

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-70109

Final Order

Application History

On October 31, 1989, PALMER CREEK WATER DISTRICT IMPROVEMENT COMPANY submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 26, 1995. The protest period closed February 9, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the proposed use as supplemental to the following underlying rights, being Permits G-11961, G-11962, 47405, and Certificate 51884.

Order

Upon receipt of an executed Bureau of Reclamation contract and payment of outstanding permit recording fees in the amount of \$100.00, Application S-70109 will be approved as modified above and as provided on the attached draft permit.

DATED March 18, 1996

for 
Martha O. Page
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 527.153(6) to the Department within 14 days after this order is issued. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF YAMHILL

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PALMER CREEK WATER DISTRICT IMPROVEMENT COMPANY
PO BOX 152
DAYTON, OREGON 97114

541-864-2442

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-70109

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, AND WILLAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION OF CONTAINERIZED NURSERY STOCK ON 6.1 ACRES

RATE OF USE: LIMITED TO 0.06 CFS FROM LIVE FLOW. THE AMOUNT OF STORED WATER ALLOWED WILL BE DETERMINED BY THE WATER SERVICE CONTRACT, BUT SHALL NOT EXCEED 15.25 ACRE-FEET PER YEAR.

PERIOD OF ALLOWED USE: YEAR ROUND FOR AGRICULTURAL USE BUT LIMITED TO MARCH 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT FOR IRRIGATION.

DATE OF PRIORITY: OCTOBER 31, 1989

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 4, T6S, R3W, W.M.; 4700 FEET NORTH & 1290 FEET EAST FROM THE SE CORNER OF GAY DLC 58

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 0.6 ACRES
SE 1/4 NW 1/4 4.2 ACRES
NW 1/4 SW 1/4 1.3 ACRES

SECTION 7

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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. _____, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

