

Mailing List for 60-Day Letter

Application: S-85965

Permit: S-54124

Permit Holder(s):

BLUE DEN RANCH LLC
38620 LULAY RD
SCIO OR 97374

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #16
2. File

Other persons to receive copies:

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>6-28-2024</u>	(DATE)



Oregon

Tina Kotek, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
www.oregon.gov/owrd

*NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD*

Certified mail number **7022 3330 0000 2912 1168**
Return receipt requested

June 28, 2024

BLUE DEN RANCH LLC
38620 LULAY RD
SCIO, OR 97374

Reference: Application S-85965, Permit S-54124

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by **October 1, 2008**.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2008. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (August 30, 2024) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Jonnie.L.Skaug@water.oregon.gov, the address above or by telephone at 503-979-3943.

Sincerely,

Jonnine Skaug

Jonnine Skaug
Certificate Specialist

Enclosures (1)

cc: File
OWRD Watermaster District 16

Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900, and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

<https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/Certificate.aspx>

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3208 or by email at Kerry.L.Kavanagh@water.oregon.gov

DC

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BLUE DEN RANCH LLC
38620 LULAY RD
SCIO, OR 97374

(503) 394-3268

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-85965

SOURCE OF WATER: NEAL CREEK, A TRIBUTARY OF THOMAS CREEK

PURPOSE OR USE: COMMERCIAL USE (FISH HATCHERY)

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 22, 2004

POINT OF DIVERSION LOCATION: NE ¼ NW ¼, SECTION 17, T10S, R1E, W.M.; 410 FEET SOUTH & 780 FEET WEST FROM N1/4 CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NW ¼
SECTION 17
TOWNSHIP 10 SOUTH, RANGE 1 EAST, 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as

established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

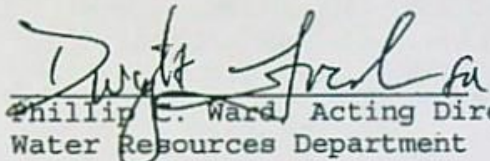
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued September 16, 2004


Phillip E. Ward, Acting Director
Water Resources Department

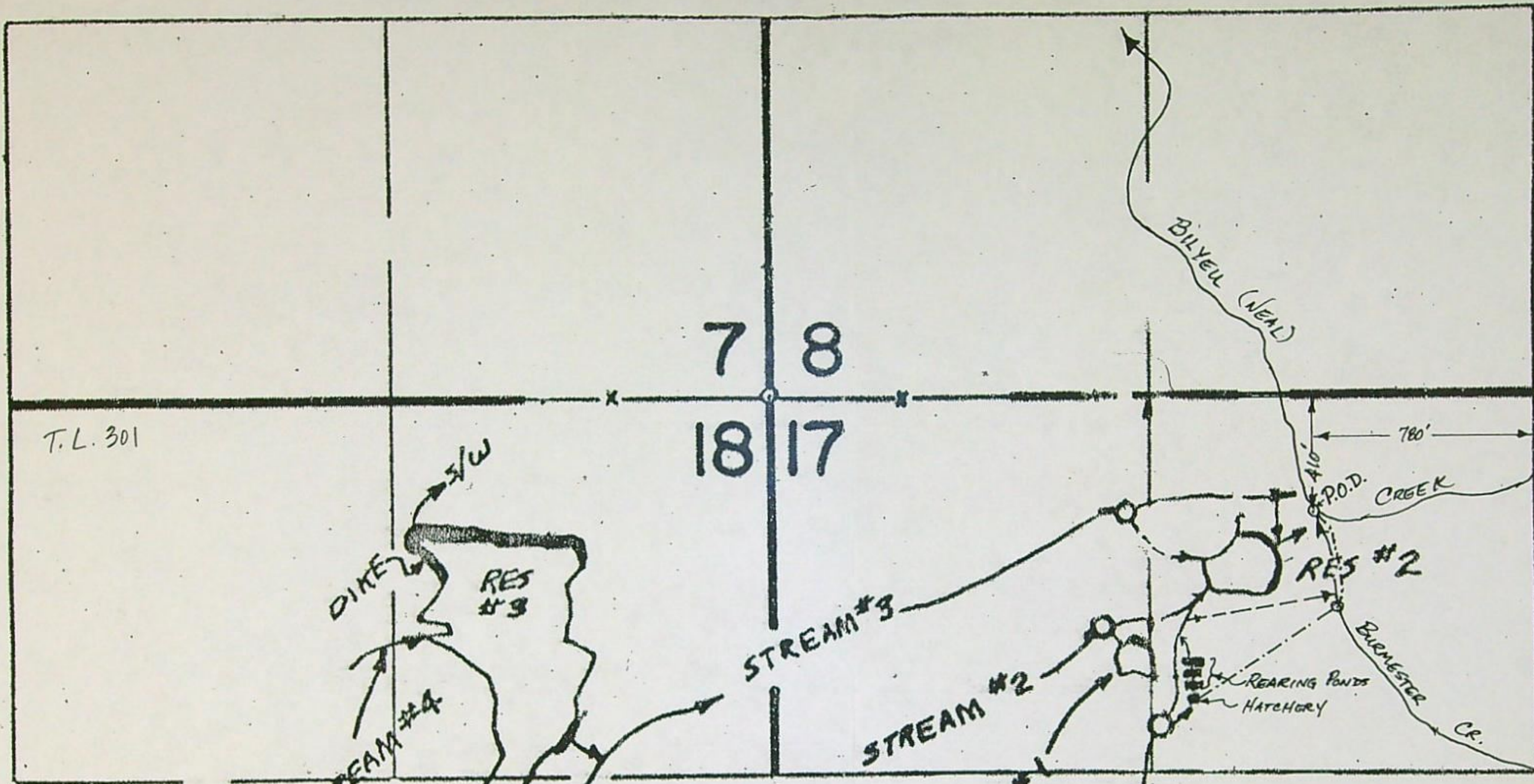


ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



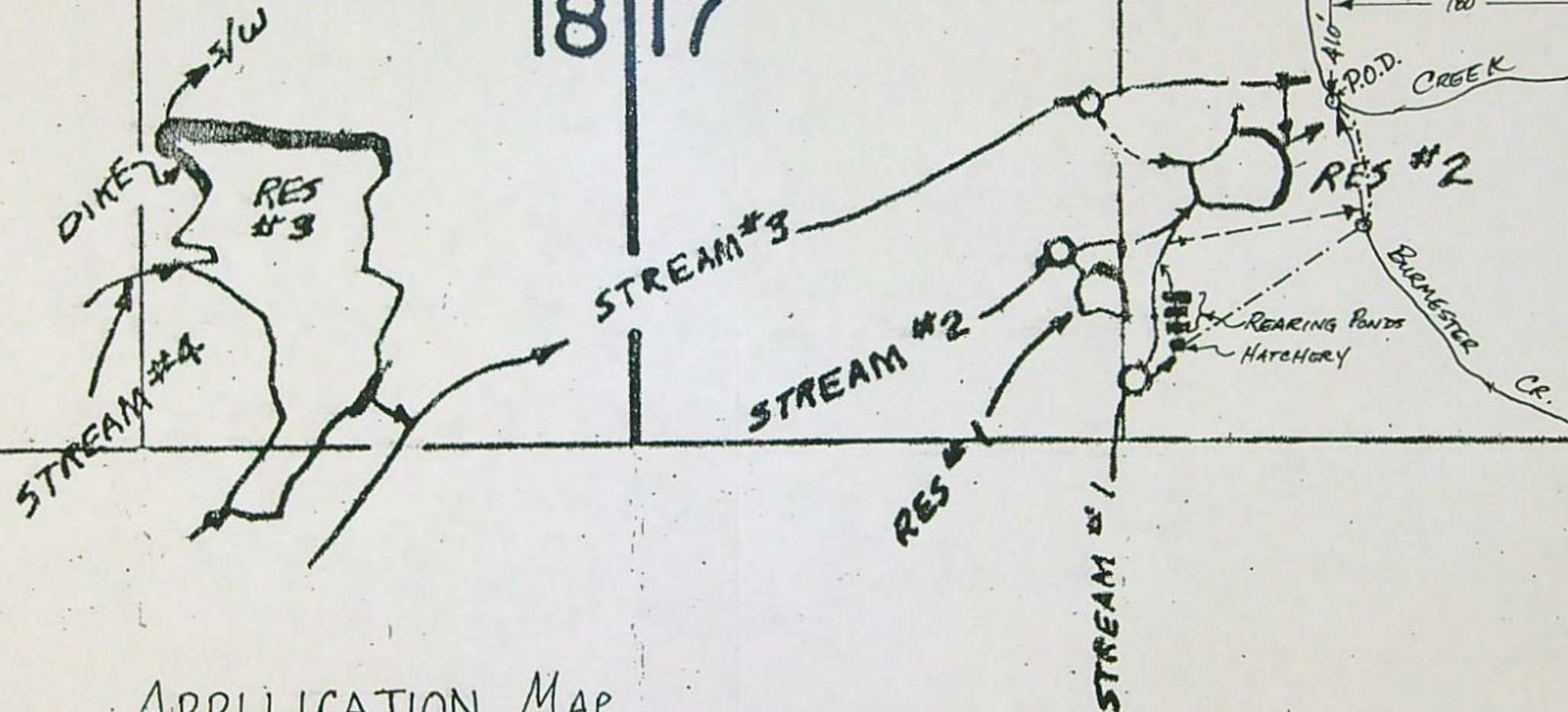
T.L. 301

7 8
18 17

N

SCALE: 1" = 400'

T.10S, R.1E, WM.



APPLICATION MAP
for
BLUE DEN RANCH, L.L.C.

RECEIVED
MAR 22 2004
WATER RESOURCES DEPT
SALEM, OREGON

App No 3-85965
Permit S-54124

01/04 *AA*

COMPLETENESS PROJECT

Page 1

60 Day Letter

PERMIT STATUS REVIEW BY: Jonnine Skaug DATE: June 2024 FILE # S-85965

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update WRIS if appropriate

- Extension pending Yes (No)
Assignment is pending Yes / (No)
Cancellation has been requested Yes / (No)
Claim of Beneficial Use received Yes / (No)
Date information received

Dept. has already sent a certified 60-Day Compliance letter (date, Cert mail #)

Was 60 days notice allowed? Y N If No, How Much Time?
Was mail deliverable as addressed? Y N date
If mail returned, online/www check? Y N date successful? Y N
Re-send Cert. Letter? Y N date
Send cancellation order Y N

2. IF NONE OF THE ABOVE APPLY

Send certified "C" date notice packet to permit holder.
"C" DATE 10/1/2008 BASIN NUMBER 2 WM# 110
CWRE or AGENT Yes/No

3. AOI Yes NO If Yes, name(s) of AOI

4. Current Landowner(s) and Mailing Address

If new owner:

County of Place of Use Linn Tax Lot(s) 301

Attach copy of email from County Assessor or Printout from Assessor's Site

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner - Date of Request Requesting Parties Name

Hold Action Until (Date)

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE - Date of Request CWRE Name

Hold Action Until (Date)

No more than 6 months beyond original deadline to submit a CBU

TIOS RIE sec 17 remw



Mapper S-85965

FOR ASSESSMENT AND TAXATION ONLY

SECTION 17 T. 10S. R. 1E. W.M. Linn County

10S01E17 LINN COUNTY

SEE MAP 10S 1E 8

7 8

17 18

8 9

17 18

301 162.1 AC

1/4 COR

100 91.8 AC

201 9.37 AC

LOT 1 32.00 AC

200 9.46 AC

400 16.46 AC

LOT 2 32.00 AC

403 48.81 AC

403-A1

95-13

95-13

LILAW RD

BURMEISTER CREEK

C.S. 4047

S.W. COR. WM. BLYEU D.L.C. 39

SEE MAP 10S 1E 15

SEE MAP 10S 1E 20

PARTITION PLAT

95-2

NO. 1993-53

C.S. 2076



17 ZUMFLIN RD

18

19

SEE MAP 10S 1E 20

PARCEL 2

17 18

20 21

10S01E17 LINN COUNTY 10/11/2019

Account 901246 [Assessment Summary](#)

[Account](#) [Taxes](#) [Value History](#) [Reports](#) [Files](#)

Manufactured Structure

Situs Address

38734 LULAY RD SCIO, OR 97374

Mailing Address

BENTZ CLINTON J
38620 LULAY RD
SCIO OR 97374

Map and Taxlot

10S01E1700 00301

Owner

BENTZ CLINTON J

[Name Ledger](#)

[Names](#)

Real Property Information

Real Account # 22430

Park

Year
Built
2005

Brand/Model
LIBERTY /

Assessment

2023

Real Market Value

Total \$260,250

Assessed Value

Maximum Assessed \$160,880

Assessed Value \$160,880

Account Status A

Subtype P

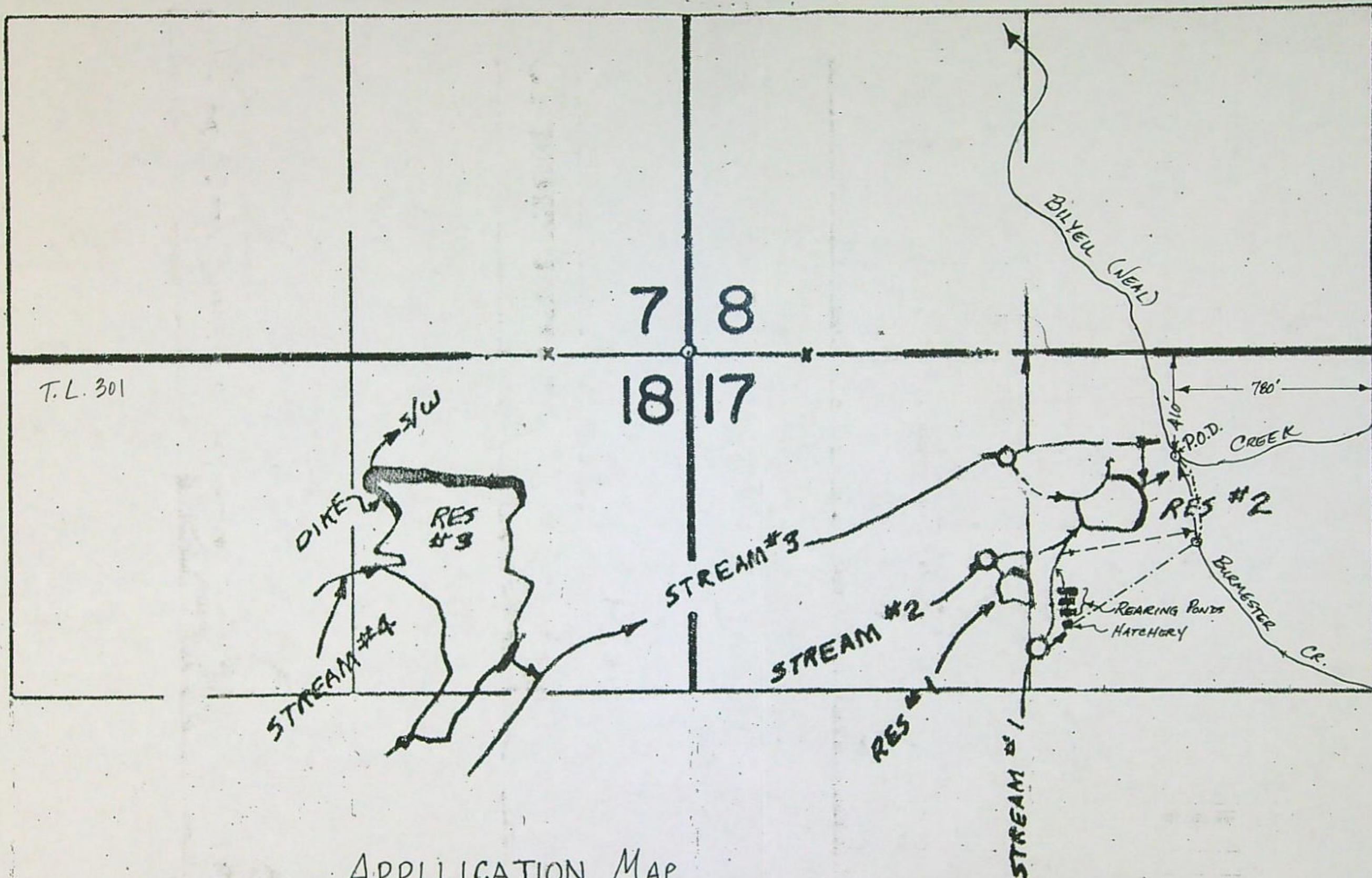
Stat Class 453

Manufactured Structure

For tax purposes, a manufactured structure is a:

- Manufactured dwelling, or
- Prefabricated structure more than 8½ feet wide that can be moved to a new location, or
- Recreational vehicle more than 8½ feet wide, constructed for movement on public highways.

