

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-72555

Final Order

Application History

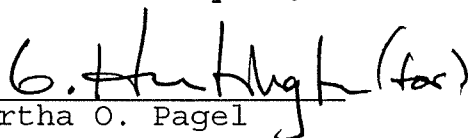
On July 13, 1992, PALMER CREEK WATER DIST. IMP. CO. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 26, 1995. The protest period closed February 9, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the proposed place of use.

Order

Upon receipt of an executed Bureau of Reclamation contract, Application S-72555 will be approved as proposed by the Proposed Final Order and as provided on 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 COMPANY
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-72555

SOURCE OF WATER: WILLAMETTE RIVER BASIN PROJECT RESERVOIR, CONSTRUCTED UNDER PERMIT R-1625, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 48.0 ACRES

VOLUME OF USE: 48 ACRE-FEET STORED WATER ONLY.

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 13, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 4, T 6S, R3W, W.M.; 4700 FEET NORTH & 1290 FEET EAST FROM SE CORNER, DLC 58, T6S, R3W

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4	9.8 ACRES
SE 1/4 NW 1/4	0.2 ACRE
NE 1/4 SW 1/4	1.0 ACRES
SE 1/4 SW 1/4	0.9 ACRE
NW 1/4 SE 1/4	26.9 ACRES
SW 1/4 SE 1/4	9.2 ACRES

SECTION 8

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

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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.

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.

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

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.

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