

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-76860

**Final Order**

*Application History*

On January 26, 1995, 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 5, 1995. The protest period closed January 19, 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 requires the following modification to the Proposed Final Order:

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

**Order**

Upon payment of outstanding permit recording fees in the amount of \$8,922.00 and receipt of an executed Bureau of Reclamation contract, Application S-76860 will be approved as proposed by the Proposed Final Order and as modified on the attached draft permit.

March 4, 1996  
Date

Martha O. Pagel (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-76860

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

PURPOSE OR USE: PRIMARY IRRIGATION OF 316.67 ACRES AND SUPPLEMENTAL IRRIGATION OF 4104.0 ACRES

AMOUNT/VOLUME OF WATER ALLOWED: 11,052.0 ACRE-FEET PER YEAR STORED WATER ONLY

THE PERIOD OF ALLOWED USE IS MARCH 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

DATE OF PRIORITY: JANUARY 26, 1995 FOR 10,565.0 ACRE-FEET STORED WATER AND AUGUST 25, 1995 FOR 975.0 ACRE-FEET STORED WATER

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4 SECTION 4, TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.; 4700 FEET NORTH AND 1290 FEET EAST FROM THE SE CORNER OF GAY DLC 58

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	SUPPLEMENTAL	PRIMARY
SE 1/4 SW 1/4	0.6 ACRE	
SW 1/4 SE 1/4	0.2 ACRE	
SECTION 17		
SE 1/4 NE 1/4	9.0 ACRES	
NE 1/4 SE 1/4	37.9 ACRES	
NW 1/4 SE 1/4	14.1 ACRES	
SW 1/4 SE 1/4	30.1 ACRES	
SE 1/4 SE 1/4	31.6 ACRES	
SECTION 19		

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NW 1/4 NE 1/4	10.8 ACRES	1.6 ACRES
SW 1/4 NE 1/4	23.9 ACRES	
SE 1/4 NE 1/4	8.1 ACRES	
NE 1/4 NW 1/4	6.7 ACRES	
NW 1/4 NW 1/4	3.3 ACRES	
SW 1/4 NW 1/4	35.9 ACRES	
SE 1/4 NW 1/4	19.1 ACRES	
NE 1/4 SW 1/4	16.2 ACRES	0.1 ACRE
NW 1/4 SW 1/4	36.8 ACRES	1.3 ACRES
SW 1/4 SW 1/4	23.8 ACRES	
SE 1/4 SW 1/4	23.3 ACRES	
NE 1/4 SE 1/4	2.9 ACRES	
NW 1/4 SE 1/4	12.1 ACRES	
SW 1/4 SE 1/4	8.7 ACRES	
SE 1/4 SE 1/4	1.7 ACRES	
SECTION 20		

NW 1/4 NE 1/4		3.8 ACRES
SW 1/4 NE 1/4		11.95 ACRES
NE 1/4 NW 1/4	12.4 ACRE	3.7 ACRES
NW 1/4 NW 1/4	22.7 ACRES	
SW 1/4 NW 1/4	30.7 ACRES	
SE 1/4 NW 1/4	9.7 ACRES	18.3 ACRES
SECTION 21		

NE 1/4 NW 1/4	5.5 ACRES	
NW 1/4 NW 1/4	3.0 ACRES	
SW 1/4 NW 1/4	12.8 ACRES	
SE 1/4 NW 1/4	19.8 ACRES	
NE 1/4 SW 1/4	12.85 ACRES	
NW 1/4 SW 1/4	27.0 ACRES	
SW 1/4 SW 1/4	38.8 ACRES	
SE 1/4 SW 1/4	10.3 ACRES	
NW 1/4 SE 1/4	16.8 ACRES	
SW 1/4 SE 1/4	1.7 ACRES	0.2 ACRE
SECTION 28		

NE 1/4 NE 1/4	26.7 ACRES	
NW 1/4 NE 1/4	7.9 ACRES	
SW 1/4 NE 1/4	12.6 ACRES	
SE 1/4 NE 1/4	9.7 ACRES	
NE 1/4 NW 1/4	31.8 ACRES	
NW 1/4 NW 1/4	29.4 ACRES	
SW 1/4 NW 1/4	30.0 ACRES	
SE 1/4 NW 1/4	22.4 ACRES	
NE 1/4 SW 1/4	16.1 ACRES	
NW 1/4 SW 1/4	4.5 ACRES	
SE 1/4 SW 1/4	12.8 ACRES	
NE 1/4 SE 1/4	19.6 ACRES	

