for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa J. Juul', is written over the word 'Sincerely,'.

Lisa J. Juul  
Water Rights Specialist  
Water Rights Section

enclosures

cc: Application File #S58951 (Permit #S44462)



RECEIVED

File No. 58951

MAR 20 1998

APPLICATION FOR EXTENSION OF TIME WATER RESOURCES DEPT  
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, City of Dundee

name

PO Box 220

Dundee OR

97115 (503)538-3922

address

city state

zip phone

record owner of permit No. S 44462, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1997, be extended to October 1, 2002, and/or the time in which to

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1997, be extended to October 1, 2002.

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

- (1) within past year - none - financing not currently available. City is currently revising rate and SDC structure to raise necessary funds.
- (2) prior to this past year completion of a water study and master plan which in part evaluated alternatives for future application of City's water rights.
- (3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)  
none.
- (4) unable to complete construction and/or application of water within the permit time limits because funding limitations.

  
signature

3/16/98  
date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:  
WATER RESOURCES DEPARTMENT  
158 12TH ST NE  
SALEM, OREGON 97310





**WESTECH ENGINEERING, INC.**  
CONSULTING ENGINEERS & PLANNERS

**RECEIVED**

OCT 06 1999

October 4, 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Dallas Miller  
Water Resources Department  
Commerce Building  
158 12<sup>th</sup> Street NE  
Salem, OR 97310-0210

RE: Dundee Water Right, File S-58951, Permit G-44462 (Willamette River)  
I.O. 441.102.0

Dear Mr. Miller:

This letter is to confirm our conversations of this morning regarding the Application for Extension of Time for the above referenced water right for the Willamette River in the City of Dundee.

You indicated that the current rules allow municipalities to defer the submittal of an extension request until July 1, 2001. The City has requested that we inform you that they will take advantage of this deferral period.

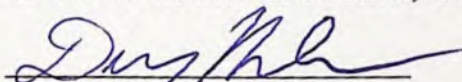
Per our conversations, we understand that the City will be notified in writing before any final action is taken on modification or cancellation of this permit due to changes to rules governing extensions, changes in deadlines, need for additional submittals, etc.

We appreciate your help and clarification on these matters.

If you have any questions or need additional information regarding this matter, please contact us at (503) 585-2474.

Sincerely,

**WESTECH ENGINEERING, INC.**

  
Denny Muchmore, P.E.

drm  
cc:





**WESTECH ENGINEERING, INC.**  
CONSULTING ENGINEERS & PLANNERS

**RECEIVED**

OCT 06 1999

October 4, 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Dallas Miller  
Water Resources Department  
Commerce Building  
158 12<sup>th</sup> Street NE  
Salem, OR 97310-0210

RE: Dundee Water Right, File S-58951, Permit G-44462 (Willamette River)  
I.O. 441.102.0

Dear Mr. Miller:

This letter is to confirm our conversations of this morning regarding the Application for Extension of Time for the above referenced water right for the Willamette River in the City of Dundee.

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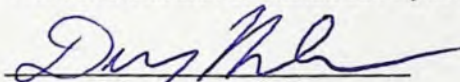
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If you have any questions or need additional information regarding this matter, please contact us at (503) 585-2474.

Sincerely,

**WESTECH ENGINEERING, INC.**

  
Denny Muchmore, P.E.

drm

cc: Mr. Alan Mustain, Dundee Public Works





# 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

November 10, 1998

FILE# 58951

CITY OF DUNDEE  
PO BOX 201  
DUNDEE, OR  
97115

Dear Municipal Water Use Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. The new rules are contained in OAR Chapter 690, Division 320. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office in June 1997. Many permit holders elected to hold their extension requests until the new rules were in place. The new rules provide an opportunity for the holders of permits for municipal use to delay action on permit extensions through June 30, 2001. The temporary exemption of municipal use permit holders included in the new permit extension rules was included to provide time for the Department to convene a work group to review issues relating to community water supply, and recommend changes, if appropriate, to current laws and rules. A first meeting with a group of stakeholders to scope out the charge of the community water supply group was held on October 26, 1998. Barring any changes emanating from the work group, municipal use permit holders will be subject to the provisions of OAR Chapter 690, Division 315 as of July 1, 2001.

Notwithstanding the temporary exemption in the new rules, should a municipal use permit holder voluntarily wish to apply for a permit extension between now and June 30, 2001, it may be done in accordance with Division 320. Because of the Attorney General's advice, extensions will no longer be limited to five years for municipal use permit holders. Applicants should request to extend permits for the amount of time necessary to fully complete the projects and put the water to beneficial use. By allowing a reasonable period of time for perfection of water rights, it is the Department's hope that future permit extensions will not be necessary. For permit extensions exceeding five years in length, a system of "checkpoints" will apply. This system will require the submission of progress reports at periodic intervals, not exceeding five years, that the Department will review to evaluate permit holders' continuing diligence in fully developing and perfecting water rights.

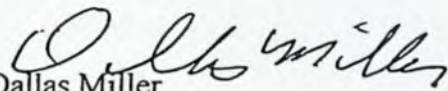
For municipal use permit holders who wish to proceed with a permit extension under Division 320, please fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve extension requests. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper. Please send the completed form at your earliest convenience to my attention at the following address:



Water Right Permit Extensions  
Water Resources Department  
158 12<sup>th</sup> Street NE,  
Salem, Oregon 97310.

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Patrick Lee (ext. 276) or Dwight French (ext 268). If you have an interest in the community water supply group, please contact Patrick Lee.

Sincerely,

  
Dallas Miller  
Water Rights Specialist





# 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

March 27, 1998

CITY OF DUNDEE  
DENNY MUCHMORE, P.E.  
PO BOX 220  
DUNDEE, OR 97115

Reference: File G 6331, 58951 Permits G 6017, 44462

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We estimate that the rules will be adopted by the summer of 1998.

If it is necessary that you have an extension of time before that, it may be possible if you can make the statement that water can be fully used within five years.

Your patience is appreciated and we will process your request as soon as possible. Enclosed are receipts 19830, 19896 for the \$200 recording fee submitted.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller  
Natural Resource Specialist 2

Set-UP

10/1/98 DSM

cc: Watermaster Dist 16





# 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

February 12, 1998

CITY OF DUNDEE  
PO BOX 201  
DUNDEE OR 97115

REFERENCE: File G-6331& 58951

According to the terms of your Permit G-6017 and 44462 complete application of water was to have been made by October 1, 1997.

Complete application of water means use of the water for the beneficial purpose described in the permit to the full extent intended. (In the case of irrigation, it means beneficial irrigation of the lands the permittee intends to cover.) This may be a smaller amount than the permit allowed. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit."

You are hereby notified that, unless proof of beneficial use is received by **April 15, 1998** (within 60 days from the date of this letter) the permit may be canceled without further notice.

If you are no longer interested in the project described by the permit, we would appreciate being advised. If the property involved has been sold and any part of the project was completed, you should assign the permit to the new owner. An assignment form will be furnished upon request.

If additional information is needed, please contact me at extension 272 at 378-3739 or toll-free 1-800-624-3199.

Sincerely,

Dallas Miller  
Natural Resource Specialist 2

DM:jh

cc: Bill Ferber, Watermaster  
Westech Engineering, Inc.

