

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-87175

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 May 14, 2008, Kenton Gregory submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 2, 2009. The protest period closed July 17, 2009, and no protest was filed.

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

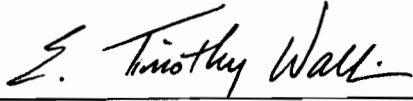
Order

Application S-87175 is therefore approved as proposed by the Proposed Final Order. Upon payment of outstanding fees in the amount of \$360, 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 3, 2009



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Brook Geffen. 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 503-986-0808.

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.

DRAFT

STATE OF OREGON

COUNTY OF YAMHILL

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

KENTON GREGORY
3737 SW COUNCIL CREST DR
PORTLAND, OR 97239

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

APPLICATION FILE NUMBER: S-87175

SOURCE OF WATER: RUNOFF, CASCADE VIEW RESERVOIR (CONSTRUCTED UNDER PERMIT R-14671), AND TWIN OAKS RESERVOIR (CONSTRUCTED UNDER PERMIT R-14672), TRIBUTARIES OF WILLIAMS CANYON

PURPOSE OR USE: IRRIGATION USE ON 91.9 ACRES AND POND MAINTENANCE OF CASCADE VIEW RESERVOIR AND TWIN OAKS RESERVOIR

MAXIMUM RATE: 0.5 CUBIC FOOT PER SECOND (CFS), BEING 0.33 CFS FOR IRRIGATION USE, 0.09 CFS FOR POND MAINTENANCE OF CASCADE VIEW RESERVOIR, AND 0.08 CFS FOR POND MAINTENANCE OF TWIN OAKS RESERVOIR

MAXIMUM VOLUME: 17.1 ACRE FEET (AF), BEING 9.1 AF FROM CASCADE VIEW RESERVOIR AND 8.0 AF FROM TWIN OAKS RESERVOIR FOR IRRIGATION USE

PERIOD OF USE:

SOURCE (TRIBUTARIES OF WILLIAMS CANYON)	USE	PERIOD OF USE
RUNOFF	IRRIGATION	MARCH 1 - APRIL 30
RUNOFF	POND MAINTENANCE	DECEMBER 1 - APRIL 30
CASCADE VIEW RESERVOIR	IRRIGATION	MARCH 1 - OCTOBER 31
TWIN OAKS RESERVOIR	IRRIGATION	MARCH 1 - OCTOBER 31

DATE OF PRIORITY: MAY 14, 2008

POINTS OF DIVERSION LOCATIONS:

CASCADE VIEW RESERVOIR AND RUNOFF: SWSE, SECTION 8, T2S, R4W, W.M.; 815 FEET NORTH AND 3015 FEET EAST FROM SW CORNER, SECTION 8

TWIN OAKS RESERVOIR AND RUNOFF: NWSE, SECTION 8, T2S, R4W, W.M.;
1565 FEET NORTH AND 2875 FEET EAST FROM SW CORNER, SECTION 8

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:

POND MAINTENANCE

NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

IRRIGATION

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.3 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.5 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1 ACRE
SECTION 8

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.8 ACRES
SECTION 17

TOWNSHIP 2 SOUTH, RANGE 4 WEST, 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 diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall allow the watermaster access to the meter; provided however, where any 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.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Irrigation allowed under this permit shall be by drip irrigation or by an equally efficient method.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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.

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.

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 635-415, 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.

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

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

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

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued _____, 2009

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department