

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16615

Final Order

Appeal Rights

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

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Application History

On January 30, 2006, Portland Meadows submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 22, 2008. The protest period closed September 5, 2008, and no protest was filed.

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

Order

Application G-16615 is therefore approved as proposed by the Proposed Final Order. Upon submittal of documentation that Well 1 complies with current minimum well construction standards, a permit shall be issued authorizing the proposed water use.

Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

DATED September 18, 2008

E. Timothy Ward

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Joel Plahn. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0815.

If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

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

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PORTLAND MEADOWS
1001 NORTH SCHMEER RD
PORTLAND, OR 97217

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

APPLICATION FILE NUMBER: G-16615

SOURCE OF WATER: WELL 1 AND WELL 2 IN COLUMBIA SLOUGH BASIN

PURPOSE OR USE: AGRICULTURE USES, IRRIGATION USE ON 76.0 ACRES AND
COMMERCIAL USE

MAXIMUM RATE: 1.11 CUBIC FEET PER SECOND (CFS), BEING 0.95 CFS FOR
IRRIGATION, 0.22 CFS FOR AGRICULTURE USES, AND 0.11 CFS FOR COMMERCIAL
USE

PERIOD OF USE:

AGRICULTURE - NOVEMBER 1 THROUGH FEBRUARY 29

IRRIGATION - MARCH 1 THROUGH OCTOBER 31

COMMERCIAL USE - YEAR-ROUND

DATE OF PRIORITY: JANUARY 30, 2006

WELL LOCATIONS:

WELL 1 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 10, T1N, R1E, W.M.; 100 FEET SOUTH &
2580 FEET WEST FROM NE CORNER, SECTION 10

WELL 2 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 3, T1N, R1E, W.M.; 1145 FEET NORTH &
1700 FEET EAST FROM SW CORNER, SECTION 3

The amount of water used for irrigation under this right, together with
the amount secured under any other right existing for the same lands, is
limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and
2.5 acre-feet for each acre irrigated during the irrigation season of
each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION

AGRICULTURE USES AND COMMERCIAL USE

SE ¼ SW ¼ 21.15 ACRES
SW ¼ SE ¼ 0.5 ACRE

SE ¼ SW ¼
SW ¼ SE ¼

SECTION 3

NW ¼ NE ¼ 19.9 ACRES
NE ¼ NW ¼ 27.35 ACRES
NW ¼ NW ¼ 2.15 ACRES
SE ¼ NW ¼ 4.95 ACRES

NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SE ¼ NW ¼

SECTION 10

TOWNSHIP 1 NORTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the

schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

The use of water shall be limited when it interferes substantially with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department