CERTIFIED - RETURN RECEIPT REQUESTED



February 15, 1995

CITY OF DUNDEE  
PO BOX 201  
DUNDEE OR 97115

REFERENCE: Files G-6331 & 58951

Your applications for extension of time to complete work under Permits Number G-6017 and 44462 along with your check in the amount of \$200 have been received. Our Receipts Number 107235 and 107243 are enclosed.

Your request is approved by Special Order Volume 49, Page 12. The time limit for completion of work is extended to October 1, 1997.

Certain water right holders that serve as water suppliers may be required to submit water management and conservation plans at some point in the future. You should be advised that the Water Resources Commission may adopt administrative rules that will require you to prepare and submit such plans in the future.

If you are interested in receiving periodic information concerning the conservation program or the development and adoption of management and conservation rules, please contact the Water Conservation staff at the Salem office of the Water Resources Department.

If you have questions concerning this extension or other water right matters, please call the Water Rights/Adjudication Division. All Divisions of the Department may be reached at the following telephone numbers:

(800) 624-1399 or (503) 378-3739

Sincerely,

A. REED MARBUT, Administrator  
Water Rights/Adjudication Division

ARM:jh

Enclosure



---

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



Name \_\_\_\_\_ City of Dundee \_\_\_\_\_

By \_\_\_\_\_

Address \_\_\_\_\_ Box 201 \_\_\_\_\_

\_\_\_\_\_ Dundee, OR 97115-0201 \_\_\_\_\_

Date filed \_\_\_\_\_ July 24, 1979 \_\_\_\_\_

Priority \_\_\_\_\_ July 24, 1979 \_\_\_\_\_

Action suspended until \_\_\_\_\_ 9-23-94 (EC) \_\_\_\_\_

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_ November 14, 1979 \_\_\_\_\_

#### CONSTRUCTION

Date for beginning \_\_\_\_\_ NOV 14 1980 10-1-82 10-1-87 10-1-92 \_\_\_\_\_

Date for completion \_\_\_\_\_ OCT 1 - 1981 \_\_\_\_\_

Extended to \_\_\_\_\_ 10-1-82 - 10-1-87, 10-1-92 \_\_\_\_\_

Date for application of water \_\_\_\_\_ OCT 1 - 1982 \_\_\_\_\_

Extended to \_\_\_\_\_ 10-1-87, 10-1-92 \_\_\_\_\_

#### PROSECUTION OF WORK

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

#### FINAL PROOF

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Date certificate issued \_\_\_\_\_

Application No. **58951** \_\_\_\_\_

Permit No. **44462** \_\_\_\_\_

Certificate No. \_\_\_\_\_

Stream Index, Page No. **2-6411** \_\_\_\_\_

#### FEES PAID

| Date | Amount | Rc |
|------|--------|----|
|------|--------|----|

|         |       |   |
|---------|-------|---|
| 7-24-79 | 51.00 | 1 |
|---------|-------|---|

|                   |        |   |
|-------------------|--------|---|
| Extension 1-18-93 | 100.00 | 1 |
|-------------------|--------|---|

| FEES REFUNDED |        | Cert. Fee |
|---------------|--------|-----------|
| Date          | Amount | Cl        |

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

#### ASSIGNMENTS

| Date | To Whom | Address | Volume |
|------|---------|---------|--------|
|------|---------|---------|--------|

#### REMARKS

CARD FOR A DEC 1 1980

CARD FOR BC OCT 13 1987

FORM 100 JUN 6 1988

CARD FOR C OCT 22 1992

ABC 10-1-97



690-10-116

File No. 58951

**Application for Extension of Time**

TO THE WATER RESOURCES DIRECTOR OF OREGON

**RECEIVED**

NOV 18 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

I, City of Dundee Name  
PO Box 220  
 Mailing Address  
Dundee Oregon 97115  
 City State Zip

record owner of water permit No. 44462, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1992, be extended to October 1, 1997, and/or the time in which to

☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1992, be extended to October 1, 1997.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year completion of water study and master plan which in part  
evaluated alternatives for future application of City's water rights.

(2) prior to this past year \_\_\_\_\_

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) \_\_\_\_\_

(If additional space is required, attach separate sheet)

Doug Macdonald City ENGINEER  
 (If signing for a corporation please identify your title)

Dated 11/13/93

MAIL COMPLETED APPLICATION AND STATUTORY FEE  
 OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department  
 3850 Portland Road N.E.  
 Salem, Oregon 97310

REC 107243  
 \$100

OK  
 ABC 10-1-97  
 JCS



EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: 58951 PERMIT NO: 44462

DATE: 1-26-94

1. What service area or base was anticipated by the applicant at the time the permit was granted?
2. What water right development steps has the permittee completed to date?
3. Is the permittee currently meeting all conditions of the permit?
4. What is the current use of water under the permit?
5. What percent of the total allowable use under the permit does the current use represent?
6. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
7. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
8. Has there been any change in demand for water or power since the permit was granted?
9. If the extension request is denied, is the current level of water use under the permit economically feasible?
10. Is there an alternate source of water available at this time?
11. Has use of water under the permit caused an adverse impact on the surface/ground water resource in the area?
12. Have there been claims of injury to other water right holders or water users in the area?

REMARKS:



1. 4CFS WILLAMETTE RW MONI
2. WATER SONDY & MASTER PLAN COMPLETED
3. YGS
4. NONE
5.  $\phi$
6. SURFACE WATER TREATMENT RULES & CHANGES CAUSED DELAYS
7. NO
8. NO
9. NO
10. YGS
- 11/12 NO INFO

OR ABC 10-1-97

1/25 dm



RECEIPT # 107243

**3850 PORTLAND ROAD NE  
SALEM, OR 97310  
378-8455/378-8130 (FAX)**

RECEIVED FROM:

BY:

## APPLICATION

## PERMIT

## TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D

S 201.00

## 842.010 ADJUDICATIONS

831,087 PUBLICATIONS/MAPS

|         |                         |
|---------|-------------------------|
| 830.650 | PARKING FEES Name/month |
|---------|-------------------------|

\_\_\_\_\_ OTHER: (IDENTIFY)

### REDUCTION OF EXPENSE

### REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

|         |                    |
|---------|--------------------|
| 03-00-0 | WRD OPERATING ACCT |
|---------|--------------------|

**MISCELLANEOUS:**

840,001 COPY FEES

850,200 RESEARCH FEES

880.109 MISC REVENUE: (IDENTIFY)

|         |             |            |
|---------|-------------|------------|
| 520.000 | OTHER (P-6) | (IDENTIFY) |
|---------|-------------|------------|

**WATER RIGHTS:**

842.001 SURFACE WATER

842.003 GROUND WATER

842.005 TRANSFER

## WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

|         |                      |
|---------|----------------------|
| 06-00-0 | WELL CONST START FEE |
|---------|----------------------|

|         |                      |
|---------|----------------------|
| 842.013 | WELL CONST START FEE |
|---------|----------------------|

## MONITORING WELLS

|         |                  |
|---------|------------------|
| 45-00-0 | LOTTERY PROCEEDS |
|---------|------------------|

864.000 LOTTERY PROCEEDS

## 07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE(FW/WRD)

842.115 HYDRO LICENSE FEE(FW/WRD)

## HYDRO APPLICATION

RECEIPT # 107243

DATED:

BY:

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



WESTECH ENGINEERING, INC. • SALEM, OREGON 97302

9900

| DATE          | INVOICE NO. | DESCRIPTION                     | INVOICE AMOUNT                                                               | DEDUCTION | BALANCE  |
|---------------|-------------|---------------------------------|------------------------------------------------------------------------------|-----------|----------|
| 11/15/93      |             | City of Dundee<br>JO 441.100.00 |                                                                              |           | \$200.00 |
|               |             |                                 | <b>RECEIVED</b><br><br>NOV 18 1993<br>WATER RESOURCES DEPT.<br>SALEM, OREGON |           |          |
|               |             |                                 |                                                                              |           |          |
| CHECK<br>DATE | 11/15/93    | CHECK<br>NUMBER                 | 9900                                                                         | TOTALS    | \$200.00 |

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS.