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NW 1/4 SE 1/4 34.2 ACRES  
SW 1/4 SE 1/4 39.4 ACRES  
SE 1/4 SE 1/4 38.1 ACRES  
SECTION 29

SW 1/4 NE 1/4 10.9 ACRES  
SE 1/4 NE 1/4 13.7 ACRES  
NE 1/4 SE 1/4 17.4 ACRES  
NW 1/4 SE 1/4 13.0 ACRES  
SECTION 30

SE 1/4 SW 1/4 0.2 ACRE  
SW 1/4 SE 1/4 8.0 ACRES  
SECTION 31

NE 1/4 NE 1/4 29.9 ACRES  
NW 1/4 NE 1/4 35.5 ACRES  
SW 1/4 NE 1/4 29.0 ACRES  
SE 1/4 NE 1/4 18.5 ACRES  
NE 1/4 NW 1/4 20.0 ACRES  
NW 1/4 NW 1/4 4.2 ACRES  
SW 1/4 NW 1/4 2.2 ACRES  
SE 1/4 NW 1/4 16.0 ACRES  
NE 1/4 SW 1/4 17.8 ACRES  
NW 1/4 SW 1/4 0.2 ACRE  
SW 1/4 SW 1/4 12.4 ACRES  
SE 1/4 SW 1/4 40.0 ACRES  
NE 1/4 SE 1/4 26.9 ACRES  
NW 1/4 SE 1/4 35.0 ACRES  
SW 1/4 SE 1/4 40.0 ACRES  
SE 1/4 SE 1/4 40.0 ACRES  
SECTION 32

4.5 ACRES

NW 1/4 NE 1/4 5.8 ACRES  
SW 1/4 NE 1/4 3.0 ACRES  
NE 1/4 NW 1/4 23.6 ACRES  
NW 1/4 NW 1/4 5.4 ACRES  
SE 1/4 NW 1/4 14.8 ACRES  
NE 1/4 SW 1/4 12.8 ACRES  
NW 1/4 SW 1/4 16.5 ACRES  
SW 1/4 SW 1/4 20.0 ACRES  
SE 1/4 SW 1/4 15.3 ACRES  
NW 1/4 SE 1/4 17.0 ACRES  
SW 1/4 SE 1/4 17.5 ACRES  
SECTION 33

19.9 ACRES  
9.9 ACRES

TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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NW 1/4 NW 1/4 0.7 ACRE  
 SW 1/4 NW 1/4 0.4 ACRE  
 NW 1/4 SW 1/4 15.9 ACRES  
 SW 1/4 SW 1/4 10.3 ACRES

SECTION 4

NE 1/4 NE 1/4 10.9 ACRES 1.0 ACRE  
 NW 1/4 NE 1/4 20.5 ACRES 0.3 ACRE  
 SW 1/4 NE 1/4 7.5 ACRES  
 SE 1/4 NE 1/4 8.0 ACRES  
 NE 1/4 NW 1/4 14.8 ACRES  
 NW 1/4 NW 1/4 6.3 ACRES  
 SW 1/4 NW 1/4 1.5 ACRES  
 SE 1/4 NW 1/4 4.0 ACRES  
 NE 1/4 SW 1/4 23.6 ACRES  
 NW 1/4 SW 1/4 2.3 ACRES  
 SW 1/4 SW 1/4 25.4 ACRES  
 SE 1/4 SW 1/4 24.9 ACRES  
 NE 1/4 SE 1/4 39.6 ACRES  
 NW 1/4 SE 1/4 7.5 ACRES  
 SW 1/4 SE 1/4 7.4 ACRES  
 SE 1/4 SE 1/4 22.3 ACRES

SECTION 5

SW 1/4 NW 1/4 4.1 ACRES  
 SE 1/4 NW 1/4 1.3 ACRES  
 NE 1/4 SW 1/4 4.23 ACRES  
 NW 1/4 SW 1/4 15.0 ACRES  
 SW 1/4 SE 1/4 9.5 ACRES  
 SE 1/4 SE 1/4 36.0 ACRES