It can be used for a residence or for business, commercial, or office purposes. Most manufactured structures are assessed by the county.



N

SCALE: 1" = 400'

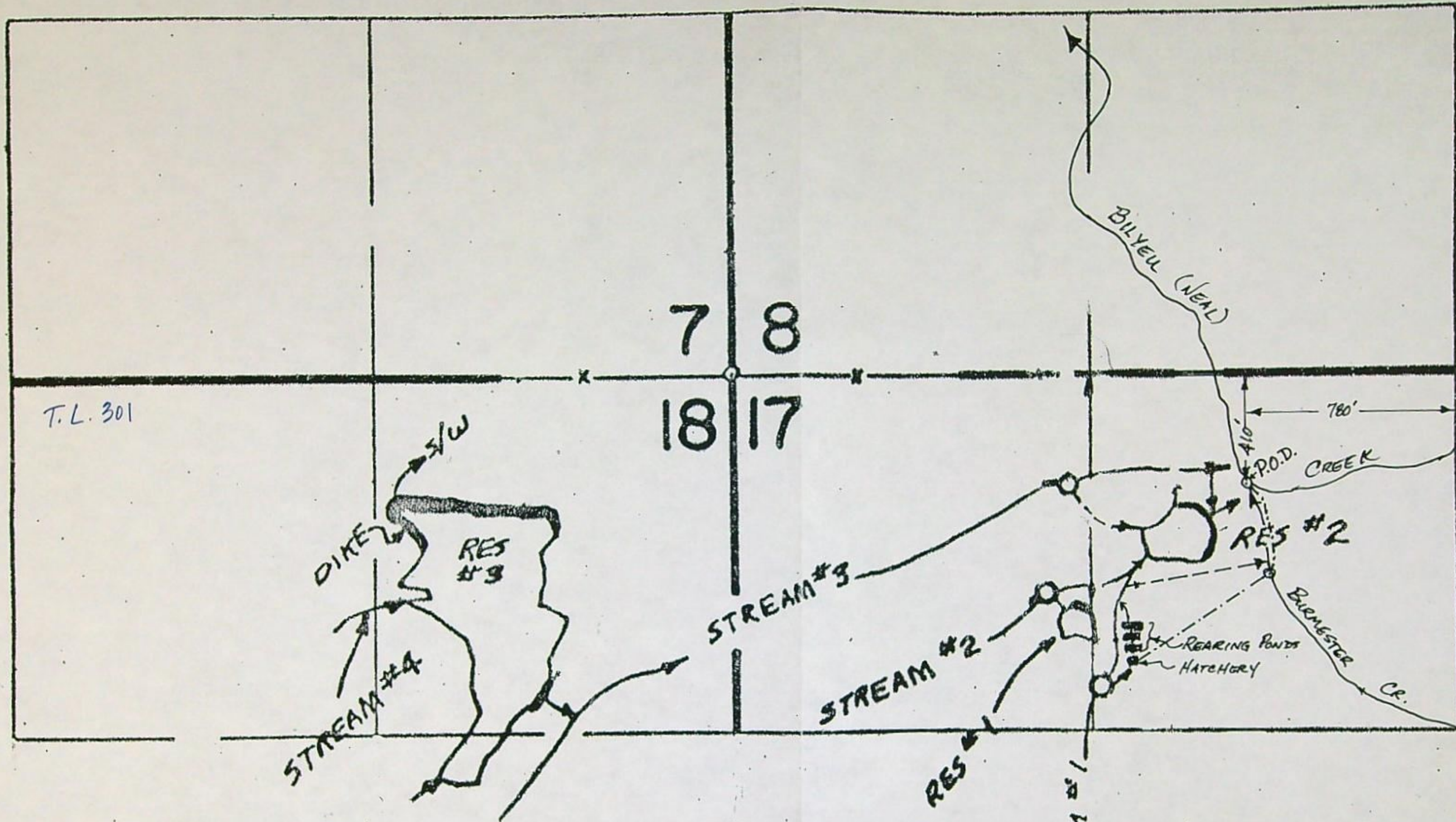
T.10S., R.1E., WM.

APPLIGATION Map
for
BLUE DEN RANCH, L.L.C.

RECEIVED
MAR 22 2004
WATER RESOURCES DEPT
SALEM, OREGON

App No 3-85965
Permit S-5#127

01/04 *JA*



SCALE: 1" = 400'
T.10S., R.1E., WM.

RECEIVED
MAR 22 2004
WATER RESOURCES DEPT
SALEM, OREGON

APPLIGATION MAP
for
BLUE DEN RANCH, L.L.C.

App No 3-85965
Permit S-54127

01/04 *AA*

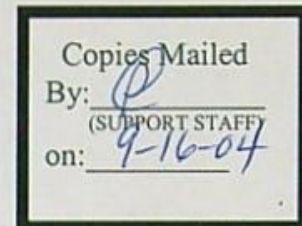
Mailing List for FO Copies

Application # S-85965

Mailing List Print Date: September 13, 2004

Original mailed to applicant:

BLUE DEN RANCH LLC
ATTN: CLINT BENTZ
38620 LULAY RD
SCIO OR 97374



For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # S-85965
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - Watermaster District #: 2 (w/copy of permit map)
5. WRD - Regional Manager: NWR (Not to SCR) (w/copy of permit map)

Copies to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. Steven Applegate Consulting, 532 Inverness Dr SE, Salem OR 97306

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1.

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BLUE DEN RANCH LLC
38620 LULAY RD
SCIO, OR 97374

(503)394-3268

The specific limits and conditions of the use are listed below.

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PURPOSE OR USE: COMMERCIAL USE (FISH HATCHERY)

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 22, 2004

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 17, T10S, R1E, W.M.; 410 FEET SOUTH & 780 FEET WEST FROM N1/4 CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 17
TOWNSHIP 10 SOUTH, RANGE 1 EAST, 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as

established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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Issued September 16, 2004


Phillip C. Ward, Acting Director
Water Resources Department



ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

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CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85965

Final Order

Application History

On March 22, 2004, CLINT BENTZ FOR BLUE DEN RANCH LLC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 15, 2004. The protest period closed July 30, 2004, and no protest was filed.

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


Order

Upon payment of outstanding permit recording fees, Application S-85965 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$250.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-85965.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED August 12, 2004


Phillip C. Ward, Acting Director
Water Resources Department

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 of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun at 503-986-0824.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF LINN

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

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38620 LULAY RD
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(503)394-3268

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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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as

established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2004

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Acting Director
Water Resources Department

Mailing List for FO Copies

Application # S-85965

Mailing List Print Date: August 6, 2004

Original mailed to applicant:

BLUE DEN RANCH LLC
ATTN: CLINT BENTZ ✓
38620 LULAY RD
SCIO OR 97374

Copies Mailed By: <u>JD</u> (SUPPORT STAFF) on: <u>8-13-04</u>

For FO w/ D r a f t Permit - Copies sent to:

1. WRD - File # S-85965 ✓

For FO w/ D r a f t Permit - FO and Map Copies sent to:

2. WRD - Watermaster District #: 2 ✓
3. WRD - Regional Manager: NWR ✓

Copies to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. Steven Applegate Consulting, 532 Inverness Dr SE, Salem OR 97306 ✓

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1.

CASEWORKER: jme

FO CHECKLIST

Application # S-85965 PFO week # 414 FO week # 420

- Has applicant name and/or address changed, or has the file been assigned? Y / N
If new: _____
- Were comments received? If so, from whom and when? _____
Respond to significant comments, issues, or disputes related to the proposed use of water
- Verify names and mailing addresses of all commentors, affected landowners and those who paid \$10 fee on PFO cc: list
- Have affected landowners been notified? Y / N / NA
- Has ODFW asked for self certification of screening condition? Y / N / NA If yes, include fish screening form
- Correct PFO errors (pod, pou locations, etc.)
- Are requested GW conditions included in permit? Y / N / NA If not, add condition(s) _____
- Do PFO conclusions require modification? Y / N Why? _____
- Verify fees

<u>Base Fee</u>	<u>Water Amount</u>	
\$100 / \$150	1 st CFS/AF	<u>200</u>
\$250 / \$300	_____ Addl @ _____	+ _____
<div style="display: flex; justify-content: space-between;"> <u>300</u> + <u>200</u> = <u>500</u> </div>		

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>-500</u>	RECORDING FEE PAID	<u>-0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>250</u>

- Is further processing possible? Y / N If not, why? _____
- FO type DENIAL FO w/ Permit # 94124 FO w/o permit lacks fees
paid \$250 9/10/04
 lacks easement
 lacks approved dam plans & specs

Name: Jeana Eastman Date: 8/10/04 Peer Reviewer: [Signature]

PFO CHECKLIST

Application # 5 859165

PFO work week # 4/12/04

- ∠ 1. Shortcomings preventing PFO? Y / Should process continue? / N
- ∠ 2. IR Date 4/2/04 Public Notice Date 4/12/04 Comments received? Y /
- ∠ 3. Was additional information requested in the IR? Y / If so, do we now have enough info to do the PFO? Y / N
- ∠ 4. Was the application filed after 10/23/99? / N (If not, add A date requirement)
- ∠ 5. B.O.R. or Doug Co. project Y / Contract in file? N contract # _____
- ∠ 6. IR identifies as DEQ 303d? Y / / NA Comments received? Y / N _____
- ∠ 7. Is second gw review necessary? Y / N / Complete? Y / N
- ∠ 8. Water Availability OK / REDONE / NA _____
- ∠ 9. Have conflicts been addressed? Y / N / _____
- ∠ 10. Changes from IR determinations _____
basin plan exception approved - positive pfo
- ∠ 11. Copy to applegate

12. Fees

Base Fee	Water Amount
\$100 / \$150	1" CFS/AF <u>200</u>
\$250 / \$300	_____ Addl @ _____ + _____
<u>300</u> +	<u>200</u> = <u>500</u>

EXAM FEE REQUIRED <u>500</u>	RECORDING FEE REQUIRED \$175 / \$250
EXAM FEE PAID <u>-500</u>	RECORDING FEE PAID <u>0</u>
STILL OWED <u>0</u>	STILL OWED <u>250</u>

Name: Jeana Eastman Date: 4/1/04 Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

IR CHECKLIST

Application # S-85965 County linn Basin 2-will WAB 2-70783
Township 105 Range 1e Section 17 1/4 1/4 nenw

1. Prohibited by ORS 538? If so, do not do an IR; return app & fees to applicant.
2. Use cm Priority Date(s) 3/22/04 (If quasi/muni, send to Doug Parrow)
3. Rate _____ Rate Max _____ Req 1.0 cfs
Duty _____ Season Allowable yr Req yr
4. Land use approval OK needs approval county notified NA
5. B.O.R. or Doug Co. project Y / contract # _____
6. WM Dist NWR-1 16 18 20 (NCR-3 4 5 21) (ER-6 8 9 10) (SCR-11 12 17) (SWR-13 14 15 19)
swr cc: dave jarrett
7. DIVISION 33 / N / NA Above Bonn If above, not allowed April 15 - September 30?
(If Y, attach basin map w/ pod) Below Bonn If below, add PISPC
 Statewide
8. Surface Water Availability (80% live flow / 50% storage) NA avail. dec-mar
9. Conflict? Y / NA
10. Allowed under Basin Program Y / Limitations? Y / N filings exception
11. Groundwater Review
a. over appropriated not over appropriated cannot be determined
b. will not be available will likely be available ...without injury to prior water rights
c. will not will likely be available within capacity of ground water resource
d. will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource
e. Is the well located in a GWLA or CGWA or T1N R3E Sec 20, 21, 28, 29? Y / N (If Y, include basin map noting POD)
12. Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 or < 1.5 CFS, > 9.2 or < 100 AF, Contract Water, Large ≥ 1.5 CFS, ≥ 100 AF
HC - use at least Medium; BOR, GW condition 7I, temp control (nu) and muni require Large _____
13. Basin Maps have been checked Y / N River Mile _____
14. SWW ABOVE WITHIN (if so, notify state parks) Name _____
15. Is the use located within Oregon Streamflow Restoration Area? / N / NA
16. per interactive mapping DOA / N (NO COPY TO PAUL MEASLES) 303D Y / / NA CTUIR Y /
17. Is the stream withdrawn? Y / / NA season allowed _____
18. Letter format Good Limited Bad w/ HC Opportunity
19. CWRE, representative, etc. to notify? / N
Steven Applegate Consulting 532 Inverness Dr SE Salem 97306
20. Addn'l info req'd? Y / N _____

Name: Jeana Eastman Date: 3/29/04 Peer Reviewer: _____

Analysis for Application: S85965**Location:** 10S-1E-17-NENW

Uses: CM P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
2	NW	Mike Mattick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-3620		541-746-

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
70783	2	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Linn	41043

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0**303D Lakes Records Found: 0**

690-502-0110 Santiam River -- Calapooia River Subbasin

The Santiam -- Calapooia Subbasin includes the drainage basins of the Santiam and Calapooia Rivers upstream from the confluence with the Willamette River:

(1) Surface water classification:

(b) Except as specified in paragraph (b)(A) and (B) of this section, the Santiam River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31:

(A) The South Santiam River and tributaries below Trout Creek, and the Middle Santiam River and tributaries below Green Peter Dam, are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through September 30;

(B) The following streams and their tributaries are classified year-round only for **domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses**:

(v) **Thomas Creek**, tributary to South Santiam River;

near cr > thomas cr > s santiam r

Platcard Report

Township 10S Range 1E Section 17

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
i	12/31/1908	49325	Santiam and South Santiam Rivers												LV								
i	12/31/1852	49326	Santiam and South Santiam Rivers	dlc: 39		LV		LV															
	12/31/1852			lot: 1		LV																	
i	R32401 06/17/1958	R2153 29038																FI					
i	R42751 09/01/1966	R5136 40790							FI	FI													
i	R76137 01/01/1993	- 70117								LW													
i	S11769 09/24/1927	S8179 8723																			DO		
	09/24/1927																					FI	
	09/24/1927																						PW
i	S25386 10/23/1950	S20215 27144		dlc: 39	39.1 IR	6.6 IR	1.3 IR	15.0 IR															
	10/23/1950			lot: 1		7.4 IR																	
	10/23/1950			lot: 2			0.1 IR																
i	S25442 11/20/1950	S20010 27143		CN					16.4 IR CN														
i	S32402 06/17/1958	S25584 29039																FI					
i	S42752 -	S33131 40791							FI	FI													
i	S58072 11/06/1978	S43821 56900		dlc: 39			0.1 IR																
	11/06/1978			lot: 1		4.6 IR																	
	11/06/1978			lot: 2			4.3 IR																
i	S71630 01/26/1996	S52037 -							FI														
i	S85965 03/22/2004	- -							CM														

Page:1

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

WATER AVAILABILITY TABLE

Water Availability as of 3/26/2004 for
NEAL CR > THOMAS CR - AT MOUTH

Watershed ID #: 70783 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	182	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	183	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4	167	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	YES	YES
5	168	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	YES	YES
6	30200601	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	YES	YES
7	171	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES
8	70783	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES

NO = apr - nov

STREAM NAMES

Water Availability as of 3/26/2004 for
NEAL CR > THOMAS CR - AT MOUTH

Watershed ID #: 70783 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Item Watershed ID Stream Name