June 28, 1994

CITY OF DUNDEE  
PO BOX 220  
DUNDEE, OR 97115

58751

REFERENCE FILES: G-6331 AND 59851

We have been holding action on your requests to extend the time limits of your permits G-6017 and 44462 pending a reply to my letter dated January 26, 1994. A copy is enclosed.

Will you bring us up to date regarding when we could expect to receive the requested information?

Sincerely,

Thomas E. Shook  
Water Right Specialist

cc: WESTECH ENGINEERING, INC



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



January 26, 1994

WESTECH ENGINEERING, INC.  
3421 25TH ST SE  
SALEM, OR 97302-1191

REFERENCE FILES: G-6331 AND <sup>58951</sup>~~59851~~/CITY OF DUNDEE

ATTN: DENNY MUCHMORE

We have received your check in the amount of \$200 and two requests for extension of time limits for the City of Dundee's permits G-6017 and 44462.

As you are aware, the City has several rights of record from several sources. Most of the rights have been completed and are evidenced by certificates of water right. In order to evaluate these requests for more time, the earlier rights must be considered.

More information is needed for permit G-6017.

1. Have the four wells been drilled? If not, how many have been drilled?
2. What size pumps have been installed?
3. What is the length and diameter of mainline placed during the period October 1987 through October 1992?
4. What was the maximum amount of water diverted, in gallons per minute or cubic feet per second, from the four? wells during peak usage.





We were advised in 1982 that the water study plan for permit 44462 had been completed. During the period '87 - '92 was there another study completed. Has there been any development of the water system for this permit?

· If there were any unforeseen events that delayed progress of either permit, that information would be helpful.

Further action will be withheld on these files for a reasonable length of time pending your reply.

Sincerely,

Thomas E. Shook  
Water Right Specialist



November 3, 1993

CITY OF DUNDEE  
BOX 201  
DUNDEE OR 97115-0201

REFERENCE: File 58951

According to the terms of your Permit 44462 complete application of water was to have been made by October 1, 1992.

Complete application of water means use of the water for the beneficial purpose described in the permit to the full extent intended. (In the case of irrigation, it means beneficial irrigation of the lands the permittee intends to cover.) This may be a smaller amount than the permit allowed. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 22, 1992.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit."

You are hereby notified that, unless proof of beneficial use is received within 60 days from the date of this letter, the permit may be canceled without further notice.

If you are no longer interested in the project described by the permit, we would appreciate being advised. If the property involved has been sold and any part of the project was completed, you should assign the permit to the new owner. An assignment form will be furnished upon request.

If additional information is needed, please contact the Water Rights Section.

TES:jh

CERTIFIED - RETURN RECEIPT REQUESTED

*See 67-6331*



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130



**Application for Extension of Time****RECEIVED**

AUG - 3 1988

TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

I, City of Dundee \_\_\_\_\_  
Name

P.O. Box 201 \_\_\_\_\_  
Mailing Address

Dundee \_\_\_\_\_, Oregon \_\_\_\_\_ 97115 \_\_\_\_\_  
City State Zip

record owner of water permit No. 44462 \_\_\_\_\_, do hereby request that the time in which to:

- ☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1987, be extended to October 1, 1992; and/or the time in which to
- ☐ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19\_\_\_\_, be extended to October 1, 19\_\_\_\_.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

- (1) within the past year \_\_\_\_\_

Is planning to use the Willamette River Water under Permit 44462 at some future  
date. \_\_\_\_\_;

- (2) prior to this past year \_\_\_\_\_

- (3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) \_\_\_\_\_

(If additional space is required, attach separate sheet)

M. Strand, Recorder  
(If signing for a corporation please identify your title)

Dated August 1, 1988

MAIL COMPLETED APPLICATION AND STATUTORY FEE  
 OF ~~\$100.00~~ FOR EACH PERMIT TO:

Water Resources Department  
 3850 Portland Road N.E.  
 Salem, Oregon 97310

8-3-88  
\$100<sup>00</sup>  
55803

OK A, B & C to  
 10-1-92  
 JPK





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

January 11, 1989

City of Dundee  
P. O. Box 201  
Dundee, Oregon 97115

Reference File: 58951

Your application for extension of the time limits to start and complete construction and beneficial use under the terms of your Permit 44462 has been received. We also have your check for \$100.

The application indicates reasonable diligence toward completion of the proposed project; therefore, the time limits for completion of construction and beneficial use under this permit are extended to October 1, 1992.

Sincerely,

Steven P. Applegate, Manager  
Survey/Mapping Section

enclosures





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

June 6, 1988

Mrs. Jeanne Livengood, City Recorder  
City of Dundee  
PO Box 201  
Dundee OR 97115

REFERENCE: Files G-6331 and 58951

According to the terms of your Permits G-6017 and 44462, complete application of water was to have been made by October 1, 1987.

Complete application of water means the application of water to a beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 12 and October 13, 1987.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit."

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit may be canceled without further notice.

If you are no longer interested in the project described by the permit, we would appreciate being advised. If the property involved has been sold and any part of the project was completed, you should assign the permit to the new owner. An assignment form will be furnished upon request.

If additional information is needed, please contact Ves Garner, Manager, Survey/Certificate Section.

CERTIFIED - RETURN RECEIPT REQUESTED



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

*Yam hill*  
~~COOS~~ COUNTY

IN THE MATTER OF AN APPLICATION )  
FOR EXTENSION OF TIME TO BEGIN )  
AND COMPLETE CONSTRUCTION AND )  
MAKE COMPLETE APPLICATION OF WATER )  
UNDER PERMIT ~~18955~~ IN THE NAME )  
OF ~~COOS BAY NORTH BEND WATER BOARD~~ )

*City of Dundee*  
-----

ORDER

*Extends Time Limits*

*AA462*  
The ~~Coos Bay North Bend Water Board~~ is the holder of Permit ~~18955~~ which grants the right to appropriate not to exceed ~~8.0~~ cubic feet of water per second from ~~Winchester~~ *the* ~~Creek~~ for municipal use.

*Willamette River*  
The ~~District~~ *City* has advised the Water Resources Director that the appropriation has not been made as described in the permit, but it is the ~~District's~~ *City's* desire to preserve the right for this development.

*TP The City has further advised that a water study has been completed which*  
It is believed that it will be consistent with the public interest to grant said extension.

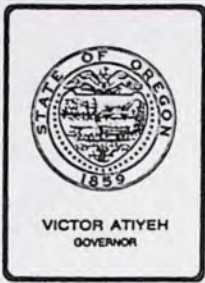
NOW, THEREFORE, it hereby is ORDERED that the time limits to begin and complete construction and make complete application of water under Permit ~~18955~~ be extended to October 1, 1987.