SECTION 6

NE 1/4 NE 1/4 40.0 ACRES  
 NW 1/4 NE 1/4 11.4 ACRES  
 SW 1/4 NE 1/4 7.4 ACRES  
 SE 1/4 NE 1/4 38.6 ACRES  
 NE 1/4 SW 1/4 26.0 ACRES  
 NW 1/4 SW 1/4 12.3 ACRES  
 SW 1/4 SW 1/4 28.1 ACRES  
 SE 1/4 SW 1/4 21.2 ACRES  
 NE 1/4 SE 1/4 30.3 ACRES 4.7 ACRES  
 NW 1/4 SE 1/4 35.0 ACRES 1.2 ACRES  
 SW 1/4 SE 1/4 19.3 ACRES 2.0 ACRES  
 SE 1/4 SE 1/4 23.3 ACRES

SECTION 7

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NE 1/4 NE 1/4	26.8 ACRES	
NW 1/4 NE 1/4	1.5 ACRES	
SW 1/4 NE 1/4	0.4 ACRE	
SE 1/4 NE 1/4	1.4 ACRES	
NE 1/4 NW 1/4	19.4 ACRES	
NW 1/4 NW 1/4	13.2 ACRES	
SW 1/4 NW 1/4	3.4 ACRES	
SE 1/4 NW 1/4	21.1 ACRES	0.2 ACRE
NE 1/4 SW 1/4	33.6 ACRES	
NW 1/4 SW 1/4	13.1 ACRES	0.5 ACRE
SW 1/4 SW 1/4	10.8 ACRES	
SE 1/4 SW 1/4	36.5 ACRES	
SW 1/4 SE 1/4	6.2 ACRES	

SECTION 8

NW 1/4 NW 1/4	6.7 ACRES	
SW 1/4 NW 1/4	4.1 ACRES	

SECTION 16

NE 1/4 NE 1/4	31.1 ACRES	
NW 1/4 NE 1/4	34.3 ACRES	
SW 1/4 NE 1/4	27.2 ACRES	
SE 1/4 NE 1/4	20.0 ACRES	
NE 1/4 NW 1/4	33.4 ACRES	
NW 1/4 NW 1/4	21.3 ACRES	
SW 1/4 NW 1/4	23.9 ACRES	
SE 1/4 NW 1/4	31.6 ACRES	
NE 1/4 SW 1/4	13.8 ACRES	
NW 1/4 SW 1/4	5.0 ACRES	
SW 1/4 SW 1/4	3.7 ACRES	3.6 ACRES
NW 1/4 SE 1/4	8.0 ACRES	

SECTION 17

NE 1/4 NE 1/4	7.9 ACRES	
SE 1/4 NE 1/4	2.4 ACRES	
NE 1/4 NW 1/4	22.6 ACRES	
NW 1/4 NW 1/4	28.1 ACRES	
SW 1/4 NW 1/4	5.0 ACRES	
NE 1/4 SE 1/4	5.6 ACRES	
NW 1/4 SE 1/4	25.6 ACRES	
SW 1/4 SE 1/4	11.4 ACRES	
SE 1/4 SE 1/4	11.2 ACRES	3.5 ACRES

SECTION 18

NE 1/4 NE 1/4	5.2 ACRES	19.6 ACRES
NW 1/4 NE 1/4	21.4 ACRES	14.0 ACRES
SW 1/4 NE 1/4		25.4 ACRES
SE 1/4 NE 1/4		27.4 ACRES
NE 1/4 SE 1/4		1.5 ACRES
NW 1/4 SE 1/4		0.3 ACRE

SECTION 19

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NE 1/4	NE 1/4	5.7	ACRES	
NW 1/4	NE 1/4	0.4	ACRE	
SW 1/4	NE 1/4	28.8	ACRES	
SE 1/4	NE 1/4	37.6	ACRES	
NW 1/4	NW 1/4			28.4 ACRES
SW 1/4	NW 1/4			12.6 ACRES
SE 1/4	NW 1/4			0.3 ACRE
NE 1/4	SE 1/4	27.9	ACRES	
NW 1/4	SE 1/4	20.4	ACRES	
SECTION 20				

