

**Oregon Water Resources Department
Water Rights Services Division**

Water Rights Application
Number S-87388

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, 2009, R. J. and Susan L. Claus submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on July 19, 2011. The protest period closed September 2, 2011, and no protest was filed.

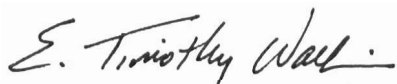
The proposed use would not impair or be detrimental to the public interest.

Order

Application S-87388 is therefore approved as proposed by the Proposed Final Order. **Contingent upon approval of applications G-17171 and R-87387, 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.

DATED January 19 , 2012



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

This document was prepared by Michele McAleer. 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 503-986-0853.

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 GILLIAM

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

R. J. AND SUSAN L. CLAUS
22211 SW PACIFIC HWY
SHERWOOD, OR 97140

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

APPLICATION FILE NUMBER: S-87388

SOURCE OF WATER: RESERVOIRS 1 AND 2, TRIBUTARY TO PRIOR CANYON; RESERVOIR 3, TRIBUTARY TO UNNAMED STREAM, TRIBUTARY TO SNIPTION CANYON; RESERVOIRS 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 AND 82, TRIBUTARY TO SNIPTION CANYON; RESERVOIRS 8, 9, 10, 12, 13, 15, 16, AND 17, TRIBUTARY TO CRAZY FORK CANYON; RESERVOIR 18, TRIBUTARY TO SUNSHINE CANYON; RESERVOIR 23, TRIBUTARY TO SANDY CANYON; RESERVOIRS 24, 25, 27, 28, 29, 32 AND 33, TRIBUTARY TO WILLOW CANYON; RESERVOIRS 36, 37, 38, 39, 40, 41, 42, 43, AND 44, TRIBUTARY TO BUCK HOLLOW; RESERVOIRS 52, 53, AND 54, TRIBUTARY TO SQUAW CANYON

PURPOSE OR USE: IRRIGATION OF 257.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 6.5 ACRES

MAXIMUM VOLUME: 131.1 ACRE FEET (AF) EACH YEAR, BEING:

0.5 AF EACH FROM RESERVOIRS 8, 9, 10, 12, 13, 15 AND 16, TRIBUTARY TO CRAZY FORK CANYON, RESERVOIRS 36, 37, 38 AND 39, TRIBUTARY TO BUCK HOLLOW, AND RESERVOIR 52, TRIBUTARY TO SQUAW CANYON;

0.8 AF EACH FROM RESERVOIR 18, TRIBUTARY TO SUNSHINE CANYON, RESERVOIRS 24, 25, 27, 28 AND 29, TRIBUTARY TO WILLOW CANYON, AND RESERVOIR 53, TRIBUTARY TO SQUAW CANYON;

3.0 AF EACH FROM RESERVOIR 32, TRIBUTARY TO WILLOW CANYON, RESERVOIR 40, TRIBUTARY TO BUCK HOLLOW, AND RESERVOIRS 66, 67, 69, 76, 77, 78, 79, 80 AND 81 TRIBUTARY TO SNIPTION CANYON;

5.0 AF EACH FROM RESERVOIR 17, TRIBUTARY TO CRAZY FORK CANYON, RESERVOIR 23, TRIBUTARY TO SANDY CANYON, RESERVOIR 33, TRIBUTARY TO WILLOW CANYON, RESERVOIRS 41, 42, 43 AND 44, TRIBUTARY TO BUCK HOLLOW, RESERVOIR 54, TRIBUTARY TO SQUAW CANYON, RESERVOIRS 68, 70, 71, 72, 73 74, 75 AND 82, TRIBUTARY TO SNIPTION CANYON;

2.0 AF EACH FROM RESERVOIR 1 AND 2, TRIBUTARY TO PRIOR CANYON, AND RESERVOIR 3, TRIBUTARY TO AN UNNAMED CANYON SW OF PRIOR CANYON;

