

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-834

Final Order
Extension of Time for Permit Number G-734
Permit Holder: City of Salem

Permit Information

Application File G-834/ Permit G-734

Basin 2 – Willamette Basin / Watermaster District 16
Date of Priority: January 2, 1958

Authorized Use of Water

Source of Water:	A Collector Well within the North Santiam River Basin
Purpose or Use:	Municipal
Maximum Rate:	30.0 Cubic Feet per Second (CFS)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file 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.

Application History

Permit G-734 was issued by the Department on January 27, 1958. The permit called for completion of construction by October 1, 1959, and complete application of water to beneficial use by October 1, 1960. On January 5, 2004, the City of Salem submitted an application to the

Department for an extension of time for Permit G-734. In accordance with OAR 690-315-0050(2), on January 14, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020 and to extend the time to fully apply water to beneficial use to October 1, 2020. The protest period closed February 28, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated January 14, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Development Limitations

Appropriation of any water under Permit G-734 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. The amount of water used under Permit G-734 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of the final order may also meet the WMCP submittal requirements of other Department orders.

2. Conditions to Maintain the Persistence of Listed Fish

The undeveloped portion of the permit not having PSI with the North Santiam River, being 0.4 cfs is *not* subject to these fish persistence conditions.

A. Fish Persistence Target Flows

- a. Fish persistence needs in the North Santiam River as recommended by ODFW are in Table 1, below; flows are to be measured in the North Santiam River near Mehama, Oregon (USGS Gage Number 14183000, or its equivalent).

Table 1

FISH PERSISTENCE TARGET FLOWS ON NORTH SANTIAM RIVER MEASURED AT USGS GAGE 14183000, NEAR MEHAMA, OREGON	
Month	Cubic Feet per Second
October – December	1500
January – February	1200
March 1 – March 15	1200
March 16 – March 31	1500
April – May	1500
June	1200
July 1 – July 15	1200
July 16 – July 31	1000
August	1000
September	1500

b. Alternate Streamflow Measurement Point(s)

The location of a streamflow measurement point as established in these Conditions to Maintain the Persistence of Listed Fish may be revised if the City provides evidence in writing that ODFW has determined that persistence flows may be measured at an alternate streamflow measurement point and the City provides an adequate description of the location of the alternate streamflow measurement point, and the Water Resources Director concurs in writing.

B. Determining Water Use Reductions - Generally

The undeveloped portion of Permit G-734 having PSI with the North Santiam River is 29.6 cfs. The maximum amount of the undeveloped portion of Permit G-734 having PSI with the North Santiam River that can be appropriated as a result of this fish persistence condition is determined in proportion to the amount by which the flows shown in Table 1 are missed based on a seven day rolling average of mean daily flows measured in the North Santiam River near Mehama (USGS Gage Number 14183000, or its equivalent). The percent of missed target flows is defined as:

$$(1 - [(Q_A - E_{PSI}) / Q_T]) \times 100\%,$$

where Q_A is the actual flow measured at the designated gage based on the seven

day rolling average¹, E_{PSI} is the undeveloped portion of the permit having PSI with the North Santiam River as of this extension, and Q_T is the target flow (from Table 1).

The percent by which the target flow is missed applied to the undeveloped portion of this permit having PSI with the North Santiam River provides the maximum amount of water that could be appropriated under this permit as a result of this fish persistence condition, and is defined as:

$$E_{PSI} - (E_{PSI} \times \% \text{ missed target flows}),$$

where E_{PSI} is undeveloped portion of the permit as of this extension having PSI with the North Santiam River, being 29.6 cfs.

C. Examples

Example 1: Target flow met.

On August 15, the last seven mean daily flows were 1010, 1100, 1010, 1025, 1029, 1032 and 1035 cfs. The seven day rolling average (Q_A) is 1034.4 cfs. Given that the undeveloped portion of this permit having PSI with the North Santiam River (E_{PSI}) is 29.6 cfs, then the 7 day average of mean daily flows minus the undeveloped portion is greater than the 1000.0 cfs target flow (Q_T) for August 15. In this example, $Q_A - E_{PSI} \geq Q_T$.

$$1034.4 - 29.6 \geq 1000.0$$

The amount of the undeveloped portion of the permit having PSI with the North Santiam River that can be appropriated would not be reduced because the target flow is considered met.

Example 2: Target flows missed.

Step 1: Given that the undeveloped portion of this permit having PSI with the North Santiam River (E_{PSI}) is 29.6 cfs, if on August 15, the average of the last seven mean daily flows (Q_A) was 900 cfs, and the target flow (Q_T) is 1000, then the target flow would be missed by 13.0%.

$$(1 - [(900 - 29.6) / 1000]) \times 100\% = 13.0\%$$

Step 2: Given that the undeveloped portion of this permit having PSI with the North Santiam River (E_{PSI}) is 29.6 cfs, which needs to be reduced by 13.0 % (from Step 1), or 3.8 cfs, then the maximum amount of the

¹ Alternatively, the City may use a single daily measurement.

undeveloped portion of Permit G-734 having PSI with the North Santiam River that can be appropriated as a result of this fish persistence condition is 25.8 cfs. (This maximum amount may be limited as illustrated in Step 3, below.)

$$(29.6 \times 13.0\%) / 100 = 3.8$$

$$29.6 - 3.8 = 25.8$$

Step 3: The calculated maximum amount of water that could be appropriated due to the fish persistence condition may not exceed the amount of water to which the City is legally entitled to divert. In this example, if the amount of water legally authorized for diversion under this permit is 20.0 cfs (for example, authorization provided through a WMCP), then 20.0 cfs would be the maximum amount of diversion allowed under this permit, rather than 25.8 cfs from Step 2.

(Conversely, if the amount of water legally authorized for diversion under this permit is 28.0 cfs, then 26.2 cfs (25.8 from Step 2 + the 0.4 cfs not having PSI) would be the maximum amount of diversion allowed under this permit.)

D. Relocation of the Point(s) of Appropriation (s) and New Quantification of PSI.

Any relocation of the point(s) of appropriation(s) through a permit amendment or transfer process will require a new OWRD ground water review pursuant to OAR Chapter 690 Division 9 to determine if use of water at the relocated point(s) of appropriation(s) has the potential for substantial interference (PSI) with surface water. This review will be used to quantify a new value for E_{PSI} , being the undeveloped portion of the permit as of this extension having PSI with the surface water based on the new locations of the point(s) of appropriation(s). The new value for E_{PSI} will be then utilized in the calculations for determining the maximum amount of water that could be appropriated under this permit as a result of this fish persistence condition.

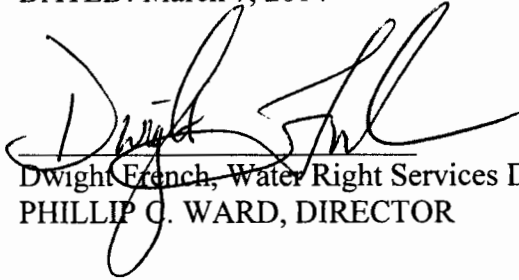
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application G-834, Permit G-734, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1999 to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1999 to October 1, 2020.

DATED: March 7, 2014

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line. The signature is fluid and cursive.

Dwight French, Water Right Services Division Administrator *for*
PHILLIP C. WARD, DIRECTOR

If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0834.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.
