

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

In the Matter of Water Rights Application)
S-87058, Douglas County)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

ORS 537.147 establishes the process by which an application to use stored water exclusively may be submitted. OAR Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water.

Findings of Fact

1. On December 19, 2007, Delvin Sanders submitted an application for a water-use permit pursuant to ORS 537.147. The Department provided public notice of the application in the Department's weekly public notice on January 1, 2008. A 30-day comment period followed.
2. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.

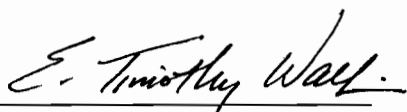
Conclusions of Law

Application S-87058 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

Now Therefore, it is Ordered:

Application S-87058 is approved pursuant to ORS 537.147. Upon payment of the permit recording fee of \$300, a permit shall be issued authorizing the proposed water use.

Dated at Salem, Oregon on SEPTEMBER 30 2008.



for Phillip C. Ward, Director

This order was produced by Joel Plahn. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0815 or Joel.M.Plahn@wrdd.state.or.us.

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, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

STATE OF OREGON
COUNTY OF DOUGLAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

DELVIN SANDERS
339 BULLOCK RD
OAKLAND OR 97462

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

APPLICATION FILE NUMBER: S-87058

SOURCE OF WATER: GALESVILLE RESERVOIR, CONSTRUCTED UNDER PERMIT R-9964

PURPOSE OR USE: DOMESTIC EXPANDED USE FOR ONE HOUSEHOLD

MAXIMUM VOLUME: 2.0 ACRE FEET

DATE OF PRIORITY: DECEMBER 19, 2007

PERIOD: JANUARY 1 THROUGH DECEMBER 31

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	7 W	WM	13	NE SW	895 FEET SOUTH AND 940 FEET WEST FROM C1/4 CORNER, SECTION 13

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
24 S	7 W	WM	13	NE SW

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 diversion, and maintain the meter(s) in good working order.
- B. The permittee shall allow the watermaster access to the meter(s); where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use, and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of contract No. D-2008-2 between Douglas County and the applicant, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Department.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream

passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. 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.
7. 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.
8. 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 water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____ 2008

DRAFT – NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department