0.25 AF EACH FROM RESERVOIRS 64 AND 65, TRIBUTARY TO SNIPTION CANYON;

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 30, 2009

POINT OF DIVERSION LOCATIONS:

RESERVOIR 1 (P1) - SESE, SECTION 18, T4S, R21E, W.M.; 800 FEET NORTH AND 100 FEET WEST FROM SE CORNER, SECTION 18

RESERVOIR 2 (P2) - NESE, SECTION 18, T4S, R21E, W.M.; 1700 FEET NORTH AND 400 FEET WEST FROM SE CORNER, SECTION 18

RESERVOIR 3 (P3) - SESE, SECTION 18, T4S, R21E, W.M.; 600 FEET NORTH AND 1200 FEET WEST FROM SE CORNER, SECTION 18

RESERVOIR 8 (CF1) - NESE, SECTION 13, T4S, R20E, W.M.; 100 FEET SOUTH AND 800 FEET WEST FROM E1/4 CORNER, SECTION 13

RESERVOIR 9 (CF2) - NESE, SECTION 13, T4S, R20E, W.M.; 500 FEET SOUTH AND 500 FEET WEST FROM E1/4 CORNER, SECTION 13

RESERVOIR 10 (CF3) - NESE, SECTION 13, T4S, R20E, W.M.; 800 FEET SOUTH AND 200 FEET WEST FROM E1/4 CORNER, SECTION 13

RESERVOIR 12 (CF4) - SWSW, SECTION 18, T4S, R21E, W.M.; 2000 FEET SOUTH AND 1300 FEET EAST FROM W1/4 CORNER, SECTION 18

RESERVOIR 13 (CF5) - NENW, SECTION 19, T4S, R21E, W.M.; 200 FEET SOUTH AND 1900 FEET EAST FROM NW CORNER, SECTION 19

RESERVOIR 15 (CF6) - NENW, SECTION 19, T4S, R21E, W.M.; 1100 FEET SOUTH AND 2200 FEET EAST FROM NW CORNER, SECTION 19

RESERVOIR 16 (CF7) - SENW, SECTION 19, T4S, R21E, W.M.; 600 FEET NORTH AND 2400 FEET EAST FROM W1/4 CORNER, SECTION 19

RESERVOIR 17 (CF8) - NWSE, SECTION 19, T4S, R21E, W.M.; 700 FEET SOUTH AND 2800 FEET EAST FROM W1/4 CORNER, SECTION 19

RESERVOIR 18 (SH1) - SESW, SECTION 19, T4S, R21E, W.M.; 300 FEET NORTH AND 1600 FEET EAST FROM SW CORNER, SECTION 19

RESERVOIR 23 (SA3) - NESE, SECTION 25, T4S, R20E, W.M.; 2800 FEET SOUTH AND 1700 FEET EAST FROM N1/4 CORNER, SECTION 25

RESERVOIR 24 (W1) - SENE, SECTION 26, T4S, R20E, W.M.; 1500 FEET SOUTH AND 900 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 25 (W2) - SENE, SECTION 26, T4S, R20E, W.M.; 2600 FEET SOUTH AND 1300 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 27 (W3) - NWSE, SECTION 26, T4S, R20E, W.M.; 3200 FEET SOUTH AND 1400 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 28 (W4) - SESE, SECTION 26, T4S, R20E, W.M.; 4000 FEET SOUTH AND 1100 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 29 (W5) - NENE, SECTION 35, T4S, R20E, W.M.; 600 FEET SOUTH AND 700 FEET WEST FROM NE CORNER, SECTION 35