1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	182	WILLAMETTE R > COLUMBIA R - AB MOLALLA R
3	183	WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
4	167	SANTIAM R > WILLAMETTE R - AT MOUTH
5	168	SANTIAM R > WILLAMETTE R - AB MORGAN CR
6	30200601	S SANTIAM R > SANTIAM R - AT MOUTH
7	171	THOMAS CR > S SANTIAM R - AT MOUTH
8	70783	NEAL CR > THOMAS CR - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 3/26/2004 for
NEAL CR > THOMAS CR - AT MOUTH

Watershed ID #: 70783 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	70783	NEAL CR > THOMAS CR - AT MOUTH	YES	15.5
2	70783	NEAL CR > THOMAS CR - AT MOUTH	YES	29.7
3	70783	NEAL CR > THOMAS CR - AT MOUTH	YES	17.8
4	70783	NEAL CR > THOMAS CR - AT MOUTH	NO	-5.8
5	70783	NEAL CR > THOMAS CR - AT MOUTH	NO	-15.5
6	70783	NEAL CR > THOMAS CR - AT MOUTH	NO	-6.1
7	171	THOMAS CR > S SANTIAM R - AT MOUTH	NO	-10.1
8	167	SANTIAM R > WILLAMETTE R - AT MOUTH	NO	-170.0
9	168	SANTIAM R > WILLAMETTE R - AB MORGAN CR	NO	-171.0
10	171	THOMAS CR > S SANTIAM R - AT MOUTH	NO	-47.0
11	70783	NEAL CR > THOMAS CR - AT MOUTH	NO	-36.1
12	70783	NEAL CR > THOMAS CR - AT MOUTH	YES	7.6
Stor	70783	NEAL CR > THOMAS CR - AT MOUTH	YES	25700.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 3/26/2004 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 13:39

Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	1960.00	344.00	25200.00	0.00	1500.00	23700.00
2	30000.00	7250.00	340.00	22400.00	0.00	1500.00	20900.00
3	28500.00	6880.00	329.00	21300.00	0.00	1500.00	19800.00
4	25400.00	6590.00	315.00	18500.00	0.00	1500.00	17000.00
5	20700.00	3940.00	273.00	16500.00	0.00	1500.00	15000.00
6	11000.00	1690.00	465.00	8840.00	0.00	1500.00	7340.00
7	6280.00	1660.00	457.00	4170.00	0.00	1500.00	2670.00
8	4890.00	1460.00	426.00	3010.00	0.00	1500.00	1510.00
9	4930.00	1090.00	414.00	3430.00	0.00	1500.00	1930.00
10	5990.00	355.00	229.00	5410.00	0.00	1500.00	3910.00
11	12700.00	502.00	278.00	11900.00	0.00	1500.00	10400.00
12	24800.00	640.00	342.00	23800.00	0.00	1500.00	22300.00
Stor	19700000	2030000	254000	17400000	0	1090000	16400000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 3/26/2004 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 13:39

Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1700.00	0.00	335.00	100.00	7.54	23.70	95.60	37.40	2300.00
2	6990.00	0.00	335.00	100.00	7.54	23.70	95.60	37.40	7590.00
3	6600.00	6.39	335.00	100.00	7.54	23.70	97.90	40.40	7210.00
4	6260.00	42.50	335.00	100.00	7.54	23.70	94.50	40.40	6900.00
5	3370.00	292.00	331.00	100.00	7.39	23.70	68.40	19.80	4210.00
6	441.00	584.00	912.00	100.00	7.24	23.70	68.10	19.80	2160.00
7	14.00	999.00	909.00	95.10	7.24	23.70	45.80	19.50	2110.00
8	2.03	784.00	909.00	95.10	7.24	22.30	44.40	19.50	1880.00
9	0.75	387.00	907.00	100.00	7.24	22.30	57.90	19.70	1500.00
10	0.44	27.60	333.00	100.00	7.24	22.30	58.90	33.50	583.00
11	196.00	0.00	335.00	100.00	7.54	23.70	80.50	36.50	779.00
12	382.00	0.00	335.00	100.00	7.54	23.70	95.20	37.40	981.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----ISWRs-----								
APP #	181A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
2	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
3	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
6	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
7	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
10	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 3/26/2004 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	21400.00	1720.00	246.00	19400.00	0.00	1500.00	17900.00
2	23200.00	6910.00	242.00	16000.00	0.00	1500.00	14500.00
3	22400.00	6700.00	238.00	15500.00	0.00	1500.00	14000.00
4	19900.00	6360.00	231.00	13300.00	0.00	1500.00	11800.00
5	16600.00	3700.00	219.00	12700.00	0.00	1500.00	11200.00
6	8740.00	1260.00	392.00	7090.00	0.00	1500.00	5590.00
7	4980.00	1110.00	376.00	3500.00	0.00	1500.00	2000.00
8	3830.00	979.00	350.00	2500.00	0.00	1500.00	1000.00
9	3890.00	729.00	353.00	2810.00	0.00	1500.00	1310.00
10	4850.00	251.00	195.00	4400.00	0.00	1500.00	2900.00
11	10200.00	349.00	221.00	9630.00	0.00	1500.00	8130.00
12	19300.00	395.00	245.00	18700.00	0.00	1500.00	17200.00
Stor	1520000	1820000	200000	1320000	0	1090000	1210000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 3/26/2004 for
WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1520.00	0.00	250.00	85.80	6.46	18.00	66.40	20.20	1970.00
2	6710.00	0.00	250.00	85.80	6.46	18.00	66.40	20.20	7160.00
3	6480.00	4.33	250.00	85.80	6.46	18.00	68.40	20.20	6930.00
4	6120.00	28.60	250.00	85.80	6.46	18.00	64.90	20.20	6590.00
5	3300.00	199.00	246.00	85.80	6.46	18.00	58.10	4.91	3920.00
6	420.00	399.00	657.00	85.80	6.46	18.00	58.10	4.91	1650.00
7	3.84	680.00	654.00	80.50	6.46	18.00	36.30	4.63	1480.00
8	1.99	530.00	654.00	80.50	6.46	16.60	34.90	4.63	1330.00
9	0.69	263.00	657.00	85.70	6.46	16.60	48.50	4.89	1080.00
10	0.27	18.80	250.00	85.80	6.46	16.60	49.90	18.60	446.00
11	125.00	0.00	250.00	85.80	6.46	18.00	65.20	20.20	571.00
12	192.00	0.00	250.00	85.80	6.46	18.00	66.40	20.20	639.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AB MOLALLA R

Watershed ID #: 182 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----ISWRs-----								
APP #	182A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
2	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
3	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
4	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
6	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
7	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
9	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
10	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
 Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	18400.00	1880.00	78.20	16400.00	0.00	1300.00	15100.00
2	20100.00	7070.00	76.00	13000.00	0.00	1300.00	11700.00
3	19600.00	6860.00	73.90	12700.00	0.00	1300.00	11400.00
4	18000.00	6520.00	70.70	11400.00	0.00	1300.00	10100.00
5	15500.00	3810.00	64.50	11600.00	0.00	1300.00	10300.00
6	8310.00	1330.00	111.00	6870.00	0.00	1300.00	5570.00
7	4710.00	1100.00	105.00	3510.00	0.00	1300.00	2210.00
8	3620.00	1010.00	84.50	2530.00	0.00	1300.00	1230.00
9	3680.00	834.00	88.50	2760.00	0.00	1300.00	1460.00
10	4650.00	413.00	58.80	4180.00	0.00	1300.00	2880.00
11	9400.00	513.00	66.00	8820.00	0.00	1300.00	7520.00
12	16700.00	553.00	78.10	16100.00	0.00	1300.00	14800.00
Stor	13500000	1900000	57600	11500000	0	942000	10600000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1500.00	0.00	347.00	59.30	3.39	12.60	20.30	19.40	1960.00
2	6680.00	0.00	347.00	59.30	3.39	12.60	20.30	19.40	7140.00
3	6470.00	3.05	347.00	59.30	3.39	12.60	21.40	19.40	6940.00
4	6110.00	19.00	347.00	59.30	3.39	12.60	18.90	19.40	6590.00
5	3300.00	140.00	343.00	59.30	3.39	12.60	17.80	4.68	3880.00
6	419.00	283.00	640.00	59.30	3.39	12.60	17.80	4.68	1440.00
7	3.79	482.00	638.00	55.70	3.39	12.60	4.87	4.46	1200.00
8	1.97	373.00	638.00	55.70	3.39	12.60	4.87	4.46	1090.00
9	0.66	185.00	640.00	59.20	3.39	12.60	16.90	4.65	922.00
10	0.21	13.30	347.00	59.30	3.39	12.60	17.70	18.40	472.00
11	118.00	0.00	347.00	59.30	3.39	12.60	19.20	19.40	579.00
12	169.00	0.00	347.00	59.30	3.39	12.60	20.30	19.40	631.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

APP #	Reservations							TOTAL
	0	0	0	0	0	0	0	
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 3/26/2004 for
 WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Watershed ID #: 183 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

APP #	183A	ISWRs							MAXIMUM
		0	0	0	0	0	0		
Status	Cert.								
1	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
2	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
3	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
4	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
5	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
6	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
7	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
8	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
9	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
10	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
11	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	
12	1300.00	0.00	0.00	0.00	0.00	0.00	0.00	1300.00	

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
 Water Availability as of 3/26/2004 for
 SANTIAM R > WILLAMETTE R - AT MOUTH

Watershed ID #: 167 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	5860.00	919.00	53.30	4890.00	0.00	320.00	4570.00
2	6590.00	3190.00	52.90	3350.00	0.00	320.00	3030.00
3	5870.00	2760.00	52.80	3060.00	0.00	320.00	2740.00
4	5370.00	2750.00	53.50	2570.00	0.00	320.00	2250.00
5	5020.00	1810.00	40.40	3170.00	0.00	320.00	2850.00
6	2600.00	955.00	47.10	1600.00	0.00	320.00	1280.00
7	1380.00	895.00	46.60	438.00	0.00	320.00	118.00
8	1030.00	839.00	40.80	150.00	0.00	320.00	-170.00
9	923.00	731.00	39.80	152.00	0.00	320.00	-168.00
10	1020.00	638.00	51.20	330.00	0.00	320.00	10.40
11	2820.00	589.00	52.60	2180.00	0.00	320.00	1860.00
12	5940.00	580.00	53.30	5310.00	0.00	320.00	4990.00
Stor	4380000	997000	35200	3340000	0	232000	3120000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
 Water Availability as of 3/26/2004 for
 SANTIAM R > WILLAMETTE R - AT MOUTH

Watershed ID #: 167 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	341.00	77.80	288.00	8.35	3.75	3.89	4.27	245.00	972.00
2	2620.00	74.30	288.00	8.35	3.75	3.89	4.27	244.00	3250.00
3	2170.00	79.20	288.00	8.35	3.75	3.89	4.27	256.00	2810.00
4	2120.00	112.00	288.00	8.35	3.75	3.89	4.27	263.00	2800.00
5	1090.00	218.00	284.00	8.35	3.75	3.89	4.27	240.00	1850.00
6	134.00	318.00	302.00	8.35	3.75	3.89	4.27	227.00	1000.00
7	0.19	415.00	298.00	7.44	3.75	3.89	3.49	211.00	943.00
8	0.53	396.00	298.00	7.44	3.75	3.88	3.49	166.00	879.00
9	0.00	303.00	302.00	8.33	3.75	3.88	3.49	146.00	770.00
10	0.00	200.00	288.00	8.35	3.75	3.88	4.27	181.00	689.00
11	2.06	118.00	288.00	8.35	3.75	3.89	4.27	212.00	640.00
12	4.86	81.40	288.00	8.35	3.75	3.89	4.27	238.00	633.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 3/26/2004 for
 SANTIAM R > WILLAMETTE R - AT MOUTH

Watershed ID #: 167 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 3/26/2004 for
 SANTIAM R > WILLAMETTE R - AT MOUTH

Watershed ID #: 167 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----ISWRs-----								
APP #	167A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
2	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
3	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
4	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
5	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
6	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
7	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
8	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
9	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
10	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
11	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00
12	320.00	0.00	0.00	0.00	0.00	0.00	0.00	320.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 3/26/2004 for
SANTIAM R > WILLAMETTE R - AB MORGAN CR

Watershed ID #: 168 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	5750.00	920.00	52.80	4780.00	0.00	330.00	4450.00
2	6470.00	3190.00	52.50	3230.00	0.00	330.00	2900.00
3	5780.00	2760.00	52.50	2970.00	0.00	330.00	2640.00
4	5310.00	2750.00	53.00	2510.00	0.00	330.00	2180.00
5	5040.00	1810.00	38.70	3190.00	0.00	330.00	2860.00
6	2610.00	948.00	44.00	1620.00	0.00	330.00	1290.00
7	1380.00	881.00	43.00	456.00	0.00	330.00	126.00
8	1030.00	828.00	39.70	162.00	0.00	330.00	-168.00
9	926.00	728.00	38.90	159.00	0.00	330.00	-171.00
10	1020.00	638.00	51.10	331.00	0.00	330.00	0.75
11	2800.00	589.00	52.30	2160.00	0.00	330.00	1830.00
12	5850.00	580.00	52.80	5220.00	0.00	330.00	4890.00
Stor	4320000	995000	34500	3290000	0	239000	3060000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 3/26/2004 for
SANTIAM R > WILLAMETTE R - AB MORGAN CR

Watershed ID #: 168 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	341.00	77.80	289.00	8.28	3.75	3.88	4.04	245.00	973.00
2	2620.00	74.30	289.00	8.28	3.75	3.88	4.04	244.00	3250.00
3	2170.00	79.00	289.00	8.28	3.75	3.88	4.04	256.00	2810.00
4	2120.00	111.00	289.00	8.28	3.75	3.88	4.04	263.00	2800.00
5	1090.00	211.00	286.00	8.28	3.75	3.88	4.04	240.00	1850.00
6	134.00	305.00	306.00	8.28	3.75	3.88	4.04	227.00	992.00
7	0.19	394.00	301.00	7.37	3.75	3.88	3.26	211.00	924.00
8	0.53	382.00	301.00	7.37	3.75	3.88	3.26	166.00	868.00
9	0.00	296.00	306.00	8.26	3.75	3.88	3.26	146.00	767.00
10	0.01	199.00	289.00	8.28	3.75	3.88	4.04	181.00	689.00
11	1.72	118.00	289.00	8.28	3.75	3.88	4.04	212.00	641.00
12	4.31	81.40	289.00	8.28	3.75	3.88	4.04	238.00	633.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 3/26/2004 for
SANTIAM R > WILLAMETTE R - AB MORGAN CR

Watershed ID #: 168 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 3/26/2004 for
SANTIAM R > WILLAMETTE R - AB MORGAN CR

Watershed ID #: 168 Basin: WILLAMETTE Exceedance Level: 80
Time: 13:39 Date: 03/26/2004

ISWRs								
APP #	168A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
2	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
3	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
4	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
5	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
6	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
7	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
8	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
9	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
10	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
11	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
12	330.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 3/26/2004 for

S SANTIAM R > SANTIAM R - AT MOUTH

Watershed ID #: 30200601

Basin: WILLAMETTE

Exceedance Level: 80

Time: 13:39

Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	3090.00	170.00	39.40	2880.00	0.00	0.00	2880.00
2	3360.00	1440.00	39.30	1880.00	0.00	0.00	1880.00
3	3170.00	1160.00	39.30	1970.00	0.00	0.00	1970.00
4	2950.00	950.00	39.30	1960.00	0.00	0.00	1960.00
5	2050.00	631.00	26.00	1390.00	0.00	0.00	1390.00
6	968.00	112.00	27.30	828.00	0.00	0.00	828.00
7	450.00	133.00	27.30	290.00	0.00	0.00	290.00
8	275.00	119.00	26.80	129.00	0.00	0.00	129.00
9	253.00	90.00	26.60	136.00	0.00	0.00	136.00
10	363.00	44.60	39.00	279.00	0.00	0.00	279.00
11	1450.00	44.90	39.10	1370.00	0.00	0.00	1370.00
12	3040.00	46.70	39.40	2950.00	0.00	0.00	2950.00
Stor	2330000	293000	24700	2010000	0	0	2010000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 3/26/2004 for