*4th May*  
Dated at Salem, Oregon, this ~~28th~~ day of ~~April~~, 1983.

James E. Sexson  
Director

*indicates a need for this supply.*





*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508  
1-800-452-7813  
(message line)

August 17, 1982

City of Dundee  
PO Box 201  
Dundee, OR 97115

Gentlemen:

REFERENCE: File Number 58951

Your application for an extension of the time limit in which to start and complete construction and make complete application of water under the terms of your Permit Numbered 44462 was received. We also have your check in the amount of \$20.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limits for starting and completing construction and complete application of water has been extended to October 1, 1987.

Sincerely,

Bruce A. Estes, Supervisor  
Survey/Certificate Section

BAE/jw

Enclosure



Application for Extension of Time **RECEIVED**

TO THE WATER RESOURCES DIRECTOR OF OREGON

AUG4 1982

WATER RESOURCES DEPT.  
SALEM, OREGON

I, City of Dundee

Name

P. O. Box 201

Mailing Address

Dundee, Oregon

97115

City

State

Zip

record owner of water right permit No. 44462, do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19....., be extended to October 1, 19.....; and/or the time in which to

☐ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19.82 be extended to October 1, 19.87.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year The water study is completed, but there is not enough monies to start construction

prior to this past year

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED)

(If additional space is required, attach separate sheet)

Jeanne Liveness

Recorder-Treasurer

(If signing for a corporation please identify your title)

Dated Aug 2, 1982

MAIL COMPLETED APPLICATION AND STATUTORY FEE  
OF \$20.00 FOR EACH PERMIT TO:

20.00

Water Resources Department  
Mill Creek Office Park  
555 13th Street, N.E.  
Salem, Oregon 97310

ABC  
10-1-87  
BAE



TO

BAE

DATE

7-26

82

TIME

10:20

WHILE YOU WERE OUT

Mrs. Livenood

CALLED

OF

City of Dundee

PHONE

538-3922

|                 |                                     |                      |  |
|-----------------|-------------------------------------|----------------------|--|
| TELEPHONED      | <input checked="" type="checkbox"/> | IN PERSON TO SEE YOU |  |
| PLEASE CALL     | <input checked="" type="checkbox"/> | WANTS TO SEE YOU     |  |
| WILL CALL AGAIN | <input type="checkbox"/>            | RETURNED YOUR CALL   |  |

MESSAGE

Per 44462 →

5895x

out of time

TAKEN BY

SJS



378-8508 or  
1-800-452-7813

July 27, 1982

File No. 58951

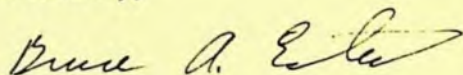
City of Dundee  
Attention: Mrs. Livingood  
Box 201  
Dundee, OR 97115

I am enclosing a form for use in making application for an extension of time limits under Permit 44462

The Water Resources Director is permitted by law to extend the time for completion of a project only upon a showing of reasonable diligence by the permittee. Therefore, you should fill out this application carefully and completely describing what has been accomplished.

The application must be submitted to this office with the statutory filing fee in the amount of \$20 for each permit.

Sincerely,

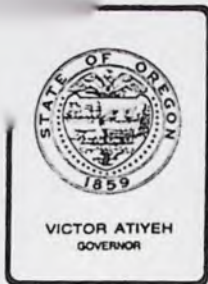


BRUCE A. ESTES, Supervisor  
Survey/Certificate Section

BAE:wpc

690-10-115  
6164A





*Water Resources Department*  
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

December 17, 1980

City of Dundee  
Box 201  
Dundee, OR 97115

Gentlemen:

REFERENCE: File Number 58951

Your application for an extension of the time limits in which to start and complete construction under the terms of your permit numbered 44462 has been received. We also have your check in the amount of \$10.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limits to start and complete construction are being extended to October 1, 1982.

Sincerely,

Bruce A. Estes, Supervisor  
Survey-Certificate Section

BAE:lrs  
Enclosure: Receipt Number 21962



# Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

RECEIVED

DEC 15 1980

I, City of Dundee

Name

WATER RESOURCES DEPT  
SALEM, OREGONP.O. Box 201

Mailing Address

Dundee, Oregon 97115

City

State

Zip

record owner of water right permit No. 44462, do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19....., be extended to October 1, 19.....; and/or the time in which to

☐ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19....., be extended to October 1, 19.....

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year We have had a water study done and set up a sinking Fund for water construction

prior to this past year

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED)

(If additional space is required, attach separate sheet)

Jeanne Luengood, Recorder  
(If signing for a corporation please identify your title)

Dated

Dec 11, 1980

MAIL COMPLETED APPLICATION AND STATUTORY FEE  
OF \$10.00 FOR EACH PERMIT TO:

Water Resources Department  
Mill Creek Office Park  
555 13th Street, N.E.  
Salem, Oregon 97310

12-15-80  
\$10.00  
#21962

A-B  
10-1-82  
BRL



PHONE 378-8508

December 3, 1980

City of Dundee  
Box 201  
Dundee, OR 97115

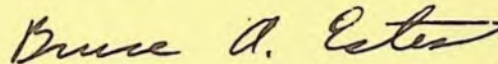
File No. 58951

I am enclosing a form for use in making application for an extension of time limits under permit number 44462.

The Water Resources Director is permitted by law to extend the time for completion of a project only upon a showing of reasonable diligence by the permittee. Therefore, you should fill out this application carefully and completely describing what has been accomplished.

The application must be ~~executed~~ before a notary public and submitted to this office with the statutory filing fee in the amount of \$10.00 for each permit.

Sincerely,



Bruce A. Estes, Supervisor  
Certificate-Survey Section

Form 115

BAE:lrs  
Enclosure



378-3066

58951

August 23, 1979

City of Dundee  
Box 201  
Dundee, OR 97115

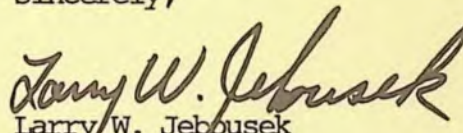
Gentlemen:

We have received your application for municipal use along with the supporting data and fees. Our receipt number 13001 is enclosed. Your application has been filed and assigned number 58951 .

Because of the many applications which have been filed in recent months, we are temporarily behind in our processing. Your application will be examined in detail as soon as possible. We will contact you if we need any additional information.

The permit approving your application will be issued without further correspondence if no additional information is required. Thank you for your patience.

Sincerely,

  
Larry W. Jebousek  
Administrator  
Water Rights Division

LJW: slm  
Enclosure



RECEIVED

JUL 24 1979

WATER RESOURCES DEPT  
SALEM, OREGON



# Westech Engineering, Inc.

CONSULTING ENGINEERS AND PLANNERS

PRINCIPALS

C. H. STEKETEE, P.E.  
H. C. FERRIS, P.E.  
R. W. FAUST, P.E.

3421 - 25th St. S.E.  
SALEM, OREGON 97302

Telephone 585-2474

July 23, 1979

State Water Resources Commission  
Water Rights Division  
Salem, OR 97310

Re: Application for Permit to Appropriate Surface Water, Dundee, Oregon  
JO 441 W-4

Gentlemen;

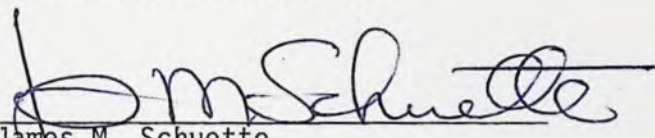
Enclosed is a water rights application prepared for the city of Dundee. This application is for obtaining water from the Willamette River near the city limits of Dundee.