RESERVOIR 32 (W6) - SENE, SECTION 35, T4S, R20E, W.M.; 2200 FEET SOUTH AND 600 FEET WEST FROM NE CORNER, SECTION 35

RESERVOIR 33 (W7) - NESE, SECTION 35, T4S, R20E, W.M.; 3100 FEET SOUTH AND 400 FEET WEST FROM NE CORNER, SECTION 35

RESERVOIR 36 (B1) - NWNW, SECTION 26, T4S, R20E, W.M.; 200 FEET SOUTH AND 1000 FEET EAST FROM NW CORNER, SECTION 26

RESERVOIR 37 (B2) - NWNW, SECTION 26, T4S, R20E, W.M.; 1100 FEET SOUTH AND 900 FEET EAST FROM NW CORNER, SECTION 26

RESERVOIR 38 (B3) - SWNW, SECTION 26, T4S, R20E, W.M.; 2300 FEET SOUTH AND 500 FEET EAST FROM NW CORNER, SECTION 26

RESERVOIR 39 (B4) - NESE, SECTION 27, T4S, R20E, W.M.; 3700 FEET SOUTH AND 100 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 40 (B5) - SESE, SECTION 34, T4S, R20E, W.M.; 100 FEET NORTH AND 1400 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 41 (B6) - SESE, SECTION 34, T4S, R20E, W.M.; 770 FEET NORTH AND 1400 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 42 (B7) - NESE, SECTION 34, T4S, R20E, W.M.; 1440 FEET NORTH AND 260 FEET EAST FROM SW CORNER, SESE, SECTION 34

RESERVOIR 43 (B8) - NESE, SECTION 34, T4S, R20E, W.M.; 2140 FEET NORTH AND 1630 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 44 (B9) - SENE, SECTION 34, T4S, R20E, W.M.; 2760 FEET NORTH AND 1690 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 52 (SQ1) - NENE, SECTION 27, T4S, R20E, W.M.; 200 FEET SOUTH AND 1200 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 53 (SQ2) - SENE, SECTION 27, T4S, R20E, W.M.; 1800 FEET SOUTH AND 1300 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 54 (SQ3) - SESE, SECTION 27, T4S, R20E, W.M.; 4500 FEET SOUTH AND 700 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 64 (S1) - SWNE, SECTION 19, T4S, R21E, W.M.; 3200 FEET NORTH AND 1100 FEET EAST FROM S1/4 SECTION 19