S SANTIAM R > SANTIAM R - AT MOUTH

Watershed ID #: 30200601

Basin: WILLAMETTE

Exceedance Level: 80

Time: 13:39

Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	126.00	0.00	60.40	5.02	0.00	1.83	0.38	15.70	209.00
2	1390.00	0.00	60.40	5.02	0.00	1.83	0.38	15.70	1470.00
3	1120.00	0.03	60.40	5.02	0.00	1.83	0.38	15.70	1200.00
4	906.00	0.19	60.40	5.02	0.00	1.83	0.38	15.70	990.00
5	567.00	20.60	60.40	5.02	0.00	1.83	0.38	1.95	657.00
6	9.49	41.70	79.30	5.02	0.00	1.83	0.38	1.95	140.00
7	0.19	72.70	79.30	4.13	0.00	1.83	0.38	1.95	160.00
8	0.53	57.70	79.30	4.13	0.00	1.83	0.38	1.95	146.00
9	0.00	28.20	79.30	5.02	0.00	1.83	0.38	1.95	117.00
10	0.07	0.09	60.40	5.02	0.00	1.83	0.38	15.70	83.50
11	0.56	0.00	60.40	5.02	0.00	1.83	0.38	15.70	83.90
12	2.68	0.00	60.40	5.02	0.00	1.83	0.38	15.70	86.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 3/26/2004 for
 S SANTIAM R > SANTIAM R - AT MOUTH

Watershed ID #: 30200601
 Time: 13:39

Basin: WILLAMETTE

Exceedance Level: 80
 Date: 03/26/2004

APP #	Reservations							TOTAL
	0	0	0	0	0	0	0	
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 3/26/2004 for
 S SANTIAM R > SANTIAM R - AT MOUTH

Watershed ID #: 30200601
 Time: 13:39

Basin: WILLAMETTE

Exceedance Level: 80
 Date: 03/26/2004

APP #	ISWRs							MAXIMUM
	0	0	0	0	0	0	0	
Status								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
 Water Availability as of 3/26/2004 for
 THOMAS CR > S SANTIAM R - AT MOUTH

Watershed ID #: 171 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	467.00	2.94	0.29	464.00	0.00	100.00	364.00
2	465.00	2.93	0.28	462.00	0.00	100.00	362.00
3	447.00	2.51	0.29	444.00	0.00	100.00	344.00
4	380.00	3.25	0.30	376.00	0.00	100.00	276.00
5	221.00	8.91	0.44	212.00	0.00	100.00	112.00
6	120.00	15.60	1.13	103.00	0.00	50.00	53.30
7	51.50	25.50	1.08	24.90	0.00	35.00	-10.10
8	33.80	20.70	1.03	12.10	0.00	25.00	-12.90
9	35.70	11.30	0.92	23.50	0.00	100.00	-76.50
10	56.30	3.01	0.29	53.00	0.00	100.00	-47.00
11	208.00	2.72	0.28	205.00	0.00	100.00	105.00
12	424.00	2.95	0.29	421.00	0.00	100.00	321.00
Stor	307000	6210	400	300000	0	60900	244000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
 Water Availability as of 3/26/2004 for
 THOMAS CR > S SANTIAM R - AT MOUTH

Watershed ID #: 171 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.59	0.00	0.27	1.00	0.00	1.27	0.10	0.00	3.23
2	0.57	0.00	0.27	1.00	0.00	1.27	0.10	0.00	3.22
3	0.01	0.14	0.27	1.00	0.00	1.27	0.10	0.00	2.79
4	0.00	0.90	0.27	1.00	0.00	1.27	0.10	0.00	3.55
5	0.00	6.70	0.27	1.00	0.00	1.27	0.10	0.00	9.34
6	0.00	13.50	0.80	1.00	0.00	1.27	0.10	0.00	16.70
7	0.00	23.40	0.80	1.00	0.00	1.27	0.10	0.00	26.60
8	0.00	18.60	0.80	1.00	0.00	1.27	0.10	0.00	21.80
9	0.00	9.07	0.80	1.00	0.00	1.27	0.10	0.00	12.20
10	0.00	0.65	0.27	1.00	0.00	1.27	0.10	0.00	3.29
11	0.36	0.00	0.27	1.00	0.00	1.27	0.10	0.00	3.00
12	0.60	0.00	0.27	1.00	0.00	1.27	0.10	0.00	3.24

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 3/26/2004 for
 THOMAS CR > S SANTIAM R - AT MOUTH

Watershed ID #: 171 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 3/26/2004 for
 THOMAS CR > S SANTIAM R - AT MOUTH

Watershed ID #: 171 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----ISWRs-----								
APP #	171A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
2	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
3	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
4	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
5	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
6	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
7	35.00	0.00	0.00	0.00	0.00	0.00	0.00	35.00
8	25.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00
9	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
10	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
11	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
12	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
 Water Availability as of 3/26/2004 for
 NEAL CR > THOMAS CR - AT MOUTH

Watershed ID #: 70783 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	76.70	1.24	0.00	75.50	0.00	60.00	15.50
2	90.90	1.24	0.00	89.70	0.00	60.00	29.70
3	79.00	1.24	0.00	77.80	0.00	60.00	17.80
4	55.50	1.29	0.00	54.20	0.00	60.00	-5.79
5	31.20	1.68	0.00	29.50	0.00	45.00	-15.50
6	16.00	2.14	0.00	13.90	0.00	20.00	-6.14
7	7.62	2.82	0.00	4.81	0.00	10.00	-5.20
8	4.55	2.49	0.00	2.06	0.00	5.00	-2.94
9	4.03	1.85	0.00	2.19	0.00	5.00	-2.81
10	5.97	1.27	0.00	4.70	0.00	12.00	-7.30
11	25.10	1.23	0.00	23.90	0.00	60.00	-36.10
12	68.80	1.24	0.00	67.60	0.00	60.00	7.56
Stor	54300	1190	0	53100	0	27500	25700

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGEES
 Water Availability as of 3/26/2004 for
 NEAL CR > THOMAS CR - AT MOUTH

Watershed ID #: 70783 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.01	0.00	0.00	0.00	0.00	1.23	0.00	0.00	1.24
2	0.01	0.00	0.00	0.00	0.00	1.23	0.00	0.00	1.24
3	0.00	0.01	0.00	0.00	0.00	1.23	0.00	0.00	1.24
4	0.00	0.06	0.00	0.00	0.00	1.23	0.00	0.00	1.29
5	0.00	0.45	0.00	0.00	0.00	1.23	0.00	0.00	1.68
6	0.00	0.91	0.00	0.00	0.00	1.23	0.00	0.00	2.14
7	0.00	1.59	0.00	0.00	0.00	1.23	0.00	0.00	2.82
8	0.00	1.26	0.00	0.00	0.00	1.23	0.00	0.00	2.49
9	0.00	0.62	0.00	0.00	0.00	1.23	0.00	0.00	1.85
10	0.00	0.04	0.00	0.00	0.00	1.23	0.00	0.00	1.27
11	0.00	0.00	0.00	0.00	0.00	1.23	0.00	0.00	1.23
12	0.01	0.00	0.00	0.00	0.00	1.23	0.00	0.00	1.24

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 3/26/2004 for
 NEAL CR > THOMAS CR - AT MOUTH

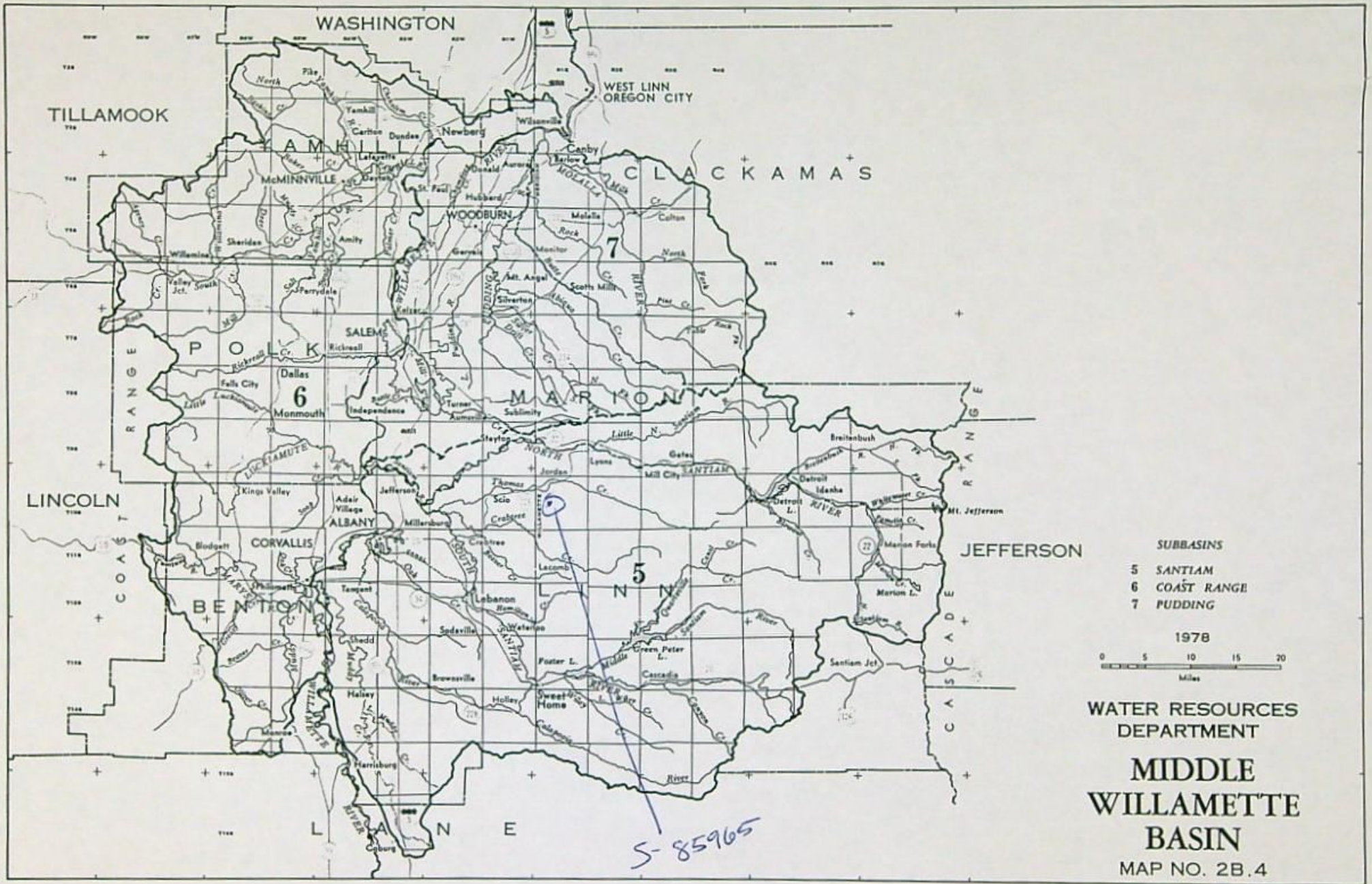
Watershed ID #: 70783 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 3/26/2004 for
 NEAL CR > THOMAS CR - AT MOUTH

Watershed ID #: 70783 Basin: WILLAMETTE Exceedance Level: 80
 Time: 13:39 Date: 03/26/2004

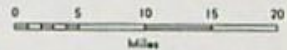
-----ISWRs-----								
APP #	70783A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	60.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00
2	60.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00
3	60.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00
4	60.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00
5	45.00	0.00	0.00	0.00	0.00	0.00	0.00	45.00
6	20.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
7	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
8	5.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00
9	5.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00
10	12.00	0.00	0.00	0.00	0.00	0.00	0.00	12.00
11	60.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00
12	60.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00



SUBBASINS

- 5 SANTIAM
- 6 COAST RANGE
- 7 PUDDING

1978



WATER RESOURCES DEPARTMENT

MIDDLE WILLAMETTE BASIN

MAP NO. 2B.4

This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.

Mailing List for PFO Copies

Application #S-85965

PFO Date June 15, 2004

Original mailed to:

Applicant: BLUE DEN RANCH LLC
ATTN: CLINT BENTZ
38620 LULAY RD
SCIO, OR 97374

Copies sent to:

1. WRD - File # S-85965
2. Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:

3. WRD - Watermaster # 2
4. Regional Manager: NWR

Copies Mailed
By: <u>TCB</u> (SUPPORT STAFF)
on: <u>6/15/04</u> (DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

5. Steven Applegate Consulting, 532 Inverness Dr SE, Salem OR 97306

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85965

Prior to issuance of a permit, recording fees in the amount of \$250.00 must be submitted to the Department. In order to increase Department efficiency and expedite the processing of your application, please submit the necessary fees prior to the protest deadline of **July 30, 2004**. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **July 30, 2004**, issuance of a permit may be delayed.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On March 22, 2004, CLINT BENTZ FOR BLUE DEN RANCH LLC submitted an application to the Department for the following water use permit:

- Amount of Water: 1.0 CUBIC FOOT PER SECOND (CFS)
- Use of Water: COMMERCIAL USES
- Source of Water: NEAL CREEK, A TRIBUTARY OF THOMAS CREEK
- Area of Proposed Use: LINN COUNTY WITHIN SECTION 17, TOWNSHIP 10 SOUTH, RANGE 1 EAST, W.M.

On April 2, 2004, the Department mailed the applicant notice of its Initial Review, determining that "*The use of 1.0 cubic foot per second of water from Neal Creek, a tributary of Thomas Creek, for commercial uses is not allowable, and it appears unlikely that you will be issued a permit.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 6, 2004, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

Under this application, S-85965, BLUE DEN RANCH LLC has applied for a permit to divert 1.0 cubic feet per second (CFS) of "live flow" from Neal Creek, tributary of Thomas Creek, for commercial fish hatchery use. The Willamette Basin Program classifies Thomas Creek and its tributaries for domestic, commercial use for customarily domestic purposes not to exceed 0.01 CFS, livestock and public instream uses (OAR 690-502-0110-[1][b][B][v]). Use of live flow from Neal Creek for commercial uses **is not a classified use.**

Under ORS 536.295, the Water Resources Commission may allow the Department to consider an application for a use not allowed in a basin program if the use meets one of the criteria under subsection (1) of ORS 536.295. The Commission also must evaluate whether the proposed use is consistent with the general policies of the applicable basin program.

On March 22, 2004, BLUE DEN RANCH LLC submitted a request for an exception to the Willamette Basin Plan. The basis for this request was that the use is largely non-consumptive in nature and not likely to be regulated for other water rights.

On May 20, 2004, the Water Resources Commission approved the request by the applicant for an exception to the Willamette Basin Program under ORS 536.295, due to the use being largely non-consumptive in nature and not likely to be regulated for other water rights. The request was consistent with the general policies of the Willamette Basin Program.

Senior water rights exist on NEAL CREEK, A TRIBUTARY OF THOMAS CREEK, or on downstream waters.

NEAL CREEK, A TRIBUTARY OF THOMAS CREEK is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption

portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is for further appropriation (at an 80 percent exceedance probability) only during the period December 1 through March 31 of each year. The applicant has requested the use of water year round. Since water is not available during the full period requested by the applicant, the proposed use may not be allowed unless certain findings are made.

The Department finds that the amount of water requested, 1.0 CFS, is an acceptable amount.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

Because water is not available during the period April 1 through November 30 of each year, the required presumption has not been established.

OAR 690-310-0120(2) states that when the presumption is not established, the Department shall determine whether the proposed use will impair or be detrimental to the public welfare, safety, and health considering the factors in ORS 537.170(8), and may make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or be detrimental to the public welfare, safety, and health, and propose approval of the application with appropriate modifications or conditions.

The factors in ORS 537.170(8), shown in bold below, have been considered as follows:

- (a) **The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.**

The use proposed under this application will provide water for operating a fish incubation and rearing facility. Due to the growing demand for commercially-reared trout, the applicant, Blue Den Ranch LLC, would like to expand their operations.

(b) The maximum economic development of the waters involved.

The use will conserve the highest use and maximum economic development of the waters involved.

(c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.

The proposed permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

(d) The amount of waters available for appropriation for beneficial use.

The use is largely non-consumptive in nature and not likely to be regulated for other water rights.

(e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

The draft permit is conditioned such that wasteful, uneconomic, impracticable or unreasonable use of the waters involved is prevented. The proposed use as conditioned below will require conservation measures and reasonable use of the water.