The city requests that your department review and approve the application for additional water rights. A check for \$51 is enclosed to cover the fees for the permit to appropriate surface water.

If you have any questions concerning this application, do not hesitate to give me a call.

Very truly yours,

WESTECH ENGINEERING, INC.

  
James M. Schuette

mh  
enc  
cc; Dundee

Application No. 58951  
Permit No.





*Water Resources Department*  
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

File Number 58951

October 25, 1979

Westech Engineering, Inc.  
3421 25th Street S.E.  
Salem, Oregon 97302

We received the original application form and attachment sheet you prepared for the City of Dundee which has been placed in the file to supersede the copy of the portion of the application filed originally July 24, 1979.

Permits will be issued for use of water from Willamette river and its tributaries. However, water may not be available during dry periods. The water may be needed to satisfy existing rights or minimum flow standards.

Your application is now satisfactory and will be considered for the issuance of a permit in 30 to 60 days.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:jmt

cc: City of Dundee



SECTION 36 T.3S. R.3W. W.M.

YAMHILL COUNTY

RECEIVED

JUL 24 1979

WATER RESOURCES DEPT  
SALEM, OREGON

3 3 36

& INDEX

AERIAL 3DD 36

CANCELLED 1590  
601

1" = 400'

Application No. 58951  
Permit No. 44462

SEE MAP 3 3 25

TO DUNDEE

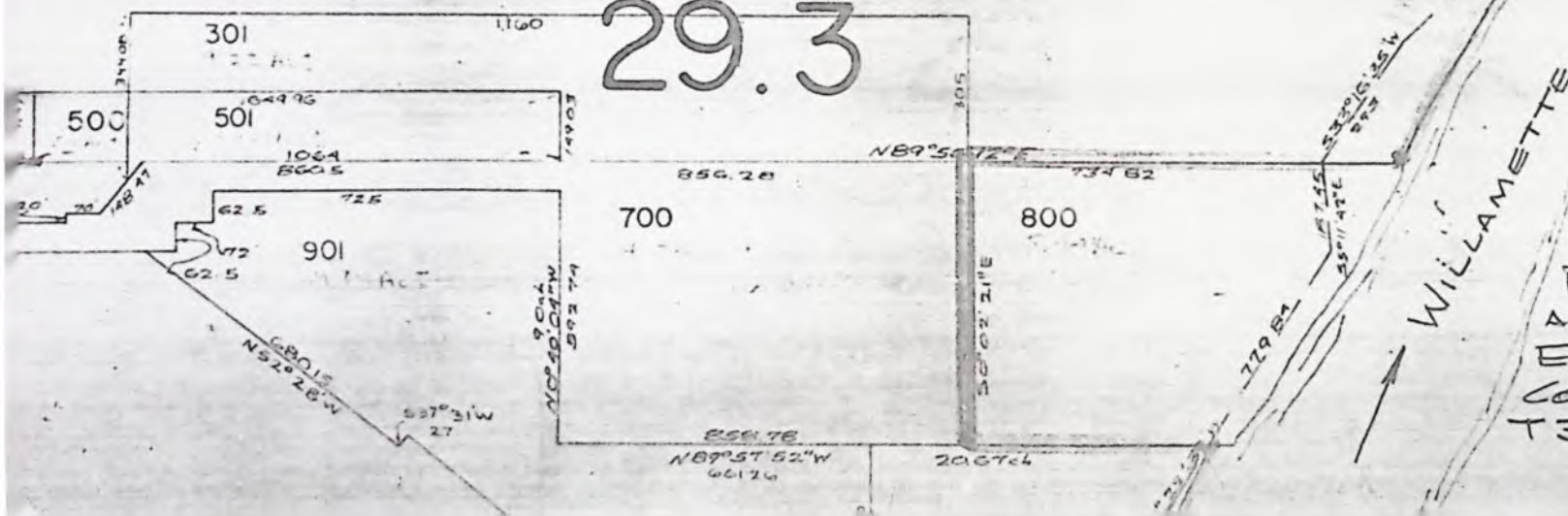
WELL #1  
WELL #2  
Point of DIVERSION

WELL #2

101

628665

29.3



CITY OF DUNDEE, OR  
Point of DIVERSION

SCALE: 1" = 400'

DIVERSION Point LOC-  
ATED 50' NORTH, 770'  
EAST FROM THE SW  
CORNER OF SECTION 30,  
T3S, R2W, W.M.



SECTION 36 T.3S. R.3W. W.M.

YAMHILL COUNTY.

RECEIVED

JUL 24 1979

WATER RESOURCES DEPT.  
SALEM, OREGON



3 3 36

& INDEX

AERIAL 3DD 36

CANCELLED 1590  
601

1" = 400'

Application No. 58951  
Permit No. 44462

SEE MAP 3 3 25

← To DUNDEE

WELL #1  
WELL #2  
POINT OF DIVERSION

101

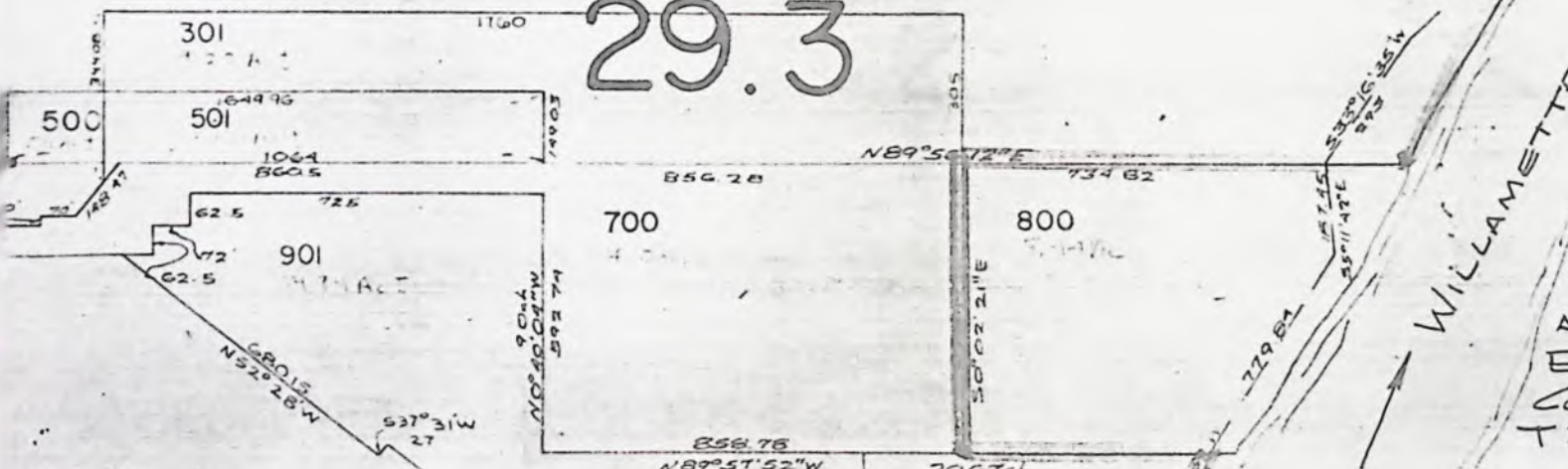
RIVER  
ASH ISLAND

29.3

CITY OF DUNDEE, OR  
POINT OF DIVERSION

SCALE: 1" = 400'

