

Oregon Water Resources Department



Final Order Limited License Application LL-1457

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date, the petition was filed, the petition shall be deemed denied.

Requested Water Use

On April 1, 2013, the Water Resources Department received completed application **LL-1457** from Marcia Fitch for the use of 27 acre-feet of stored water from Applegate Reservoir, located in the NE ¼, NE ¼, Section 4, Township 39 South, Range 3 West, W.M., for irrigation of 6 acres, for the period of limited license issuance, through issuance of a permit under application S-87882.

Authorities

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. The Department provided public notice of the application, on April 9, 2013, as required by OAR 690-340-0030(2).
3. This limited license request is limited to an area within a single drainage basin as required by OAR 690-340-0030(3).
4. The Department has determined that there is water available for the requested use.
5. The Department has determined that the proposed source has not been withdrawn from further appropriation.
6. The Department can allow only 1 years time, per ORS 537.143.

7. Because this use is from surface water and has the potential to impact fish, the Department finds that fish screening is required to protect the public interest.
8. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's rules under OAR 690-33. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. Peter Samarin of Oregon Department of Fish and Wildlife (ODFW) commented on April 10, 2013. The requested conditions are fish screen to ODFW specifications in place prior to diversion of water, Totalizing flow meter, and limit water use to this season. Based on the comments received, the Department has conditioned this request as listed below.
9. The Department has not received other comments related to the possible issuance of the limited license.
10. ORS 537.144(2)(a)(A) requires that a copy of a valid contract for use of stored water from Applegate Reservoir shall be made part of this Limited License application.
8. Pursuant to OAR 690-340-0030(4)(5), conditions have been added with regard to notice and water-use measurement.

Conclusions of Law

The proposed water use will not impair or be detrimental to the public interest pursuant to OAR 690-340-0030(2), as limited in the order below.

Order

Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, application **LL-1457** is approved as conditioned below.

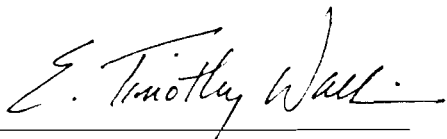
1. The period and volume of use for **LL-1457** shall be from April 24, 2013, through October 31, 2013, for the use of 27 acre-feet of stored water from Applegate Reservoir, for the purpose of irrigation of 6 acres, or until a permit for this same use is issued, whichever occurs first. If the Department issues a final order denying the associated application for permit, then this license is of no further force or effect.
2. The licensee shall give notice to the Watermaster in the district where use is to occur not less than 15 days or more than 60 days in advance of using the water under the limited license. The notice shall include the location of the diversion, the quantity of water to be diverted and the intended use and place of use. In the case of this application, this order serves as the notice described above.
3. Before water use may begin under this license, the licensee shall install a totalizing flow meter at each point of diversion. The totalizing flow meter must be installed and maintained in good working order. In addition the licensee shall maintain a record of all water use, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. During the period of the limited license, the

record of use shall be submitted to the Department annually, and shall be submitted to the Watermaster upon request.

4. The Director may revoke the right to use water for any reason described in ORS 537.143(2), and OAR 690-340-0030(6). Such revocation may be prompted by field regulatory activities or by any other information.
5. Use of water under a limited license shall not have priority over any water right exercised according to a permit or certificate, and shall be subordinate to all other authorized uses that rely upon the same source.
6. The licensee shall install, use, and maintain 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 licensee should contact Rich Kilbane of ODFW at 1495 East Gregory Rd., Central Point, Or. 97502, 541-826-8774 prior to water being diverted to ensure the point of diversion is screened to ODFW specifications. See copy of enclosed fish screening criteria for information.
7. A copy of this limited license shall be kept at the place of use, and be available for inspection by the Watermaster or other state authority.

NOTE: This water-use authorization is temporary. Applicants are advised that issuance of this final order does not guarantee that any permit for the authorized use will be issued in the future; any investments should be made with that in mind.

Issued April 24, 2013



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

Enclosures - limited license, fish screen criteria

cc: Larry P. Menteer, District Watermaster
Peter Samarin, ODFW
Bonnie Lamb, DEQ
Hydrographics
File

If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

Water Rights Section

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem OR 97301-1271

Phone: (503) 986-0817

Fax: (503) 986-0901

FISH SCREENING CRITERIA FOR WATER DIVERSIONS

This summary describes ODFW fish screening criteria for all fish species.

Screen material openings for ditch (gravity) and pump screens must provide a minimum of 27% open area:

Perforated plate: Openings shall not exceed $3/32$ or 0.0938 inches (2.38 mm).

Mesh/Woven wire screen: Square openings shall not exceed $3/32$ or 0.0938 inches (2.38 mm) in the narrow direction, e.g., $3/32$ inch x $3/32$ inch open mesh.

Profile bar screen/Wedge wire: Openings shall not exceed 0.0689 inches (1.75 mm) in the narrow direction.

Screen area must be large enough to prevent fish impact. Wetted screen area depends on the water flow rate and the approach velocity.

Approach velocity: The water velocity perpendicular to and approximately three inches in front of the screen face.

Sweeping velocity: The water velocity parallel to the screen face.

Bypass system: Any pipe, flume, open channel or other means of conveyance that transports fish back to the body of water from which the fish were diverted.

Active pump screen: Self cleaning screen that has a proven cleaning system.

Passive pump screen: Screen that has no cleaning system other than periodic manual cleaning.

Screen approach velocity for ditch and active pump screens shall not exceed 0.4 fps (feet per second) or 0.12 mps (meters per second). The wetted screen area in square feet is calculated by dividing the maximum water flow rate in cubic feet per second (1 cfs = 449 gpm) by 0.4 fps.

Screen sweeping velocity for ditch screens shall exceed the approach velocity. Screens greater than 4 feet in length must be angled at 45 degrees or less relative to flow. An adequate bypass system must be provided for ditch screens to safely and rapidly collect and transport fish back to the stream.

Screen approach velocity for passive pump screens shall not exceed 0.2 fps or 0.06 mps. The wetted screen area in square feet is calculated by dividing the maximum water flow rate by 0.2 fps. Pump rate should be less than 1 cfs.

For further information please contact:

Statewide Fish Screening Coordinator
Oregon Dept. Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6229