(f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.

The pending application's priority date, conditioning that makes the use subject to senior rights, and the Department's existing system of regulation are the means necessary to protect existing vested and inchoate rights.

(g) The state water resources policy.

The Department has considered state water resources policy formulated under ORS 536.295 to 536.350.

The Department finds that although the presumption is not established, the use will not impair or be detrimental to the public interest as modified and conditioned in the attached draft permit.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established

pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

Although the use is not consistent with the Willamette Basin Plan, the applicant has received an exception from the Water Resources Commission consistent with ORS 536.295.

Water **is not available** for the proposed use April 1 through November 30 of each year.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

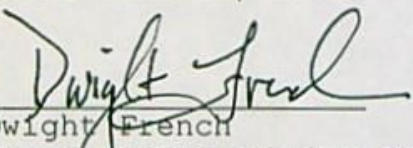
The proposed use complies with the State Agency Agreement for land use.

The Department therefore concludes that, in accordance with OAR 690-310-140(2)(b), although the presumption is not established, after considering the factors in ORS 537.170(8), the proposed use will not impair or be detrimental to the public interest.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED June 15, 2004


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise

- statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **July 30, 2004**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Jeana Eastman. If you have any questions about any of the statements

contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun at 503-986-0824.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

jme - WEEK 464

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF LINN

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

BLUE DEN RANCH LLC
38620 LULAY RD
SCIO, OR 97374

(503) 394-3268

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-85965

SOURCE OF WATER: NEAL CREEK, A TRIBUTARY OF THOMAS CREEK

PURPOSE OR USE: COMMERCIAL USES

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 22, 2004

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 17, T10S, R1E, W.M.; 410 FEET SOUTH & 780 FEET WEST FROM N1/4 CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 17
TOWNSHIP 10 SOUTH, RANGE 1 EAST, 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.
- 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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2004

DRAFT - THIS IS **NOT** A PERMIT

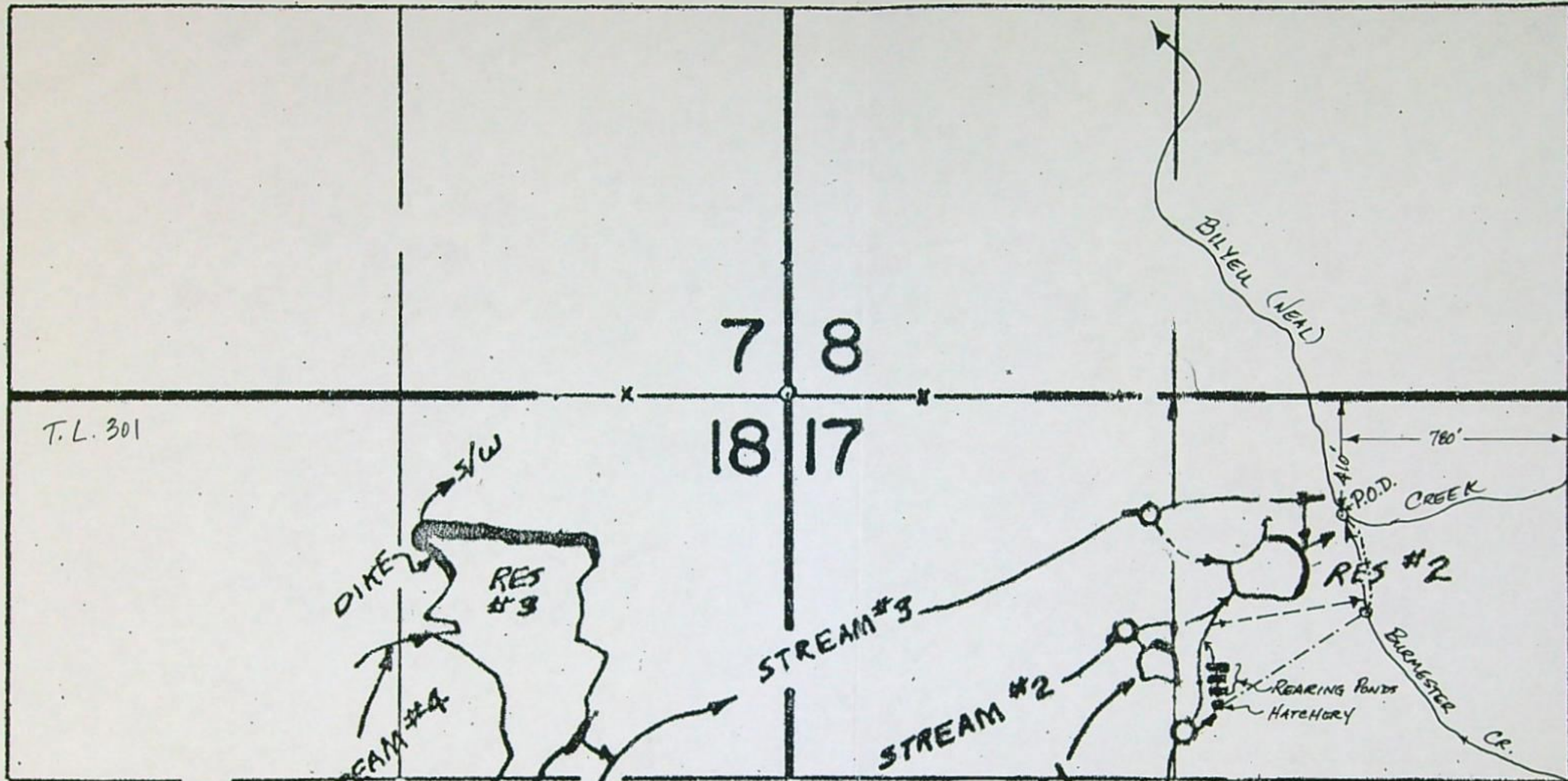
Phillip C. Ward, Acting Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



SCALE: 1" = 400'
T.10S., R.1E., WM.

RECEIVED
MAR 22 2004
WATER RESOURCES DEPT
SALEM, OREGON

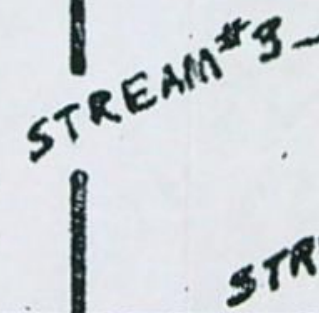
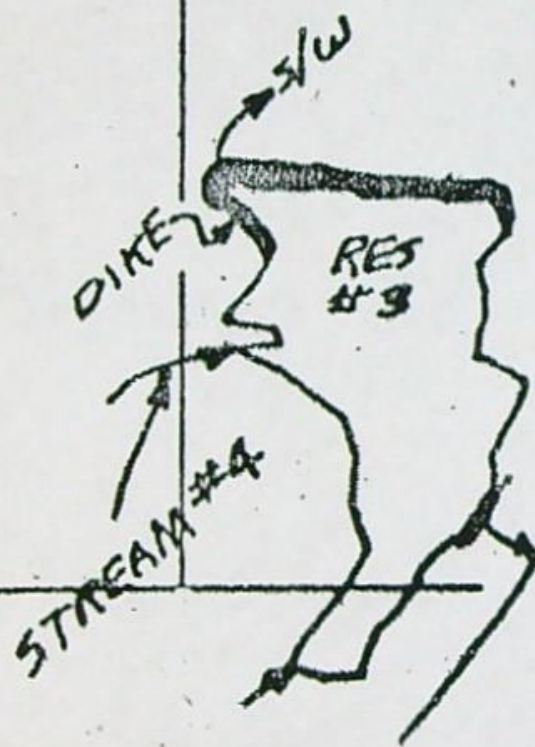
APPLICATION MAP
for
BLUE DEN RANCH, L.L.C.

App No 3-85965

01/04 *AA*

T.L. 301

7 8
18 17



STREAM #1

RES #1

RES #2

RES #3

STREAM #4

STREAM #3

STREAM #2

BILYEU (NEAL)

780'

410'

P.O.D.

CREEK

REARING PONDS

HATCHERY

BURNMASTER CR.

Jeana Eastman

From: Dwight W French [Dwight.W.FRENCH@wrd.state.or.us]
Sent: Thursday, May 27, 2004 10:51 AM
To: Jeana.M.EASTMAN@wrd.state.or.us
Subject: Blue Den Ranch

I hope you had a chance to see the commission grant the exception for the basin program on this file last week. It is now ready for a PFO. I put the file in your in box.

In the PFO, when you talk about the BP, add something like the following:

"... However, on May 20, 2004, the Water Resources Commission granted an exception to the Willamette Basin Program in accordance with ORS 536.295. This action allows the Department to proceed with the processing of this application without considering the basin program as a hinderance."

There might be a better way of explaining this last sentence but this is the idea. Please bring me a draft of the PFO so I can review it.

Thank you,
Dwight

=====
Dwight French, Water Rights Section Manager
725 NE Summer Street, Suite A, Salem, OR 97301-1271
Phone: 503 986 0819
Fax: 503.986.0901

Messages to and from this email address may be available to the public under Oregon law.

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

Short cut to weekly public notice: http://www.wrd.state.or.us/cgi-bin/notices.pl?water_rights

Short cut to water right application forms: <http://www.wrd.state.or.us/publication/forms/index.shtml>

MEMORANDUM

TO: Water Resources Commission
FROM: Paul R. Cleary, Director
SUBJECT: Agenda Item D, May 20, 2004
Water Resources Commission Meeting

Request for an Exception to the Willamette Basin Program by Blue Den Ranch under ORS 536.295

I. Issue Statement

Under ORS 536.295 the Water Resources Commission may, under certain circumstances, allow the Department to consider an application to appropriate water for a use not "classified" as an allowable use by the applicable basin program. Blue Den Ranch, Application S-85965, has requested an exception to the Willamette Basin Program for commercial fish hatchery use. Blue Den Ranch asserts that the use is consistent with ORS 536.295(1)(c) in that the use "is largely nonconsumptive in nature and not likely to be regulated for other water rights."

This report summarizes the information provided by Blue Den Ranch and evaluates the request against statutory criteria and rules of the Commission. The question before the Commission is whether to allow the Department to consider the application even though the use is not "classified" under the Willamette Basin Program. If the exception is granted, the application will then be reviewed in the same manner as any other water right application.

II. Background

Basin programs are administrative rules adopted by the Commission that prescribe future allowable uses of water. The act of specifying the allowable future beneficial uses is called "classification" and is authorized under ORS 536.340. Classifying beneficial uses in a basin program involves analysis of basin-specific data and substantial public involvement. However, under ORS 536.295 the Commission may allow the Department to consider an application for a use not "classified" in a basin program if the use meets one or more of the criteria under Subsection (1) of ORS 536.295 (Attachment 1). The Commission also must evaluate whether the proposed use is consistent with the general policies of the applicable basin program.

Commission approval of a request for an exception to a basin program does not guarantee that a water right will be issued, or if it is issued how it would be conditioned. The Commission is not making a public interest determination on the application, but is only allowing staff to complete

the application review process where issues such as water availability, injury to existing water rights, and any other rules of the Commission will be considered. Public notice and comment opportunities will be provided in the same manner as any other water right application. If the Commission does not grant the request, the application will continue to be processed but will likely be denied due to the fact that the proposed use is not a classified use in the basin program and no exception has been granted.

III. Discussion

A summary of Application S-85965 in the name of Blue Den Ranch and an evaluation of their request for an exception to the Willamette Basin Program are provided below:

A. Application Summary and Basis for Consideration

The Bentz family has been operating a fish incubation and rearing facility at their current location for nearly 40 years. In 1996, Ron Bentz applied for a water right for 350 gallons per minute (0.78 cubic feet per second) from Burmester Creek for use at this same facility. Because the use was not a classified use, the applicant requested and was granted an exception to the Willamette Basin Program. Permit S-52037 was issued for this use on April 11, 1996. In addition to the water right on Burmester Creek, the facility has other water rights from several small creeks and reservoirs on the property.

Due to the growing demand for commercially-reared trout, Blue Den Ranch would like to expand their operations. On March 22, 2004, Blue Den Ranch applied for a permit to appropriate 1 cfs from Bilyeu Creek (also called Neal Creek) for commercial fish hatchery use (Application S-85965). Bilyeu Creek is a tributary of Thomas Creek. A map showing the general location of the facility is provided as Attachment 2. The Willamette Basin Program classifies Thomas Creek and its tributaries "only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses."

B. Exception Request Evaluation

1) Summary of information provided by the applicant under ORS 536.295(1)(c).

Blue Den Ranch provided the Department with a basin program exception request on March 22, 2004 (Attachment 3). The application, map, and supporting materials are provided in Attachment 4. ORS 536.295 provides that the Commission may allow the Department to consider an application to appropriate water for a use not classified in the applicable basin program if the use is consistent with any one of seven statutory criteria. Blue Den Ranch has provided the Department with information as to why they believe their use fits criteria (c) that the use "is

largely nonconsumptive in nature and not likely to be regulated for other water rights.”

Blue Den Ranch’s delivery system is totally enclosed and leak free through a pipeline to raceways (fish rearing ponds) and incubation facilities. Water will return to the stream at the same location as it is diverted through a series of pipes, existing ponds, and small stream channels. Calculations regarding evaporation rates suggest that when the full requested amount of 1 cfs is diverted, only about one quarter of one percent of the diverted amount will be lost. Other water rights at the same facility will be used to make up for these losses.

Department analysis: The Department agrees that the use conforms to ORS 536.295(1)(c), in that the use “is largely nonconsumptive in nature and not likely to be regulated for other water rights.” Because the use is largely non-consumptive, and the water is returned to the stream where it is diverted, the Watermaster has indicated that during periods of low flow, this water right, if issued, would not be regulated off in favor of other water rights.

- 2) Evaluation of whether the use is consistent with the general policies of the Willamette Basin Program

In making the determination on the Blue Den Ranch request, the Commission shall evaluate whether the proposed use is consistent with the general policies of the Willamette Basin Program. ORS 536.295(4). Those policies are set forth in OAR 690-502-0020 and are included as Attachment 5.

Staff believe that the proposed use is consistent with the general policies of the Willamette Basin Program since the use is non-consumptive and would not contribute to over-appropriation. The applicant also provided comments from the Department of Environmental Quality indicating that there are no water quality concerns and the use does not require discharge permits for the return flow that re-enters the system at the diversion point.

For these reasons, staff believe this request is consistent with the general surface water policies for the Willamette Basin Program.

IV. Conclusion

To approve a basin program exception request under ORS 536.295, the Commission must find that the request meets statutory criteria and the proposed use is consistent with the general policies of the applicable basin program. Blue Den Ranch has demonstrated that approval of this request will allow for consideration of a proposed use that is largely nonconsumptive in nature and not likely to be regulated for other water rights and is consistent with the general policies of the Willamette Basin Program.

V. Alternatives

The Commission may consider the following actions:

1. Approve the request by Blue Den Ranch for a basin program exception because the proposed use is largely nonconsumptive in nature and not likely to be regulated for other water rights, recognizing that a permit, if ultimately issued, may be conditioned to address public interest concerns.
2. Deny the request by Blue Den Ranch for a basin program exception.
3. Take no action and direct staff to continue to work with the applicant.

VI. Recommendation

Staff recommend Alternative 1, that the Commission approve the request by Blue Den Ranch for an exception to the basin program because the proposed use is largely nonconsumptive in nature and not likely to be regulated for other water rights, recognizing that a permit, if ultimately issued, may be conditioned to address public interest concerns.