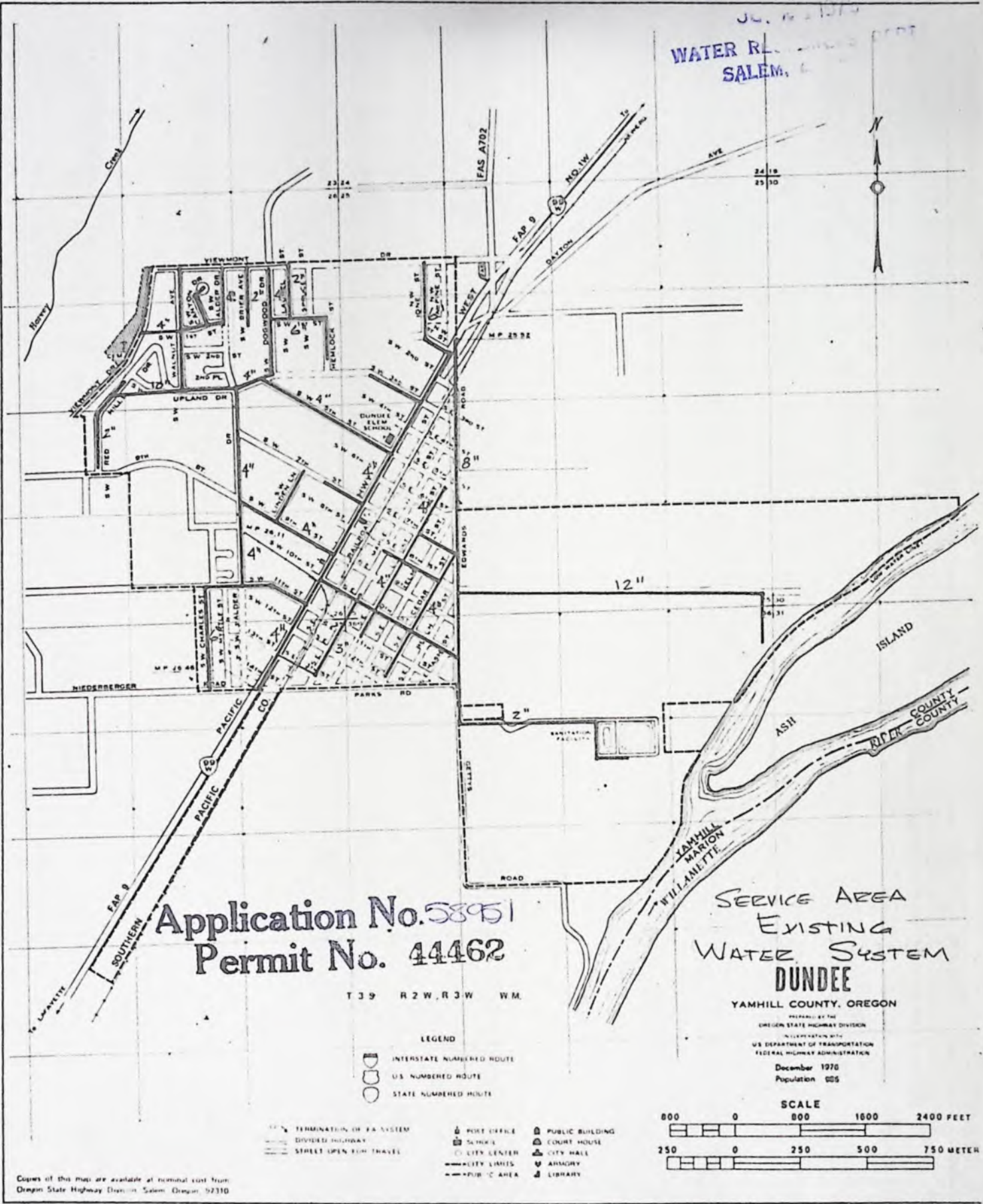
DIVERSION POINT LOCATED 50' NORTH, 770' EAST FROM THE SW CORNER OF SECTION 30, T3S, R2W, WM.





