



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

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DAN O'BRIEN
GREENBERRY IRRIGATION DISTRICT
30742 VENELL PLACE
CORVALLIS, OR 97333

May 16, 2008

Reference: File S-87035

Dear Mr. O'Brien:

**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 application proposed the use of 50.0 cubic feet per second (CFS) not to exceed 9,000 acre feet (AF) of water from Willamette River, tributary of Columbia River, for supplemental irrigation use on 7373.0 acres from March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Willamette River, tributary of Columbia River, for supplemental irrigation use is not classified (allowable) under the Willamette Basin Program.

However, on November 30, 2007, the Water Resources Commission reviewed the application and, consistent with ORS 536.295, approved an exception to the Willamette Basin Program.

4. Surface water is available in the amount and for the full period requested.
5. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Allowable Water Use

The use of 50.0 CFS not to exceed 9,000 AF of water from Willamette River, tributary of Columbia River, for supplemental irrigation use on 7373.0 acres is allowable during the full period requested, March 1 through October 31.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Additional Information Required

OAR 690-310-050(4)(b) requires that the application map submitted to the Department show the location of pipelines, ditches or other means of transporting water for the proposed use. This is missing from your map for point of diversion #2 from the Willamette River.

OAR 690-310-050(4)(c) requires that the application map submitted to the Department show the proposed acreage for each quarter-quarter. Although the map submitted includes this information, in some cases there are multiple acreage values associated with a single quarter-quarter. The Department requests a map where only one acreage value is associated with each quarter-quarter, and that all acreage values are easy to read and do not overlap with other values.

Please submit this information no later than June 6, 2008. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, May 30, 2008**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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 totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. A map showing proposed place of use for each irrigation season shall be submitted to the Department annually; it shall be received no later than March 1 of each year.

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 comments from the public and other agencies, 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.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0808 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in cursive script that reads "Brook Geffen".

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87035
WAB 2-30200321
POU 2-30200321
GW - NA

APPLICATION FACT SHEET

Application File Number: S-87035

Applicant: GREENBERRY IRRIGATION DISTRICT, ATTN: DAN O'BRIEN

County: BENTON

Watermaster: 2

Priority Date: DECEMBER 7, 2007

Source: WILLAMETTE RIVER, TRIBUTARY OF COLUMBIA RIVER

Use: SUPPLEMENTAL IRRIGATION USE ON 7373.0 ACRES

Quantity: 50.0 CUBIC FEET PER SECOND NOT TO EXCEED 9,000 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Points of Diversion:

POD #1: SWSW, SECTION 25, T13S, R5W, W.M.; 1300 FEET NORTH AND 1300 FEET EAST FROM SW CORNER, SECTION 25

POD #2: SWNW, SECTION 19, T13S, R5W, W.M.; 3146 FEET NORTH AND 1281 FEET EAST FROM SW CORNER, SECTION 19

Place of Use:

*Cannot be determined until updated map is submitted.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 30, 2008

PUBLIC NOTICE DATE: Tuesday, May 20, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, June 19, 2008