Attachments:

1. ORS 536.295
2. Map of Area
3. Blue Den Ranch Exception Request
4. Copy of Application S-85965
5. Willamette Basin Program General Policies

Dwight French
(503) 986-0819

ORS 536.295

ORS 536.295 Conditions for consideration of application for use not classified in basin program. (1) Notwithstanding any provision of ORS 536.300 or 536.340, the Water Resources Commission may allow the Water Resources Department to consider an application to appropriate water for a use not classified in the applicable basin program if the use:

- (a) Will be of short duration during each year;
 - (b) Will be for a continuous period of no longer than five years;
 - (c) Is largely nonconsumptive in nature and not likely to be regulated for other water rights;
 - (d) Is necessary to ensure public health, welfare and safety;
 - (e) Is necessary to avoid extreme hardship;
 - (f) Will provide a public benefit such as riparian or watershed improvement; or
 - (g) Is of an unusual nature not likely to recur in the basin, and unlikely to have been within the uses considered by the commission in classifying the uses presently allowed in the applicable basin program including but not limited to:
 - (A) Exploratory thermal drilling;
 - (B) Heat exchange;
 - (C) Maintaining water levels in a sewage lagoon; or
 - (D) Facilitating the watering of livestock away from a river or stream.
- (2) A permit granted on or before January 1, 1993, for a quasi-municipal use of water shall be considered a permit for a classified use under ORS 536.340 if at the time the application was submitted or the permit was granted, the basin program identified municipal use as a classified use.
- (3) The commission by rule may determine the specific uses permitted within a classified use.
- (4) In making the determination under subsection (1) of this section, the commission shall evaluate whether the proposed use is consistent with the general policies established in the applicable basin program.
- (5) The Water Resources Department shall process and evaluate an application allowed by the commission under subsections (1) to (4) of this section in the same manner as any other water right application, including determining whether the proposed use would result in injury to an existing water right. [1989 c.9, 1; 1993 c.591, 1; 1999 c.703, 1]

General Policies of the Willamette Basin Program

690-502-0020

Policies

Water Resources Commission and Department activities which affect the waters of the Willamette River Basin shall be compatible with the policies established in this rule. Surface water allocation, groundwater management, municipal and domestic water systems, reservoir coordination, conservation and land use coordination are important issues in the Willamette Basin. The Commission's policies on these issues are as follows:

(1) Surface water allocation:

- (a) Protect undeveloped streams with instream values for public instream uses;
- (b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes;
- (c) Preserve opportunities for future economic development by reserving water for future use;
- (d) Minimize the likelihood of over-appropriation due to new uses;
- (e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights;
- (f) Allow irrigation use for the longest period possible between March 1 and October 31 provided sufficient water is available.

(2) Groundwater management:

- (a) Prevent excessive water level declines, restore aquifer stability in areas of decline and preserve with limited storage capacity for designated uses;
- (b) Identify low-yield aquifers and inform local agencies of probable groundwater capacity limitations for some uses;
- (c) Ensure safe municipal and domestic groundwater supplies by participating with the Department of Environmental Quality and the State Health Division in a formal monitoring program to document changes in quality and provide data for aquifer management;
- (d) Minimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water;
- (e) Encourage the development of programs for making groundwater resource information available to the public and local agencies.

(3) Municipal and domestic water systems: Support coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin.

(4) Reservoir coordination:

(a) Promote funding to study and implement the Willamette River Basin Review Study reconnaissance phase recommendations with significant potential to assist the state in meeting its resource management objectives;

(b) Formalize reservoir operation guidelines with the Corps of Engineers to meet state water management objectives and enter into a memorandum of understanding or other agreement that defines the reservoir coordination process and water management objectives.

(5) Water conservation:

(a) Implement programs to eliminate wasteful water use;

(b) Improve the efficiency of water use through implementation of voluntary conservation measures;

(c) Give priority to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and in water quality problem areas as listed by the Department of Environmental Quality.

(6) Land use coordination: Promote effective state and local water resource planning and protection and efficient water use through coordination with land use programs.

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: April 2, 2004

30 day Deadline Date: May 26, 2004

Application # S-85965

Applicant's Name: BLUE DEN RANCH LLC, ATTN: CLINT BENTZ

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: NEAL CREEK, A TRIBUTARY OF THOMAS CREEK

1) If from surface water, does the water at the proposed diversion location flow above ground in a defined channel into another water body?

YES NO SOMETIMES

If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?

YES NO

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

YES NO

If YES, please explain: There is a 11-3-83 IWR on Thomas Cr. that is commonly NOT met during Sept. And there is a 10-18-90 IWR on Neal Cr. that may not always met.

4) Do you agree with the water availability recommended period of use?

YES NO I DON'T KNOW

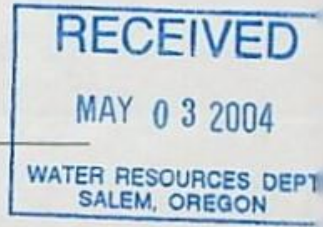
I have only measured it once 8-21-02 found 6.02 IWR = 5 I have not shut off anyone on Neal Cr. But Thomas Cr. - yes.

If NO, why do you disagree with the recommended period of use and what period do you recommend? The use is very largely Non consumptive. The older existing rights will more than satisfy any incidental increase in evaporation.

5) Did you meet with staff from another agency to discuss this application?

YES NO

Who: _____ Agency: _____ Date: _____



6) Is mitigation an option?

YES NO

If YES, please explain: Various opportunities exist if we need to look at this more closely.

Comments: _____

Name: Michael J. Mathick Date: 4-29-04 Title: Watermaster Dist 2

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division, 503-986-0859 Fax: 503-986-0901 / e-mail: Jeana.M.Eastman@ wrd.or.state.us



State of Oregon
Water Resources Department
158 12th Street NE
Salem, OR 97301-4172
(503) 378-8455 www.wrd.state.or.us

5/12/04

Dear Steve,

I am enclosing a copy of the staff report & draft presentation for the commission's consideration of the Blue Den Ranch exception!

Please contact me if you have any questions prior to the meeting.
Looking forward to meeting you. Libbie

Blue Den Ranch, LLC
38620 Lulay Road
Scio, OR 97374
(503) 394-3268
2002 National Tree Farmers of the Year

Jeana Eastman
Oregon Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1271

Reference: File S-85965

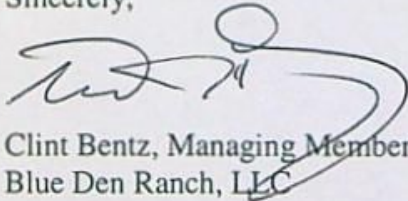
Dear Ms. Eastman:

Enclosed is a letter supporting our water right application from the Oregon Department of Fish and Wildlife. Please include it in our file along with the letter of support from the Oregon Department of Environmental Quality. I have been working with both of these agencies for over a year getting ready to file this application.

I received your letter regarding your preliminary analysis, and we want to continue with our application. The right we are asking for is entirely non-consumptive in nature, and in fact improves stream conditions over our existing right and usage. Steve Applegate and I are meeting on the property with our water master, Mike Maddock, next week to review and address any concerns he may have with our application.

If you have any questions or concerns about our application, please call Steve Applegate or myself and we would be happy to answer them. If it would be helpful to arrange a face-to-face meeting, we would be happy to come to Salem to make that happen.

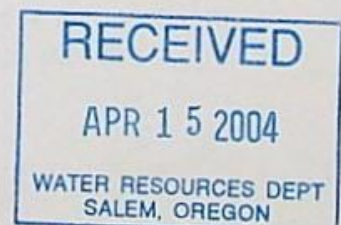
Sincerely,



Clint Bentz, Managing Member
Blue Den Ranch, LLC

Attachments

Cc: Steve Applegate w/attachments





Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

Western Region Eugene Office
1102 Lincoln Street, Suite 210
Eugene, OR 97401
(541) 686-7838
FAX (541) 686-7551
TTY (541) 687-5603

March 12, 2004

Mr. Clint Bentz
Blue Den Ranch, LLC
3820 Lulay Road
Scio, OR 97374

Re: WQ/Linn County General
Request for Letter of Support

Dear Mr. Bentz:

I have received your letter dated February 15, 2004, asking for a letter of support for an additional water right from Bilyeu (a.k.a. Neal) Creek, a tributary to Thomas Creek in Linn County. The additional water right is for your trout hatchery at 38734 Lulay Road, Scio, Oregon.

Based on the information provided in your letter the Department understands that the existing and proposed water rights are nonconsumptive. All water is returned to the creek at or above the point of diversion. All diversions will be fully and properly screened to prevent escapement from the facility or harm to fish present in the streams involved, and will require no instream work or streambed disturbance. The additional flow will allow you to grow larger or additional fish by providing an increased fresh water flow, primarily at times when the other water sources may be in short supply.

The data provided in your letter indicates that you are well below the thresholds for fish production and pounds of food used during the peak production months, which would require you to obtain a NPDES general permit for the operation.

Based on the information in your letter the Department has no problem with issuance of the proposed water Right.

If you have any further questions please call me at 541-686-7838, ext. 236.

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MAR 22 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

App No S-85969



RECEIVED
MAY 13 2004
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL OFFICE
EUGENE, OREGON

Sincerely,

William J. Perry

William J. Perry
Environmental Specialist, Water Quality
Western Region-Eugene

WJP:wjp
Enclosures

cc: John Borden Consulting, (by E-mail)





Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

South Willamette Watershed District

Salem Field Office

4412 Silverton Road NE

Salem, Oregon 97305

(503) 378-6925

FAX (503) 378-6233

April 6, 2004

Clint Bentz
Blue Den Ranch
38620 Lulay Road
Scio, OR 97374



Re: Water Rights issues

Dear Mr. Bentz,

This letter offers ODFW perspective on your desire to change the point of diversion for the Blue Den Ranch hatchery intake and to increase the amount of water for which you have a legal water right.

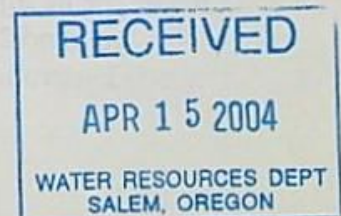
Our understanding is that your current water right is for 350 gpm from Burmester Creek and other small unnamed tributaries. Your plan is to transfer the existing point of diversion from Burmester and tribs to Neal (Bilyeu) Creek and to apply for an additional 100 gpm, to be appropriated from Neal Creek.

ODFW supports the plan to move the point of diversion from Burmester Creek as, during low flow periods, withdrawal of sufficient water for the hatchery operations can have a significant impact on the stream below that point. Changing the diversion point to the larger Neal Creek will definitely enhance instream habitat in Burmester. We further understand that the hatchery discharge will be in very close proximity to the intake location, so withdrawal from Neal Creek will, in essence, be a non-consumptive use. For this reason we have no objection to your request for an additional water right.

We will ask that your intake is screened to prevent fish in the stream from being diverted into the hatchery facility, and you have already met with our staff screening coordinator, Bob Hair, to initiate accomplishing that objective. ODFW appreciates and commends your past efforts to benefit fish and wildlife resources in and around your property, and look forward to continuing our good relationship. Thank you for consulting us in this matter.

Sincerely,

Wayne Hunt
Fish Biologist





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 2, 2004

BLUE DEN RANCH LLC
ATTN: CLINT BENTZ
38620 LULAY RD
SCIO, OR 97374

(503)394-3268

Reference: File S-85965

Dear Mr. Bentz:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from Neal Creek, a tributary of Thomas Creek for commercial uses is **not a classified use** under OAR 690-502-0110(1)(b)(B)(v), the Willamette Basin Program. However, consistent with ORS 536.295, the Water Resources Commission will be considering a request by the applicant for an exception to the Willamette Basin Program limitation.
3. Water in the amount of 1.0 cubic foot per second for commercial uses is **not available** during the period April 1 through November 30.

Summary of Allowable Water Use

Because items #2 and #3 above are unfavorable, the use of 1.0 cubic foot per second of water from Neal Creek, a tributary of Thomas Creek, for commercial uses is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, April 16, 2004**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. 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.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
3. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.
4. The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
5. The tentative priority date for this application is March 22, 2004.

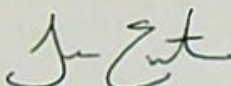
WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing time lines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-986-0801. Feel free to call me at 503-986-0859 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Sincerely,



Jeana Eastman
Water Right Application Caseworker

enclosures: Flow Chart of Water Right Process
 Stop Processing Form

S-85965
wab 2-70783
pou 2-70783
gw

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : *Regional Water quality manager (DEQ), and DOA*

Application File Number: S-85965

Applicant: BLUE DEN RANCH LLC, ATTN: CLINT BENTZ

County: Linn

Watermaster: 2

Priority Date: March 22, 2004

Source: NEAL CREEK, A TRIBUTARY OF THOMAS CREEK

Use: COMMERCIAL USES

Quantity: 1.0 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 7 THOMAS CR MISC

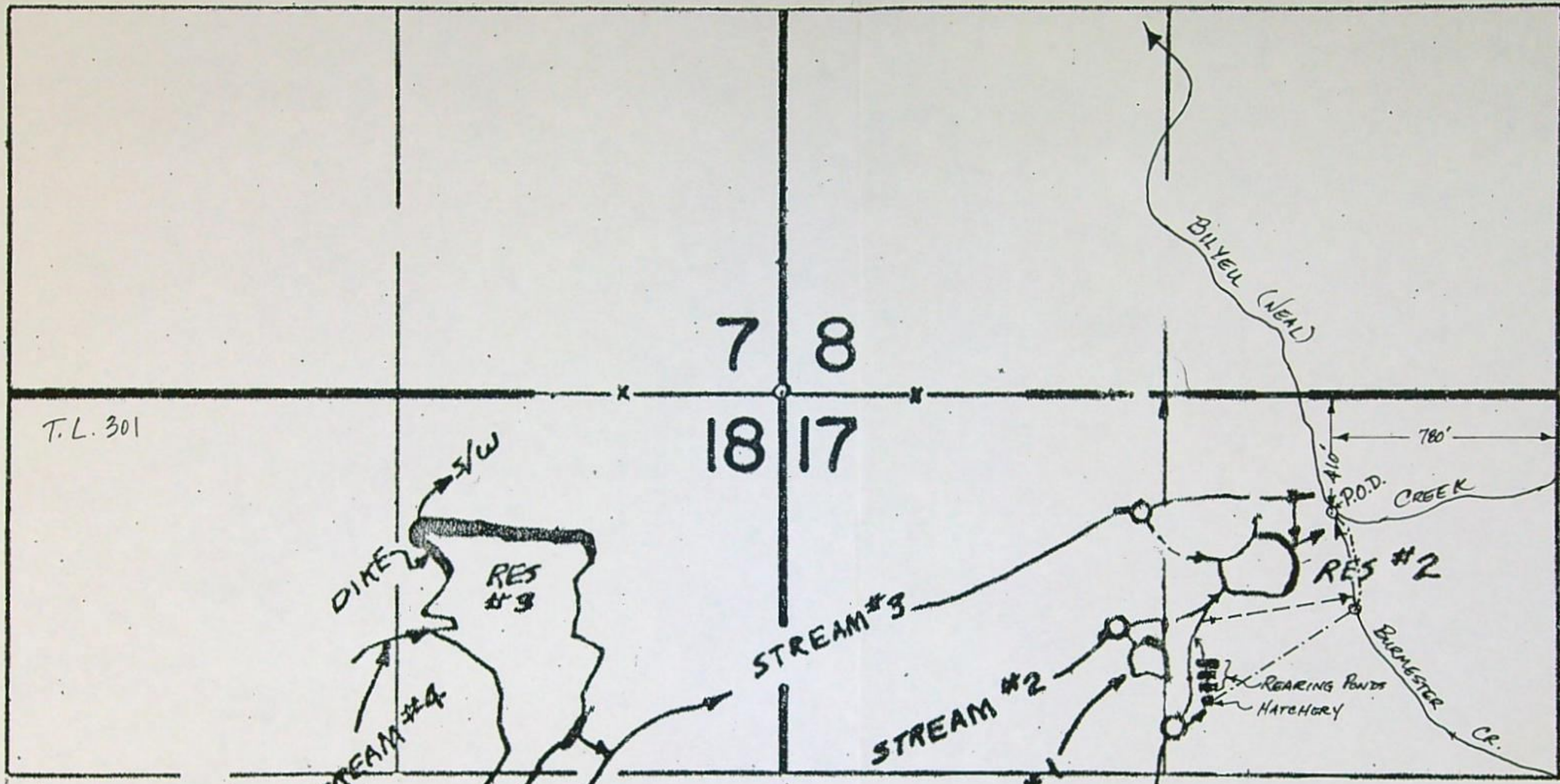
Point of Diversion Location: NENW, SECTION 17, T10S, R1E, W.M.; 410 FEET SOUTH & 780 FEET WEST FROM N1/4 CORNER, SECTION 17

Place of Use: NENW, SECTION 17, TOWNSHIP 10 SOUTH, RANGE 1 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 16, 2004

PUBLIC NOTICE DATE: Tuesday, April 6, 2004

30 DAY COMMENT DEADLINE DATE: Thursday, May 6, 2004



SCALE: 1" = 400'
T.10S., R.1E., WM.