NW 1/4	NW 1/4	0.6	ACRE	
SW 1/4	NW 1/4	3.65	ACRES	
NW 1/4	SW 1/4	3.0	ACRES	
SECTION 21				

SW 1/4	NE 1/4	18.0	ACRES	
NE 1/4	NW 1/4	5.7	ACRES	
NW 1/4	NW 1/4	6.5	ACRES	
SW 1/4	NW 1/4	36.3	ACRES	
SE 1/4	NW 1/4	8.1	ACRES	
NE 1/4	SW 1/4	16.2	ACRES	
NW 1/4	SW 1/4	25.8	ACRES	1.6 ACRES
SW 1/4	SW 1/4	31.1	ACRES	
SE 1/4	SW 1/4	32.0	ACRES	
NW 1/4	SE 1/4	10.2	ACRES	1.8 ACRES
SW 1/4	SE 1/4	25.0	ACRES	
SECTION 29				

NE 1/4	NE 1/4	0.3	ACRE	
SE 1/4	NE 1/4	2.0	ACRES	
NE 1/4	SW 1/4	4.8	ACRES	
SW 1/4	SW 1/4	10.8	ACRES	
SE 1/4	SW 1/4	30.4	ACRES	
NE 1/4	SE 1/4			0.4 ACRE
NW 1/4	SE 1/4	1.4	ACRES	
SW 1/4	SE 1/4	26.5	ACRES	
SE 1/4	SE 1/4	5.8	ACRES	
SECTION 30				

NE 1/4	NE 1/4	21.9	ACRES	
NW 1/4	NE 1/4	35.9	ACRES	
SW 1/4	NE 1/4	14.8	ACRES	
NE 1/4	NW 1/4	40.0	ACRES	
NW 1/4	NW 1/4	15.7	ACRES	
SW 1/4	NW 1/4	22.9	ACRES	
SE 1/4	NW 1/4	29.9	ACRES	
SECTION 31				

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NW 1/4	NE 1/4	10.2	ACRES	
NE 1/4	NW 1/4	12.8	ACRES	
NW 1/4	NW 1/4	25.9	ACRES	
SW 1/4	NW 1/4	33.4	ACRES	
SE 1/4	NW 1/4	11.6	ACRES	
NE 1/4	SW 1/4	40.0	ACRES	
NW 1/4	SW 1/4	33.7	ACRES	
SW 1/4	SW 1/4	32.6	ACRES	
SE 1/4	SW 1/4	37.2	ACRES	1.8 ACRES
NE 1/4	SE 1/4	40.0	ACRES	
NW 1/4	SE 1/4	40.0	ACRES	
SW 1/4	SE 1/4	16.4	ACRES	17.4 ACRES
SE 1/4	SE 1/4	37.6	ACRES	
SECTION 32				

NE 1/4	SW 1/4	7.5	ACRES	
NW 1/4	SW 1/4	39.0	ACRES	
SW 1/4	SW 1/4	7.4	ACRES	
SE 1/4	SW 1/4	0.9	ACRE	
SECTION 33				

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

SW 1/4	NW 1/4	8.8	ACRES	
SECTION 4				

NE 1/4	NE 1/4	5.2	ACRES	
NW 1/4	NE 1/4	4.9	ACRES	9.5 ACRES
SW 1/4	NE 1/4	21.8	ACRES	1.89 ACRES
SE 1/4	NE 1/4	16.8	ACRES	
NE 1/4	NW 1/4	17.3	ACRES	22.5 ACRES
NW 1/4	NW 1/4	39.6	ACRES	
SW 1/4	NW 1/4	39.8	ACRES	
SE 1/4	NW 1/4	23.6	ACRES	12.6 ACRES
NW 1/4	SW 1/4	21.1	ACRES	
SW 1/4	SW 1/4	31.2	ACRES	
NE 1/4	SE 1/4	2.3	ACRES	
NW 1/4	SE 1/4	29.8	ACRES	
SECTION 5				

NE 1/4	NE 1/4	3.7	ACRES	
SW 1/4	NE 1/4	10.7	ACRES	
SE 1/4	NE 1/4	18.5	ACRES	
SE 1/4	SW 1/4	20.8	ACRES	
NE 1/4	SE 1/4	2.3	ACRES	
SW 1/4	SE 1/4	36.2	ACRES	
SE 1/4	SE 1/4	29.5	ACRES	
SECTION 6				

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

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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 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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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.

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.

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