6-7-77

WATER RESOURCES  
SALEM, OREGON





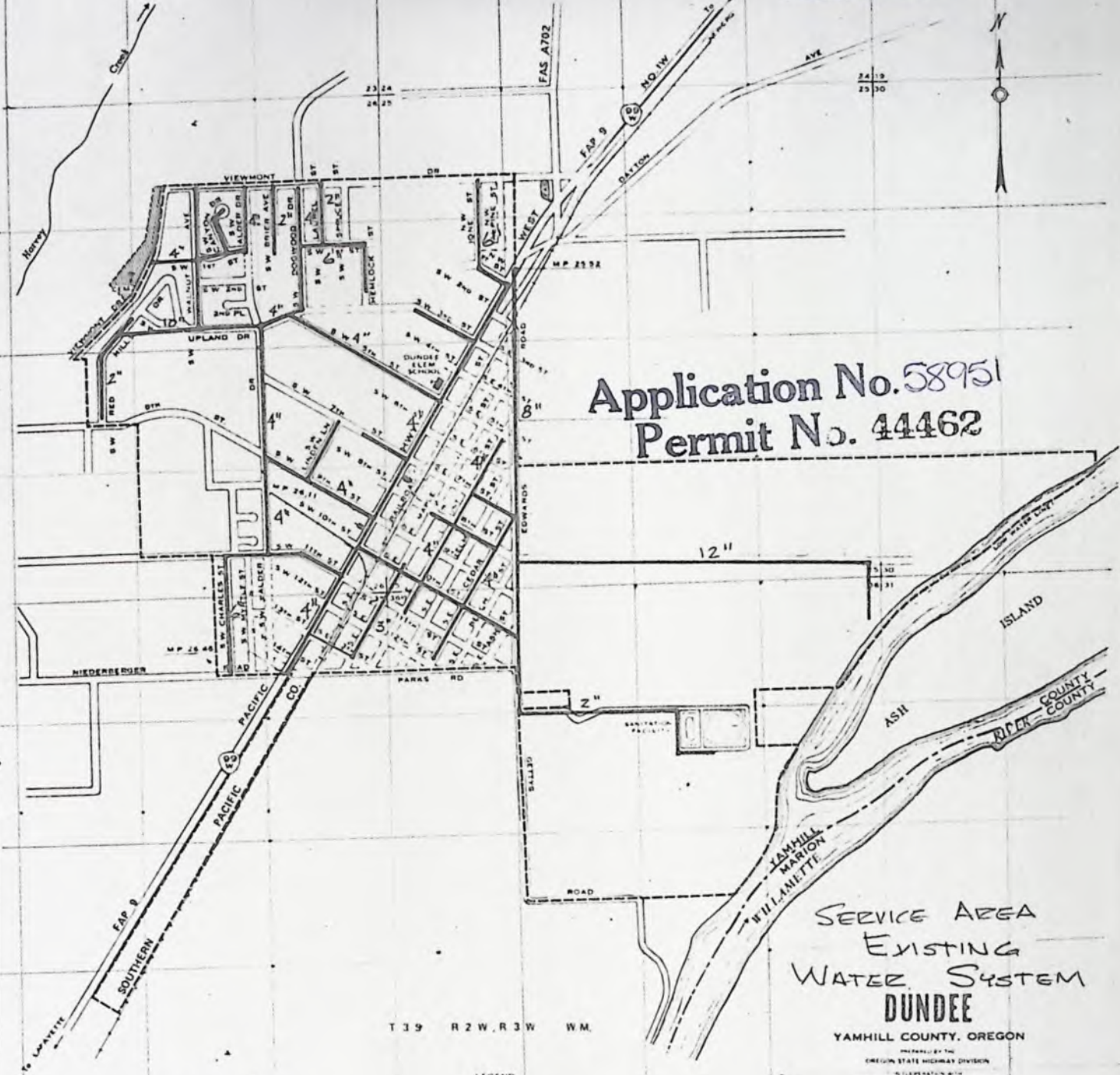
RECEIVED

JUL 24 1979

WATER RESOURCES DEPT  
SALEM, OREGON



Application No. 58951  
Permit No. 44462



T 19 R 2 W R 3 W WM

LEGEND

- INTERSTATE NUMBERED ROUTE
- U.S. NUMBERED ROUTE
- STATE NUMBERED ROUTE

- TERMINATION OF FA SYSTEM
- DIVIDED HIGHWAY
- STREET OPEN FOR TRAVEL

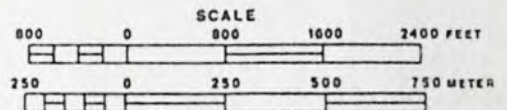
- POST OFFICE
- SCHOOL
- CITY CENTER
- CITY LIMITS
- PLUR. C AREA
- PUBLIC BUILDING
- COURT HOUSE
- CITY HALL
- ARMORY
- LIBRARY

SERVICE AREA  
EXISTING  
WATER SYSTEM  
**DUNDEE**

YAMHILL COUNTY, OREGON

PREPARED BY THE  
OREGON STATE HIGHWAY DIVISION  
IN COOPERATION WITH  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

December 1976  
Population 955





WESTECH ENGINEERING, INC.  
3421 25th St. S.E.  
SALEM, OREGON 97302

RECEIVED

OCT 29 1979

LETTER OF TRANSMITTAL

Phone 585-2474

WATER RESOURCES DEPT  
SALEM, OREGON

|           |                |         |        |
|-----------|----------------|---------|--------|
| DATE      | 10/23/79       | JOB NO. | 441-W4 |
| ATTENTION | Wayne Overcash |         |        |
| RE:       | Dundee #58951  |         |        |
|           |                |         |        |
|           |                |         |        |
|           |                |         |        |
|           |                |         |        |

TO Water Resources Dept  
555 13th St NE  
Salem, OR 97310

GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ \_\_\_\_\_

| COPIES | DATE     | NO. | DESCRIPTION                        |
|--------|----------|-----|------------------------------------|
| 1      | original |     | Permit Application to Divert Water |
|        |          |     |                                    |
|        |          |     |                                    |
|        |          |     |                                    |
|        |          |     |                                    |
|        |          |     |                                    |
|        |          |     |                                    |
|        |          |     |                                    |

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 and comment ☐ \_\_\_\_\_
- ☐ FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

I hope this will meet your approval.

Our records indicate this permit request  
was submitted July 23, 1979. Hopefully  
the permit can be issued shortly.

COPY TO

City of Dundee

SIGNED:

Jim Schulte





*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE

City of Dundee  
Box 201  
Dundee, OR 97115

58951

November 14, 1979

44462





## *Water Resources Department*

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 18, 1979

WESTECH ENGINEERING INC  
3421 25TH STREET S E  
SALEM OR 97302

ATTN: Jim Schuette

RE: File No. 58951

Dear Mr. Schuette:

Application No. 58951 in the name of City of Dundee describing the proposed use of 4.0 cubic feet per second of water from the Willamette River for municipal use, together with the four prints of the map showing the point of diversion and four prints of the map showing the service area, has been reviewed.

Two revised prints of the application were received on October 8, 1979.

It is necessary for us to receive the original application prepared on the form furnished by this office instead of the copies submitted so that we will be able to obtain clear copies for our records. If you are unable to furnish the application originally prepared, the enclosed blank application form may be completed and submitted as a superseding application.

I am returning one of the copies you submitted on October 8, 1979.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:jfv  
enclosures  
cc: City of Dundee



WESTECH ENGINEERING, INC.  
3421 25th St. S.E.  
SALEM, OREGON 97302

RECEIVED

OCT - 8 1979

Phone 585-2474 WATER RESOURCES DEPT  
SALEM, OREGON

LETTER OF TRANSMITTAL

TO State Water Resources Commission  
Water Rights Division  
Salem, Or 97310

|           |                     |         |        |
|-----------|---------------------|---------|--------|
| DATE      | 10-5-79             | JOB NO. | 441-W4 |
| ATTENTION | Wayne Overcash      |         |        |
| RE:       | Dundee File # 58951 |         |        |
|           |                     |         |        |
|           |                     |         |        |
|           |                     |         |        |
|           |                     |         |        |
|           |                     |         |        |

GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:  
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications  
☐ Copy of letter ☐ Change order ☐ \_\_\_\_\_

| COPIES | DATE | NO. | DESCRIPTION                     |
|--------|------|-----|---------------------------------|
| 2      |      |     | Revised W. Rights Applications. |
|        |      |     |                                 |
|        |      |     |                                 |
|        |      |     |                                 |
|        |      |     |                                 |
|        |      |     |                                 |
|        |      |     |                                 |
|        |      |     |                                 |
|        |      |     |                                 |
|        |      |     |                                 |

THESE ARE TRANSMITTED as checked below:

- |                                                      |                                                           |                                                               |
|------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> For approval                | <input type="checkbox"/> Approved as submitted            | <input type="checkbox"/> Resubmit _____ copies for approval   |
| <input checked="" type="checkbox"/> For your use     | <input type="checkbox"/> Approved as noted                | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested                | <input type="checkbox"/> Returned for corrections         | <input type="checkbox"/> Return _____ corrected prints        |
| <input type="checkbox"/> For review and comment      | <input type="checkbox"/> _____                            |                                                               |
| <input type="checkbox"/> FOR BIDS DUE _____ 19 _____ | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US |                                                               |

REMARKS

Please insert drawings from Original  
application as there have been no changes.

COPY TO \_\_\_\_\_

SIGNED:

Jim Schutte



Superseded Oct 23, 1979

to wire PC

Application No. 58951

Permit No.

## STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIVED

## Application for Permit to Appropriate Surface Water JUL 24 1979

WATER RESOURCES DEPT  
SALEM, OREGON

I, City of Dundee

(Name of Applicant)

of Box 201

(Mailing Address)

Dundee

(City)

State of Oregon

97115

(Zip Code)

Phone No. 538-3922

do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is The Willamette River

, a tributary of The Columbia River

2. The point of diversion is to be located 50 ft. North and 770 ft. East

(N. or S.)

(E. or W.)

from the Southwest corner of Section 30, Township 3 South, Range 2 West

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SW 1/4 of the SW 1/4 of

Sec. 30 Tp. 3 S R. 2 W, W. M., in the county of Yamhill

(N. or S.)