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MAR 22 2004
WATER RESOURCES DEPT
SALEM, OREGON

APPLICATION MAP
for
BLUE DEN RANCH, L.L.C.

App No 3-85965

01/04 *JA*

Mailing List for IR Copies

Application #S-85965

IR Date: April 2, 2004

Original mailed to:

Applicant: BLUE DEN RANCH LLC, ATTN: CLINT BENTZ
38620 LULAY RD
SCIO, OR 97374

Copies sent to:

1. WRD - File # S-85965
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager NWR
4. WRD - Watermaster # 2 + *wm form*
5. ODFW District Biologist: Christopher Yee + *odfw form 2*
6. DEQ: John Blanchard + *deq form*
7. DOA: Jim Johnson

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>4/2/04</u>
(DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

8. Steven Applegate Consulting, 532 Inverness Dr SE, Salem OR 97306
- 9.

ID# jmc

COPY# 12

REMINDER: Copy all IR's for uses in the geographic Umatilla Basin to Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801.

REMINDER: Copy all IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

Jeana Eastman

From: Dwight W French [Dwight.W.FRENCH@wrd.state.or.us]
Sent: Thursday, April 08, 2004 11:16 AM
To: Michael Mattick
Cc: Jeana.M.EASTMAN@wrd.state.or.us
Subject: Re: Blue Den Ranch, application for commerical fish hatchery

Sounds good Mike.

The use doesn't have to be totally non-comptive. 2.5 gpm loss (or 1.0 as the applicant suggests) seems to fit the description of largely non-consumptive.

We'll look forward to your comments after your site visit.

Dwight

At 10:03 AM 4/7/2004, you wrote:

Hi Dwight,

In short, the use proposed in application S-85965 is largely non-consumptive in nature and not likely to be regulated for other water rights.

I have not seen the project but am in the process of making an appointment for some time in the week of April 19.

I do believe that the evaporation loss will continue to come from the earlier issued water right (cert 40791).

My only concern is, if that source ever goes completely dry, all the use and evaporative loss will come from the newer water rights (per 52037 and this application) and these would Not allow evaporative loss when the IWRs are not met. So my main interest is to evaluate the reliability of the original water right to satisfy all evaporative losses, which I estimate at 2.5 gpm as shown below.

An Oregon Climate Service precip and evaporation table for Corvallis shows peak evaporation in July of 7.92 inches (0.66 ft).

As I see it, the water will only go to the race ways, not the larger ponds on site.

If the race ways cover 0.5 acres (I hope that is a high guess), $0.66 \times 0.5 = 0.33$ acre feet per month, / 30 days = 0.011 ac. ft. per day / 1.98 = .0055 cfs instantaneous evaporative loss, = 2.5 gpm.

This would be higher in hotter than normal years or if the race ways cover more than .5 acres.

The old right allows for 0.2 cfs or 90 gpm from the unnamed stream and res. 1. So long as it appears that this steam can provide about 2.5 gpm continuously, there should be no problem.

More to come after the visit. I am holding the Div 33 till after that which should not be a problem as it has a May 26 deadline.

Let me know if you have any questions or suggestions.

Thanks Pal,
MM

At 12:21 PM 3/26/04, you wrote:

Mike,

Steve Applegate, for Ron Bentz (blue den ranch) filed their application for 1 cfs this past Monday.

Their want an exception. They've gotten one before. I'm trying to make the findings based on their information that the use is largely nonconsumptive in nature and not likely to be regulated for other water rights. This finding is needed to get them an exception.

Their letter states that the local watermaster, Mike Mattick, has stated verbally is largely nonconsumptive in nature and not likely to be regulated for other water rights.

I totally agree, since any evaporation or seepage losses would be covered by their earlier priority dated water rights AND they estimate that the additional evaporation caused by the addition of this new raceway would be about 1 gallon per minute.

So, anyway, could you confirm this is true, that the use is not likely to be regulated for other water rights. I just want an email from you so I'm not relying on their recollections of an undated conversation.

I appreciate it and hope all is well with you.
Dwight

=====
Dwight French, Water Rights Section Manager
725 NE Summer Street, Suite A, Salem, OR 97301-1271
Phone: 503 986 0819
Fax: 503.986.0901

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

Short cut to weekly public notice: http://www.wrd.state.or.us/cgi-bin/notices.pl?water_rights

Short cut to water right application forms:
<http://www.wrd.state.or.us/publication/forms/index.shtml>

Michael J. Mattick email to: Michael.J.Mattick@wrđ.state.or.us Watermaster District 2 Voice: (541)-682-3620 FAX: (541)-746-1861 Oregon Water Resources Department Web page: http://www.wrd.state.or.us Office located at: Central Lane Justice Court 220 N 5th St. Springfield, Oregon 97477

=====
Dwight French, Water Rights Section Manager
725 NE Summer Street, Suite A, Salem, OR 97301-1271
Phone: 503 986 0819
Fax: 503.986.0901

04/08/2004

Messages to and from this email address may be available to the public under Oregon law.

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

Short cut to weekly public notice: http://www.wrd.state.or.us/cgi-bin/notices.pl?water_rights

Short cut to water right application forms: <http://www.wrd.state.or.us/publication/forms/index.shtml>

Jeana Eastman

From: Dwight W French [Dwight.W.FRENCH@wrd.state.or.us]
Sent: Monday, April 05, 2004 4:29 PM
To: Jeana.M.EASTMAN@wrd.state.or.us
Subject: PFO on blue den ranch

Before you send out the PFO on Blue Den Ranch (the IR went out last week) I want to talk to you about the commission action on May 20, 2004, AND our water availability finding.

Please make a note to yourself/and or the file.

Thanks,
Dwight

Dwight French, Water Rights Section Manager
725 NE Summer Street, Suite A, Salem, OR 97301-1271
Phone: 503 986 0819
Fax: 503.986.0901

Messages to and from this email address may be available to the public under Oregon law.

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

RECEIVED

MAR 22 2004

**WATER RESOURCES DEPT
 SALEM, OREGON**

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: BLUEDEN RANCH, LLC

Name and title of person applying: CLINT BENTZ, MANAGING PARTNER

Mailing address of organization: 38620 LULAY ROAD
Seio OR 97374
City State Zip

Phone: (503) 769-2186 (503) 394-3268
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use		
App. No. <u>S-85965</u>	Permit No. _____	Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: BILYER CREEK Tributary to: THOMAS CREEK
Source 2: (AKA NEAL CREEK) Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

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MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON

B. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Water Use.")
- No Please check the appropriate box below:
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or an easement permitting access.

List the names and mailing addresses of all affected landowners.*

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

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MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use	Amount
BILYEU CREEK (A.K.A. NEAL CR.)	COMMERCIAL FISH HATCHERY	1.0 <input type="text" value="af cfs"/>
		<input type="text" value="af"/>
		<input type="text" value="af"/>
		<input type="text" value="af"/>

C. Period of Use

Indicate the time of year you propose to use the water: YEAR AROUND, WHEN NEEDED
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type) 3 HP SUBMERSIBLES - X 2
- Head-gate (give dimensions) _____
- Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other (describe) _____

App No S-85965

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MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON

C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length)

Diameter 6", BURIED Length 1000 FEET

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? OPEN DISCHARGE INTO

RACEWAYS / REARING FACILITIES

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

DELIVERY SYSTEM IS TOTALLY ENCLOSED & LEAK FREE
THROUGH PVC PIPING TO RACEWAYS & INCUBATION
FACILITIES. RETURNS TO STREAM AT SAME LOCATION AS
DIVERSION THROUGH SERIES OF ^{PIPES} EXISTING PONDS & SMALL
STREAM CHANNELS.

5. RESOURCE PROTECTION

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON

Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions: EXISTING DIVERSIONS ARE SCREENED TO ODFW SPECIFICATIONS. PROPOSED DIVERSION WILL ALSO. WE WORK CLOSELY WITH ODFW LOCAL BIOLOGISTS ON ALL ASPECTS OF OPERATION.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: NONE PLANNED. WE ARE GIVING SOME CONSIDERATION TO AN INFILTRATION GALLERY.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: NONE ANTICIPATED

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: EXISTING SAND & ULTRA VIOLET LIGHT SYSTEM IMPROVES WATER QUALITY GOING INTO HATCHERY/REARING PONDS. SUFFICIENT FLOWS THROUGH RACOWAYS ASSURES ADEQUATE QUALITY OF RETURN FLOWS. (see DER letter of 3/12/04)

Other: _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin BEGIN - MOST FACILITIES IN PLACE UNDER PRIOR RIGHTS

Proposed date construction will be completed _____

Proposed date beneficial water use will begin FIVE YEARS

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

SEE ATTACHED LETTER FOR ADDITIONAL EXPLANATION & INFORMATION. OUR REQUEST TO THE COMMISSION FOR A BASIN PROGRAM CLASSIFICATION EXCEPTION ACCOMPANIES THIS APPLICATION.

PLEASE COPY ALL CORRESPONDENCE AND REFER QUESTIONS TO OUR AGENT FOR THIS APPLICATION:

STEVEN P. APPLGATE CONSULTING
532 Inverness Drive SE
Salem, OR 97306
(503) 362-4040

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8. MAP REQUIREMENTS

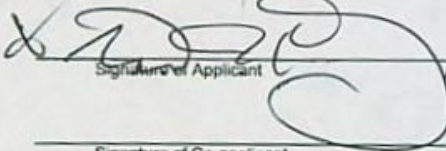
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:


Managing Member
3/22/04
Signature of Applicant Date

Signature of Co-applicant Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's Fee Schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

App No 5-85965



Oregon Water Resources Department

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FORM Q
FOR COMMERCIAL AND INDUSTRIAL WATER USES

1. Describe the goods and services you plan to provide:

OPERATION OF RAINBOW TROUT HATCHERY & RETAINING FACILITIES
FOR STOCKING OF PONDS & COMMERCIAL SALE OF JUVENILES.

2. How will the water be used?

WATER IS CIRCULATED THROUGH RACEWAYS TO MAINTAIN SUITABLE
FRESH WATER CONDITIONS, THEN RETURNED TO SOURCE STREAM(S).

3. What is the maximum amount of water that will be used on any given day:

1.0 cfs gpm

4. Are there periods of the day, week, month, or year that the water will not be used?
(e.g. no use December-March)

No Yes If so, when? (SEE BELOW)

5. Is there a particular time or period of day, week, month, or year when the use of water is absolutely essential for the project to continue? (e.g. vegetable processing, Oct. 15-Nov. 15)

No Yes If so, when? AT ALL TIMES, HOWEVER MOST OF YEAR ADEQUATE
WATER IS PROVIDED FROM OTHER SOURCES/EXISTING RIGHTS.

6. Are there periods of the day, week, month, or year where the amount of water used will be less than at peak times?

No Yes If so, when? APPROXIMATELY OCTOBER THROUGH JUNE, NEEDS
ARE GENERALLY SATISFIED FROM OTHER SOURCES.



Oregon Water Resources Department Land Use Information Form

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This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: BLUE DEN RANCH, LLC - CLINT BENTZ, MANAGING PARTNER

Address: 38620 LULLAY ROAD

City: SCIO State: OR Zip: 97374 Day Phone: (503) 394-3268

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>301</u>	<u>10-1E-17</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
	<u>Farm Forest</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. LINN COUNTY

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): COMMERCIAL RAINBOW TROUT HATCHERY

Briefly describe: WATER PUMPED FROM CREEK WILL BE CIRCULATED

THROUGH REARING FACILITY RACEWAYS TO MAINTAIN

SUITABLE FRESHWATER CONDITIONS, THEN RETURNED TO SOURCE CREEK

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1.0 CFS GPM Acre-Feet App No S.85965

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); pre-existing use. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Kathy Krabbe Date: 3-22-04

Title: Associate Planner Phone: (541) 967-3816

Signature: Kathy Krabbe

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

EXHIBIT A

The Northwest quarter of Section 17 and the Northeast quarter of Section 18, all in Township 10 South, Range 1 East of the Willamette Meridian, Linn County, Oregon.

ALSO:

Beginning at the Southwest corner of Section 8 in Township 10 South, Range 1 East of the Willamette Meridian; thence East along the South line of said Section 8, 40.265 chains to the Southeast corner of the Southwest quarter of said Section 8, being in the center of County Road #814; thence Northerly along the center of said road to the center of County Road #830; thence Westerly and Northerly along the center of said road to the center of Thomas Creek; thence Westerly down the center of said Thomas Creek to the West line of said Section 8; thence South along the West line of said Section 8 to the place of beginning.

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STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature] Deputy

M 70
R 70
S 70
A 26
O

Dec 31 2 29 PM '92

MF 625
PAGE 259

40

Ann No S: 859168

KNOW ALL MEN BY THESE PRESENTS, That Blue Den Properties, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Blue Den Ranch Limited Partnership hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

Beginning at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 17, Township 10 South, Range 1 East of the Willamette Meridian in Linn County, Oregon; thence East 760 feet, more or less, along the East-West centerline of said Section 17 to the Northerly right of way line of County Road 835; thence Southwesterly, following along said right of way line, to the West line of said Northeast quarter of the Southwest quarter of said Section 17; thence North 550 feet, more or less, to the place of beginning, containing 4.50 acres, more or less.

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(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)
To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ None.
However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)
In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.
In Witness Whereof, the grantor has executed this instrument this 8th day of July, 19 93;
if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Blue Den Properties
[Signature]
STATE OF OREGON, County of _____ ss.
The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ president, and by _____ secretary of _____ corporation, on behalf of the corporation.

(If the signer of the above is a corporation, see the form of acknowledgment opposite.)
STATE OF OREGON, } ss.
County of Marion }
The foregoing instrument was acknowledged before me this 8th day of July, 19 93, by Richard J. Burtz
[Signature]
NOTARY PUBLIC
[Signature]
Notary Public for Oregon
My commission expires: 3/25/93

Notary Public for Oregon
My commission expires: _____ (SEAL)
(If executed by a corporation, affix corporate seal)

Blue Den Properties
38734 Lulay Rd.
Scio, OR 97374
GRANTOR'S NAME AND ADDRESS

Blue Den Ranch Limited Partnership
38734 Lulay Rd.
Scio, OR 97374
GRANTEE'S NAME AND ADDRESS

STATE OF OREGON, } ss.
County of _____ }
I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/title/instru-

After recording return to:
Blue Den Ranch Limited Partnership
38734 Lulay Rd.
Scio, OR 97374
NAME, ADDRESS, ZIP

Send a change in requested all tax statements shall be sent to the following address:
same as above
NAME, ADDRESS, ZIP

STATE OF OREGON
County of Linn
I hereby certify that the attached was received and duly recorded by me in Linn County records.
STEVE DRUCKENMILLER
Linn County Clerk MF 648
By *[Signature]*, Deputy PAGE 930

RECORDED
A 520
JUL 16 10 12 AM '93

Ret. to WUT # 937-190 A-10

App Nos 889 65

Statesman Journal/StatesmanJournal.com

MID-VALLEY REPORT

News from Dallas, Independence, Keizer, Monmouth, Silverton, Stayton, Woodburn and other cities

Regional editor: Larry Roby (503) 399-6711; lroby@StatesmanJournal.com

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SCIO

Wise land use — it's all in the family

The Bentzes turned a "stump" ranch into a thriving property.

BY AIMEE RUDIN
Statesman Journal

Nestled among the grasslands, ranch homes and farms east of Scio lies a hidden jewel of a forest — serene and healthy.

The Bentz family has called Blue Den Ranch — a 700-acre, private Douglas fir tree farm — home since 1964.

The family has planted more than 200,000 seedlings, maintained the second-oldest private fish hatchery in Oregon and has become a model for owning woodland property.

Each year, the Bentzes harvest five to 20 acres of timber from the property, but the timber is not the reason the family plants the trees.

