



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Dwight French, Administrator
Water Rights & Adjudication Division

SUBJECT: Agenda Item C, August 10, 2006
Water Resources Commission Meeting

Update on Greenberry Irrigation District Permit S-54059

I. Issue Statement

On January 3, 2003, Larry Venell, on behalf of Greenberry Irrigation District, filed an application (S-85410) to use water from the Willamette River for irrigation. Since irrigation is not a classified use for surface water in the Willamette Basin, the applicant requested and the Commission granted an exception to the basin program. On April 26, 2004, a permit (S-54059) was issued with conditions limiting the duration of the use to a maximum of seven years. Representatives from Greenberry Irrigation District (GID) and the City of Corvallis will describe efforts to secure long-term water supplies. *This is an informational report only; no Commission action is required.*

II. Background

On January 3, 2003, Greenberry Irrigation District filed an application (S-85410) to use 52.93 cfs of surface water from the Willamette River for irrigation of 4248.5 acres. A map showing the general location of GID is provided in Attachment 1. Since irrigation is not a classified use for the Willamette Basin, the applicant requested an exception to the Willamette Basin Program under ORS 536.295.

On February 14, 2003, the Commission granted the exception to the Willamette Basin Program due to extreme hardship. The basis for the hardship exception was that the alternative source of water through a stored water contract with the US Bureau of Reclamation for Willamette Basin Project water was not available. While there is approximately 1.3 million acre feet of un-allocated stored water in the Willamette Basin Project, long-term contracts to use stored water from Willamette Basin Reservoirs have not been available for several years. Issuance of long-term contracts has been stalled while the US Army Corps of Engineers is undergoing an Endangered Species Act consultation for the Willamette Basin Project.

Given the status of stored water contracts, the Commission granted GID's exception after discussion of this permit as a temporary bridge for GID until contract water is available. These comments from the Commission became the basis for permit conditions that were included in the Proposed Final Order (PFO) issued on October 21, 2003. Specifically, the permit was limited to

a maximum of seven years under the following permit condition:

“Except as provided below, this permit allows the use of live flow for irrigation for five years.

Except as provided below, this permit expires, without additional notice or appeal opportunity, five years from the date of issuance or upon execution of a valid irrigation water service contract between the Bureau of Reclamation (Bureau) and the permittee, whichever is earlier.

The permittee shall notify the Department immediately when the permittee has been issued an irrigation water service contract.

If despite the permittee’s good faith efforts, the Bureau and permittee have not executed a contract within three months of the permit expiration date, Permittee may request and the Department may allow this permit to remain in effect for a period of up to two additional years.”

The applicants filed a protest to the PFO because they disagreed with some of the permit conditions. Eventually a settlement agreement was reached, and a permit was issued on April 26, 2004. A copy of the permit is provided in Attachment 2.

III. Discussion

To date, GID has been unable to obtain a contract for water service from the Bureau of Reclamation. Dan O’Brien, Manager of GID, will describe to the Commission the extent of their efforts to obtain a water service contract. Dan Hanthorn, Water Treatment Plant Manager for the City of Corvallis, will provide information on a joint GID - City of Corvallis project to pipe the City's treated water to the district.

IV. Recommendation

This is an informational report. No Commission action is required.

Attachments:

1. Map of Area
2. Copy of Permit S-54059

Dwight French
503-986-0819