(E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

| Township | Range | Section | List 1/4 1/4 of Section | List use and/or number of acres to be irrigated |
|----------|-------|---------|-------------------------|-------------------------------------------------|
| 3S       | 3W    | 26      | NE 1/4                  |                                                 |
| 3S       | 3W    | 26      | SE 1/4 of NW 1/4        |                                                 |
| 3S       | 3W    | 26      | SE 1/4                  |                                                 |
| 3S       | 3W    | 26      | E 1/2 of SW 1/4         |                                                 |
| 3S       | 3W    | 35      | N 1/2 of NE 1/4         |                                                 |
| 3S       | 3W    | 26      | NW 1/4                  |                                                 |
| 3S       | 3W    | 25      | SW 1/4                  |                                                 |
| 3S       | 3W    | 25      | S 1/2 of SE 1/4         |                                                 |
| 3S       | 3W    | 36      | N 1/2 of NW 1/4         |                                                 |
| 3S       | 3W    | 36      | SE 1/4 of NW 1/4        |                                                 |

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41 00



4. The amount of water which the applicant intends to apply to beneficial use is ..... 4.0 .....

cubic feet per second.....  
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is ..... Municipal .....

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

The City of Dundee is anticipating upgrading their municipal water system to meet demands of the growing population as the present well system will not meet the growing demand. An intake to obtain water from the Willamette River is planned. The existing transmission line to wells #1 & #2 will be extended to the proposed point of diversion.

If for domestic use state number of families to be supplied .....

7. Construction work will begin on or before September 1, 1980 .....

8. Construction work will be completed on or before December 1, 1981 .....

9. The water will be completely applied to the proposed use on or before November 1, 1981 .....

Application No. 58951 .....

Permit No. ....



JUL 24 1979

WATER RESOURCES DEPT  
SALEM, OREGON

3. Location of area to be irrigated, or place of use if other than irrigation.

[illegible]



Application No. 58951 ( )

Permit No. 44462

## STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIVED

OCT 23 1979

## Application for Permit to Appropriate Surface Water

WATER RESOURCES DEPT  
SALEM, OREGON

I, City of Dundee

(Name of Applicant)

of Box 201

(Mailing Address)

Dundee

(City)

State of Oregon, 97115 Phone No. 538-3922 do hereby

(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is the Willamette River

, a tributary of the Columbia River

2. The point of diversion is to be located 50 ft. North and 770 ft. East

(N. or S.)

(E. or W.)

from the Southwest corner of Section 30, Township 3 South, Range 2 West

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SW 1/4 of the SW 1/4 of

Sec. 30 Tp. 3 S R. 2 W, W. M., in the county of Yamhill

(N. or S.)

(E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

| Township | Range | Section | List 1/4 1/4 of Section | List use and/or number of acres to be irrigated |
|----------|-------|---------|-------------------------|-------------------------------------------------|
| 3S       | 3W    | 26      | NE 1/4                  |                                                 |
| 3S       | 3W    | 26      | SE 1/4 of NW 1/4        |                                                 |
| 3S       | 3W    | 26      | SE 1/4                  |                                                 |
| 3S       | 3W    | 26      | E 1/2 of SW 1/4         |                                                 |
| 3S       | 3W    | 35      | N 1/2 of NE 1/4         |                                                 |
| 3S       | 3W    | 25      | NW 1/4                  |                                                 |
| 3S       | 3W    | 25      | SW 1/4                  |                                                 |
| 3S       | 3W    | 25      | S 1/2 of SE 1/4         |                                                 |
| 3S       | 3W    | 36      | N 1/2 of NW 1/4         |                                                 |
| 3S       | 3W    | 36      | SE 1/4 of NW 1/4        |                                                 |

12000  
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600  
4100



Application No. 58951

Permit No. 44462

Pc

## Permit to Appropriate the Public Waters of the State of Oregon

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 4.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Willamette River

The use to which this water is to be applied is municipal

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is July 24, 1979

Actual construction work shall begin on or before November 14, 1980 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1981

Complete application of the water to the proposed use shall be made on or before October 1, 1982

WITNESS my hand this 14th day of November, 1979

ABC extended to 10-1-97

  
Resources Director

PLV A



RECEIVED

OCT 23 1979

WATER RESOURCES DEPT  
SALEM, OREGON

Continued...

3. Location of area to be irrigated, or place of use if other than irrigation.

| Township | Range | Section | List 1/4 1/2 of<br>Section | List use and/or number of<br>acres to be irrigated |
|----------|-------|---------|----------------------------|----------------------------------------------------|
| 3S       | 3W    | 36      | NE 1/4 of SW 1/4           |                                                    |
| 3S       | 3W    | 36      | N 1/2 of SE 1/4            |                                                    |
| 3S       | 3W    | 36      | NE 1/4                     |                                                    |
| 3S       | 3W    | 30      | S 1/2 of SW 1/4            |                                                    |
| 3S       | 3W    | 31      | NW 1/4 of NW 1/4           |                                                    |

Application No. 58951  
Permit No. 44462



7-1-83 DSM  
24 Jul 79

Application No.

58951

Permit No.

44462

Name City of Dundee

Address Box 201 Dundee, OR 97115

Assigned

Address

Beginning construction NOV 14 1980 10-1-82 - 10-1-87, 10-1-92

Completion of construction OCT 1 - 1981 10-1-97

Extended to 10-1-82 - 10-1-87, 10-1-92, 10-1-97

Complete application of water OCT 1 - 1982

Extended to 10-1-87, 10-1-92, 10-1-97



NUMBER 834

Check 20- MO                      Cash                     

-----

           Surface Application



Contact post office for  
certified receipt.

Cert. No. # 5 6655  
922-5012 2-22-82





**WESTECH ENGINEERING, INC.**  
CONSULTING ENGINEERS & PLANNERS  
3841 Fairview Industrial Dr. S.E., Suite 100  
Salem, Oregon 97302



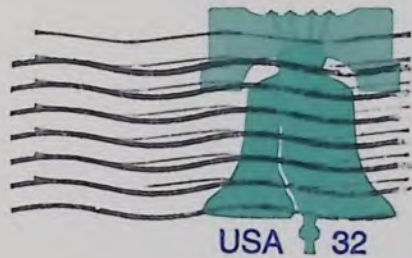
SALEM OR 97301 20114 10/04/99



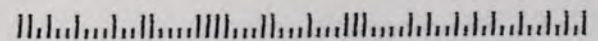
MR. DALLAS MILLER  
WATER RESOURCES BUILDING  
COMMERCE BUILDING  
158 12TH STREET  
SALEM OR 97310-0210



City of Dundee  
P. O. Box 220  
Dundee, Oregon 97115-0220



97310/0705





|||||

JUSTIN D. GERICKE  
JORDAN SCHRADER RAMIS PC  
PO BOX 230669  
PORTLAND, OR 97281

|||||

JUSTIN D. GERICKE  
JORDAN SCHRADER RAMIS PC  
PO BOX 230669  
PORTLAND, OR 97281



United Nations

Geneva, Switzerland

100 Rue de la Paix, 1201 Geneva, Switzerland

PO Box 250

Geneva, CH 1211



[illegible]

CITY OF DUNDEE

ATTN: RDC DAYKIN, CITY ADMINISTRATOR

PO Box 220

DUNDEE, OR 97:15.