"It is our passion," Barbara Bentz said.

"What we're trying to do is to continue to improve the property. It is about how we can better the place. The trees are just the best use of the land."

The family has won numerous awards, including being named last year's National Outstanding Tree Farmers of the Year. The American Tree Farm System honored the Bentzes for their forest-management practices, which include integrating wildlife habitat, recreation and water and soil conservation with an overall forest plan.

Gov. Ted Kulongoski recently recognized the Bentz family for its participation in the Oregon Plan, which addresses the use of the state's water resources on public and private land.

The ranch has not always been such a success, however.

When Barbara and Ron Bentz first came to the Scio area as part of a cattle-ranching operation with Ron's two brothers, they were not planning to



KOBBI R. BLAIR / Statesman Journal

HONOREES: Barbara Bentz and her son Clint were named National Outstanding Tree Farmers of the Year last year for their work at Blue Den Ranch near Scio.

Forest information

For more information about Oregon Small Woodlands, contact the Oregon Small Woodlands Association at (503) 588-1813.

become woodland farmers. But when the brothers decided to move the cattle operation to Eastern Oregon, the Bentzes decided to stay and see if they could build a life near Scio.

"In the beginning, the question was, 'What do we need to do to stay here?'" Barbara Bentz said. "It has taken continuous work to get the property self-sufficient and self-supporting. We're just beginning to get there."

The family's primary income came from Ron's job as a Realtor, but their hearts were with the ranch and the trees.

"It was always my husband's dream to take something and make it a little bit better," Barbara Bentz said.

"We've done that here. When we came here, this was really a stump ranch. It had been logged numerous times and never replanted. ... We've planted all these trees."

Ron and Barbara Bentz managed Blue Den Ranch together until November, when Ron died of a heart attack. After his death, their oldest son, Clint, took a more active role in the operation.

Now, the ranch ownership is split in a limited partnership with Barbara, Clint and the other four grown Bentz children. The group has a yearly family meeting at the ranch where they set goals and plan for the future.

"Our whole idea is that this would be in the family for a thousand generations," Barbara Bentz said.

The Bentz family has opened the lakes and hills on the ranch to the Cascade Springs Fly Fishing Association and several other small groups. They said

this hospitality helps promote good forestry practices and alert the public of the value of private forest land ownership.

Family-owned woodlands are a rare commodity in the Northwest. Clint Bentz said his family's ranch makes up part of the 15 percent of privately owned forest land in Oregon. The other 85 percent is divided between the federal government and industry.

Despite the small numbers, family-managed tree farms fill a significant niche in both the community and the forest products market.

Mike Gaudern, executive director of the Oregon Small Woodlands Association, said most private owners are conservationists and economists.

"It is not an either-or situation," he said. "You can't sustain an environment without money, and you can't make money without the environment."

APP No S-85965



Oregon

John A. Kitzhaber, M.D., Governor

Department of Forestry

State Forester's Office

2600 State Street

Salem, OR 97310

(503) 945-7200

FAX (503) 945-7212

TTY (503) 945-7213 / 800-437-4490

<http://www.odf.state.or.us>

May 2, 2002

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Clint Bentz
38620 Lulay Rd
Scio, OR 97374



"STEWARDSHIP IN
FORESTRY"

Dear Clint,

Congratulations to the Bentz family for its selection as this year's Oregon Tree Farmer of the Year. A true honor richly deserved. The Department of Forestry has observed, assisted, and worked with you and your family for 20 plus years nurturing your land and supporting your local community, first through the eyes of our service foresters and more recently through your work on several state-wide policy committees.

The Bentz family provides an excellent model of blending the economic, ecological, and social values forests can provide into a strong sustainable management strategy that clearly demonstrates how forest management benefits the landowner and the citizens of our state. Your father Ron has been a leader in demonstrating how managing for the broadest array of values can be a benefit to the landowner and the community. The development of the ponds for fishing, the establishment of a fishing club, the fish breeding program and the cattle/trees agro-forestry efforts are all great examples of land management for an array of economic, ecological and social values.

In addition to land stewardship, this honor as Oregon's Tree Farmer of the Year recognizes your commitment to the community. Your willingness to make your cabin available to local youth groups and to share your forestry and professional knowledge through tours and workshops deserves special thanks and recognition.

Your unique blend of skills as a tree farmer, Certified Public Accountant, and Master Woodland Manager has made you a valuable member of Department committees responsible for developing a property tax program that encourages family forestland ownership and management, and for establishing a better way for forestland owners to fund the forest related services they need.

Department employees have attended several of your presentations on managing the economic and tax side of land and woodlands, I want to thank you for the countless times you have shared your knowledge with presentations at woodland owner and other community meetings and conventions.

The Department of Forestry, and I'm sure the forest community, congratulate you and your family for this well deserved honor, and are proud to have you represent our state in the American Tree Farm System's Regional competition. Good luck.

Sincerely,

James E. Brown
State Forester

STEVEN P. APPLGATE CONSULTING
532 INVERNESS DRIVE SE
SALEM, OR 97306
Phone/fax (503)362-4040

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SALEM, OREGON

March 22, 2004

Mr. Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

REFERENCE: Blue Den Ranch, LLC
New Application/ Water Resources Commission Request for Willamette Basin
Program Exception

Dear Mr. French :

I represent Blue Den Ranch, LLC (Blue Den), which is located a few miles north of Scio, Oregon. You will recall that Clint Bentz and I met with you on November 19th to discuss our project. We are submitting the enclosed application for a surface water permit, and are also requesting, under ORS 536.295, that the Oregon Water Resources Commission (OWRC) consider our request for an exception to the restricted classifications in the Willamette Basin Rules (Rules). We believe the proposed use of water clearly meets the criteria in the statute for such an exception, and that it is compatible with the policies expressed in the Rules.

We are expecting that the application will be accepted, and its processing can begin, pending a decision by the OWRC on the Rules exception.

I. BACKGROUND

The Bentz family has been operating a fish incubation and rearing facility at this site for nearly 40 years. Water rights were obtained in the 1960's for fish culture and storage in multiple reservoirs on the property (see Certificates 40790 & 40791). The facility is the second oldest private hatchery in Oregon. The sources of water are several small tributary streams that pass through the property. A small incubation and rearing facility has been operating since that time, initially for the purpose of stocking the ponds at the site.

In addition to the hatchery, the Bentz family has developed the 700 acre property into a model tree farm and fishing and recreation site. In 2002, the family was named both Oregon and National Tree Farmers of the Year. Numerous other awards and recognition have been received for land management, wildlife habitat improvements, soil and water conservation, writing and teaching their experiences to others. See attachments for some examples. In 2003, Governor Kulongoski recognized the family for its participation in the Oregon Plan. One of Blue Den's oldest irrigation rights on Bilyeu Creek has been leased instream for the past few years.

In 1996, Mr. Ron Bentz applied for an additional right from Burmester Creek to supply additional water to the facility when the small streams experienced low water late in the year and to provide for a small expansion of the rearing facility. The commercial demand for rainbow trout was increasing. Mr.

App No S-809165

Bentz at that time applied for an exception to the basin classification. The exception was granted, and Permit S52037 was issued for up to 350 GPM from Burmester Creek for fish culture.

The demand for commercially reared, larger trout to supply an ever increasing number of private fishing ponds continues to grow. Blue Den would like the option to add an additional raceway, and to provide additional assurance against a late season water shortage, by obtaining a permit to use water from Bilyeu (a.k.a. Neal) Creek. Burmester Creek often experiences low water conditions in the late summer due in large part to upstream use by others, and the small tributaries get low at that time as well. Bilyeu Creek always seems to maintain a more than sufficient flow throughout the summer and fall months. The Watermaster has measured the lowest summer flow in Bilyeu Creek in the area at approximately 6.0 cfs.

II. FACILITY DESCRIPTION

Water from several small streams supplies the three fishing ponds, as well as the incubation and rearing raceways. When those flows are not adequate, water is pumped from Burmester Creek (up to 350 GPM) using two 3 Hp electric pumps. The water passes through an ultra-violet light and sand filtering system to remove disease potential and other impurities from the water, then into a 6" PVC pipeline to the hatchery and raceways. After passing through these facilities, the water flows via a bypass ditch back into Burmester Creek or into Pond # 2, which then overflows into Neal Creek. The pumps on Burmester Creek are located about 200 feet above its confluence with Neal Creek. See the map enclosed for details of the relationships on the ground.

The only consumption of water is from evaporation and seepage, which are fully covered under the existing water rights from the various sources. Literally no measurable additional consumption would occur as a result of this new proposal. All waters are returned to the original sources at or above the point(s) of diversion.

The facility is permitted by Oregon Department of Fish & Wildlife (ODFW), has been inspected regularly, and we anticipate their full support both for the existing facility and for this requested expansion. Their letter of support will be provided as soon as it is received. We have been in touch with the Oregon Department of Environmental Quality (DEQ), and we expect to provide a letter from them also. At this time, the operation does not require an NPDES permit.

The market for hatchery trout is growing and asking for larger fish. In order to satisfy this need, the facility needs a little more water, a more consistent supply and potentially more rearing space. The request is for up to 450 GPM to be pumped from Bilyeu Creek at its confluence with Burmester Creek. The water would pass through the existing treatment process and other existing facilities, and would return to Bilyeu Creek or into Burmester Creek at or above the proposed diversion. This proposal would result in only an additional 100 GPM, since the existing rights allow for up to 350 GPM, when it is available. 450 GPM is all that the facility will need, most of which is provided by the existing water rights, to provide a suitable fresh water condition for the rearing facilities.

All diversions, overflows and other facilities are screened to ODFW specifications to prevent both escapement of hatchery fish and entry by stream fish into the facility. We are investigating the potential for some type of infiltration gallery at the proposed diversion. The site is a natural pool below an

exposed rock shelf at the confluence of the two streams.

III. COMPLIANCE WITH STATUTORY AND RULE PROVISIONS

Oregon Revised Statute (ORS) 536.295, enacted in 1995, provides the standards by which the OWRC may allow the department to process an application for a use not specifically allowed by the applicable basin program rules. Oregon Administrative Rules (OAR) also provide direction, although the rules were adopted prior to the enactment of the statute and have not been amended accordingly.

Among other conditions, ORS 536.295(1) provides that the "...Commission may allow the ...Department to consider an application ...for a use not classified in the applicable basin program if the use: ... (c) Is largely nonconsumptive in nature and not likely to be regulated for other water rights." As stated above, the proposed use is nonconsumptive. All water pumped circulates through the enclosed treatment process, the incubation facility and the raceways, with all water being returned to the source by way of pond overflows and ditches. Any evaporation and seepage losses that may occur are covered under the existing rights from other sources. In addition, seepage losses, to the extent they occur, would necessarily accrue to Burmester or Bilyeu Creeks due to the topography and geology of the site. (See enclosed map) The property slopes sharply in the direction of the creeks that run along the eastern and northern borders, and all facilities are between a few feet and up to 700 feet upgradient from them.

The addition of a new 60 feet X 14 feet raceway, if determined to be necessary in the future, would increase the existing evaporative losses by less than 1.0 GPM, or 1/450th (0.2 %) of the pumping rate.

The area Watermaster, Michael Mattick, has verbally stated that the proposed use would "not likely be regulated for other rights." There are instream rights on Thomas Creek, which are not typically met every year, causing the watermaster to regulate Thomas Creek and its tributaries annually for rights junior to those flows. Regulation of the use proposed here, however, would obviously achieve no benefit to downstream rights, since there is no measurable consumption of water from this use and no dewatering of any portion of the stream.

We have also reviewed the applicable rules, and can find no incompatibilities therein that were not overridden by the subsequent statute. The proposed use clearly meets all of the standards in OAR 690-82-050 for acceptance of the application.

We have also reviewed the Willamette Basin Rules and believe this proposed use to be consistent with the Policies and Objectives under OAR 690-502-020 and -030. The classifications established under OAR 690-502-110(1)(b)(B) for Thomas Creek and its tributaries are limited to "...domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses." The use proposed by Blue Den is not a classified use. Therefore an exception must be granted by the OWRC to allow the Department to process the application.

The proposed use, while providing encouragement to sustained economic development, will have no adverse impact on instream values or on existing or future water allocations. For these same reasons, we believe the proposed use is consistent with the State Policy on Water Allocation in OAR 690-410-070.

RECEIVED

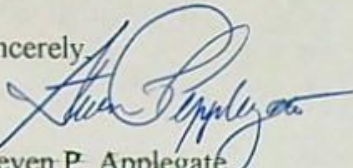
MAR 22 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

We understand that the exception, if granted by the OWRC, provides only that the Department can accept the application for processing. It would then be processed under the usual guidelines for new applications. We are anticipating, however, that the department will begin the preliminary processing concurrently with the OWRC request, in order to streamline the total processing time line to the extent possible.

We appreciate your having met with us to discuss this proposed use. If you have any questions, or require any additional information, please contact me or Mr. Clint Bentz, Managing Partner for Blue Den Ranch, LLC.

Sincerely,



Steven P. Applegate
Agent for Applicant

cc: Clint Bentz, Blue Den Ranch, LLC

RECEIVED
MAR 22 2004
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **70004**

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Blue Den Ranch, LLC
 BY: _____

APPLICATION	585965
PERMIT	
TRANSFER	

CASH: CHECK:# 2342 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 _____ OTHER: (IDENTIFY) _____ \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	\$ _____	0202	RECORD FEE	\$ <u>250.00</u>
0203 GROUND WATER	EXAM FEE	\$ _____	0204	RECORD FEE	\$ _____
0205 TRANSFER	EXAM FEE	\$ _____			

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	\$ _____	0219	LICENSE FEE	\$ _____
LANDOWNER'S PERMIT	EXAM FEE	\$ _____	0220	LICENSE FEE	\$ _____

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
 0210 MONITORING WELLS \$ _____ CARD # _____
 _____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
 0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
 _____ HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **70004**

DATED: 9/10/04 BY: S. Alkin

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING

 del 3-22

POST CARD SENT

 3-23-04

DATA CENTER

GROUND WATER YES NO ANITA HUFFMAN 503-986-0815 CORY ENGEL 503-986-0813 JERRY GAINEY 503-986-0812 KERRY LEFEVER 503-986-0816 JEANA EASTMAN 503-986-0859

A "Standard Reservoir" storing 9.2 acre-feet or more of Water & has a dam height of 10.0 feet or greater needs to have a copy of the application & supplemental forms routed to "JOHN FALK"



ATTN: WATER RIGHTS

SUPPORT...>>>>> Mark contents of Application File;
 Update Powerbuilder with caseworker, etc.;

Route to filing cabinet.



Blue Den Ranch, LLC

2231

RECEIVED

MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **66103**

INVOICE # _____

RECEIVED FROM: Blue Dan Ranch, LLC

APPLICATION 585965

BY: _____

PERMIT

TRANSFER

CASH: CHECK:# _____ OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 RECORD FEE \$ _____

0203 GROUND WATER \$ _____ 0204 RECORD FEE \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 LICENSE FEE \$ _____

LANDOWNER'S PERMIT 0220 LICENSE FEE \$ _____

OTHER (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

EXAM FEE
\$ <u>500.00</u>
\$
\$
EXAM FEE
\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **66103**

DATED: 3/22/04 BY: Linda Draper

Blue Den Ranch, LLC

Oregon Water Resources Dept

Permit Recording Fee S-85965

09/08/2004

2342

250.00

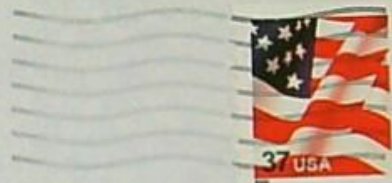
RECEIVED

SEP 10 2004

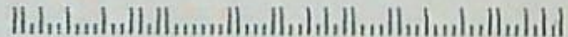
WATER RESOURCES DEPT
SALEM, OREGON

US Bank Checking

250.00



97301+1266



S-85965

CLINT BENTZ
BLUE DEN RANCH LLC
38620 LULAY RD
SCIO OR 97374

S-85965

CLINT BENTZ
BLUE DEN RANCH LLC
38620 LULAY RD
SCIO OR 97374

S-85965

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