

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-72668

**Final Order**

*Application History*

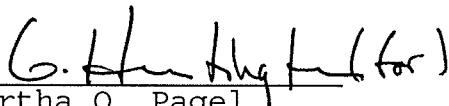
On September 10, 1992, PALMER CREEK WATER DIST. IMP. CO. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 26, 1995. The protest period closed February 9, 1996, and no protest was filed.

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

**Order**

Upon receipt of an executed Bureau of Reclamation contract, Application S-72668 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

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant 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-72668

SOURCE OF WATER: WILLAMETTE BASIN RESERVOIRS, TRIBUTARIES OF WILLAMETTE RIVER, AND THE WILLAMETTE RIVER, TRIBUTARY TO COLUMBIA RIVER

PURPOSE OR USE: NURSERY OPERATIONS AND SUPPLEMENTAL IRRIGATION ON 94.2 ACRES

VOLUME/RATE OF USE: 205 ACRE-FEET STORED WATER ONLY FOR IRRIGATION AND 2.36 CUBIC FEET PER SECOND FROM LIVE FLOW FOR NURSERY OPERATIONS

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

DATE OF PRIORITY: SEPTEMBER 10, 1992

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.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4	28.0 ACRES
SW 1/4 NW 1/4	3.3 ACRES
SE 1/4 NW 1/4	29.6 ACRES
NE 1/4 SW 1/4	12.8 ACRES
NW 1/4 SW 1/4	6.2 ACRES
SE 1/4 SW 1/4	11.7 ACRES
NW 1/4 SE 1/4	2.1 ACRES
SW 1/4 SE 1/4	0.5 ACRE

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 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.

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