

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-70110

Final Order

Application History

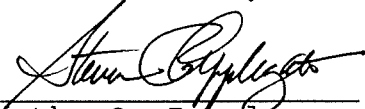
On October 31, 1989, PALMER CREEK WATER DISTRICT IMPROVEMENT CO. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 9, 1996. The protest period closed February 23, 1996, and no protest was filed.

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 recognize existing rights and to correctly describe the allowed use.

Order

Upon receipt of an executed Bureau of Reclamation contract and payment of outstanding permit recording fees in the amount of \$836.00, Application S-70110 will be approved as modified above and as provided on the attached draft permit.

DATED March 18, 1996


for Martha O. Pagel
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 CO.
PO BOX 152
DAYTON, OREGON 97114

503-864-2442

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

APPLICATION FILE NUMBER: S-70110

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 ON ^{421.7}~~437.1~~ ACRES AND SUPPLEMENTAL IRRIGATION OF CONTAINERIZED NURSERY STOCK ON ^{264.2}~~274.2~~ ACRES

Rate of use: LIMITED TO 21.1 CFS FROM LIVE FLOW. THE AMOUNT OF STORED WATER ALLOWED WILL BE DETERMINED BY THE WATER SERVICE CONTRACT, BUT SHALL NOT EXCEED 679.0 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 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:

	<u>STORED WATER FOR SUPPLEMENTAL IRRIGATION LIVE FLOW FOR AGRICULTURAL USE</u>	<u>LIVE FLOW FOR AGRICULTURAL USE ONLY</u>
SW 1/4 SE 1/4	3.9 ACRES	
SECTION 31		
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.		
SW 1/4 NW 1/4		30.4 ACRES
NW 1/4 SW 1/4		36.1 ACRES
SW 1/4 SW 1/4		5.2 ACRES
SECTION 5		
NW 1/4 NE 1/4	15.3 ACRES	
SW 1/4 NE 1/4	30.6 ACRES	3.0 ACRES
SE 1/4 NE 1/4		33.6 ACRES
NE 1/4 NW 1/4	0.2 ACRE	
SE 1/4 NW 1/4	23.7 ACRES	
NE 1/4 SW 1/4	33.8 ACRES	
SE 1/4 SW 1/4	35.5 ACRES	
NE 1/4 SE 1/4		39.9 ACRES
NW 1/4 SE 1/4	33.1 ACRES	4.5 ACRES
SW 1/4 SE 1/4	29.1 ACRES	0.8 ACRE
SE 1/4 SE 1/4		4.0 ACRES
SECTION 6		
NW 1/4 NE 1/4	28.6 ACRES	
SW 1/4 NE 1/4	2.0 ACRES	
NE 1/4 NW 1/4	37.5 ACRES	
SE 1/4 NW 1/4	0.9 ACRE	
SECTION 7		
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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 or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

DRAFT

Martha O. Pagel, Director
Water Resources Department