

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-71731

Final Order

Application History

On July 1, 1991, 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 December 12, 1995. The protest period closed January 26, 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 period of allowed use. The period of allowed use correctly reads: "PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract."

Order

Upon receipt of an executed Bureau of Reclamation contract, Application S-71731 will be approved with the above modifications to the Proposed Final Order, as limited by the conditions set forth in the attached draft permit.

DATED February 29, 1996


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-71731

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

PURPOSE OR USE: IRRIGATION OF 56.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 43.95 ACRES

AMOUNT/VOLUME ALLOWED: 1.26 CFS FROM STORED WATER, NOT TO EXCEED 251.0 ACRE-FEET

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: JULY 1, 1991

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

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 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SE 1/4 SW 1/4	0.6 ACRE	
SW 1/4 SE 1/4	0.2 ACRE	
SECTION 17		
NW 1/4 NE 1/4	2.3 ACRES	
NE 1/4 NW 1/4	4.9 ACRES	
SECTION 20		
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.		

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NE 1/4 SW 1/4 14.4 ACRES
NW 1/4 SW 1/4 12.3 ACRES
SW 1/4 SW 1/4 0.9 ACRE
SE 1/4 SW 1/4 0.9 ACRE
SECTION 7

NE 1/4 NE 1/4 5.7 ACRES
SE 1/4 NE 1/4 0.9 ACRE 35.1 ACRES
SECTION 20

NW 1/4 NW 1/4 0.6 ACRE
SW 1/4 NW 1/4 1.1 ACRES 2.55 ACRES
SECTION 21

SW 1/4 NE 1/4 18.0 ACRES
SECTION 29

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.
- 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.
- 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 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.

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.

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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.

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.

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.

Issued February , 1996

DRAFT

Martha O. Pagel, Director
Water Resources Department