RESERVOIR 65 (S2) - NWSE, SECTION 19, T4S, R21E, W.M.; 2300 FEET NORTH AND 500 FEET EAST FROM S1/4 SECTION 19

RESERVOIR 66 (S3) - SESW, SECTION 19, T4S, R21E, W.M.; 500 FEET NORTH AND 500 FEET WEST FROM S1/4 CORNER, SECTION 19

RESERVOIR 67 (S4) - SESW, SECTION 19, T4S, R21E, W.M.; 200 FEET NORTH AND 800 FEET WEST FROM S1/4 CORNER, SECTION 19

RESERVOIR 68 (S5) - NENW, SECTION 30, T4S, R21E, W.M.; 500 FEET SOUTH AND 1500 FEET EAST FROM NW CORNER, SECTION 30

RESERVOIR 69 (S6) - NWNW, SECTION 30, T4S, R21E, W.M.; 1100 FEET SOUTH AND 600 FEET EAST FROM NW CORNER, SECTION 30

RESERVOIR 70 (S7) - SWNW, SECTION 30, T4S, R21E, W.M.; 1800 FEET SOUTH AND 300 FEET EAST FROM NW CORNER, SECTION 30

RESERVOIR 71 (S8) - SENE, SECTION 25, T4S, R20E, W.M.; 2300 FEET SOUTH AND 100 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 72 (S9) - NESE, SECTION 25, T4S, R20E, W.M.; 2800 FEET SOUTH AND 500 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 73 (S10) - NESE, SECTION 25, T4S, R20E, W.M.; 3300 FEET SOUTH AND 800 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 74 (S11) - SWSE, SECTION 25, T4S, R20E, W.M.; 5200 FEET SOUTH AND 2600 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 75 (S12) - NENW, SECTION 36, T4S, R20E, W.M.; 4100 FEET NORTH AND 1500 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 76 (S13) - SWNW, SECTION 36, T4S, R20E, W.M.; 3700 FEET NORTH AND 800 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 77 (S14) - SWNW, SECTION 36, T4S, R20E, W.M.; 3000 FEET NORTH AND 600 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 78 (S15) - NWSW, SECTION 36, T4S, R20E, W.M.; 2600 FEET NORTH AND 300 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 79 (S16) - NESE, SECTION 35, T4S, R20E, W.M.; 1700 FEET NORTH AND 200 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 80 (S17) - SWSE, SECTION 35, T4S, R20E, W.M.; 1000 FEET NORTH AND 1500 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 81 (S18) - SESW, SECTION 35, T4S, R20E, W.M.; 100 FEET NORTH AND 3200 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 82 (S19) - NWNW, SECTION 2, T5S, R20E, W.M.; 200 FEET SOUTH AND 400 FEET EAST FROM NW CORNER, SECTION 2

Place of Use:

PRIMARY

SUPPLEMENTAL

NE SE 3.8 ACRES

SECTION 13

SE NE 5.7 ACRES

SE SW 0.8 ACRE

NE SE 7.0 ACRES

NW SE 1.8 ACRES

SW SE 11.1 ACRES

SE SE 0.2 ACRE

SECTION 25

SW NE 1.1 ACRES

SE NE 2.5 ACRES

NW NW 3.1 ACRES

SW NW 4.0 ACRES

NW SW 3.4 ACRES

NE SE 0.4 ACRE

NW SE 3.4 ACRES

SW SE 0.1 ACRE

SE SE 3.7 ACRES

SECTION 26

NE NE 3.0 ACRES

SE NE 3.9 ACRES

NE SE 2.4 ACRES

NW SE 2.4 ACRES

SW SE 0.6 ACRE

SE SE 6.9 ACRES

SECTION 27

TOWNSHIP 4 SOUTH, RANGE 20 EAST, W.M.

Place of Use, continued:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE NE	4.1 ACRES	
SE NE	4.1 ACRES	
NE SE	3.9 ACRES	
SW SE	0.5 ACRE	
SE SE	6.2 ACRES	
SECTION 34		
NE NE	3.9 ACRES	
SW SW	0.1 ACRE	
SE SW	4.7 ACRES	
NE SE	10.5 ACRES	
NW SE	0.3 ACRE	
SW SE	7.8 ACRES	
SE SE	0.3 ACRE	
SECTION 35		
NW NE	0.2 ACRE	
NE NW	14.1 ACRES	
NW NW	2.6 ACRES	
SW NW	6.7 ACRES	
NW SW	2.1 ACRES	
SECTION 36		
TOWNSHIP 4 SOUTH, RANGE 20 EAST, W.M.		
NW SW	1.5 ACRES	
SW SW	3.4 ACRES	
SE SW	1.7 ACRES	
SE SE	2.5 ACRES	
SECTION 18		
NE NE	7.2 ACRES	
SW NE	6.0 ACRES	
SE NE	3.5 ACRES	
NE NW	3.9 ACRES	
SE NW	3.8 ACRES	
NE SW	4.8 ACRES	1.0 ACRE
SE SW	6.2 ACRES	4.2 ACRES
NW SE	5.5 ACRES	0.1 ACRE
SECTION 19		
NE NW	2.7 ACRES	0.7 ACRE
NW NW	8.1 ACRES	0.5 ACRE
SW NW	5.3 ACRES	
SECTION 30		
TOWNSHIP 4 SOUTH, RANGE 21 EAST, W.M.		

Place of Use, continued:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE NW	1.8	ACRES
NW NW	6.1	ACRES

SECTION 2

NE NE	4.6	ACRES
NW NE	6.7	ACRES
NE NW	5.9	ACRES
SW NW	17.2	ACRES
SE NW	6.0	ACRES

SECTION 3

TOWNSHIP 5 SOUTH, RANGE 20 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 diversion. The permittee shall maintain the meters or measuring devices in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded report 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.
- C. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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 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

DRAFT - THIS IS **NOT** A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department