



# 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

VICTOR SCHNEIDER, JR  
37485 S HWY 213  
MOUNT ANGEL, OR 97362

September 26, 2008

Reference: File R-87276

Dear Mr. Schneider:

**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 to store 100.0 acre feet (AF) of water in Remembrance Lake, which will submerge 7.3 acres and have a dam height of 29.3 feet, to be filled by runoff and Butte Creek, tributaries of Pudding River, for multiple purpose use. The area for the proposed reservoir is currently covered by water rights that you anticipate transferring to other lands under Transfer T-10705.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from runoff and Butte Creek, tributaries of Pudding River, for multiple purpose use is allowable November 1 through June 30 under the Willamette Basin Program.
4. Surface water is available in the amount requested during the period November 1 through May 31.
5. Your proposed use falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
6. Prior to beginning construction of the project or issuance of a permit, final dam designs and specifications must be submitted to the Department, and the Department's dam safety section must approve the plans and specifications in writing.

**Summary of Initial Determinations**

**The use of 100.0 AF from runoff and Butte Creek, tributaries of Pudding River, for multiple purpose is allowable November 1 through May 31, contingent upon the approval of Transfer T-10705.**

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

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.

**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, October 10, 2008**. For your convenience you may use the enclosed "STOP PROCESSING" form.

**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.A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool level must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in-channel, then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and a gated outlet valve must be installed. The permittee shall maintain such devices 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. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The permittee shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
3. 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.
4. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.
5. The permittee shall pass all live flow outside the storage season.
6. This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.
7. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

8. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.
9. The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.
10. 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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.
11. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
12. Conditions may be added upon approval of dam designs and specifications.

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.

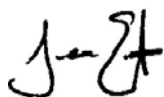
The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and 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](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 503-986-0859 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: Jeana Eastman, 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 black ink, appearing to read 'Jeana Eastman', written in a cursive style.

Jeana Eastman  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87276  
WAB 2-69799  
POU 2-69799

# APPLICATION FACT SHEET

Application File Number: R-87276

Applicant: VICTOR SCHNEIDER JR

County: Clackamas

Watermaster: 16

Priority Date: August 27, 2008

Source: RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER

Use: MULTIPLE PURPOSE

Quantity: 100.0 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 15 BUTTE CR

Point of Diversion or Well Location(s):

DAM: SWNE, SECTION 8, T6S, R1E, W.M.;2075 FEET SOUTH AND 1200 FEET  
EAST FROM N1/4 CORNER, SECTION 8

BUTTE CREEK: SWNE, SECTION 8, T6S, R1E, W.M.;2110 FEET SOUTH AND 1120  
FEET EAST FROM N1/4 CORNER, SECTION 8

Place of Use:

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

SECTION 8

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 10, 2008**

**PUBLIC NOTICE DATE: Tuesday, September 30, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, October 30, 2008**

# Mailing List for IR Copies

Application #R-87276

IR Date: September 26, 2008

## Original mailed to applicant:

VICTOR SCHNEIDER JR , 37485 S HWY 213, MOUNT ANGEL, OR 97362

### Copies sent to:

1. WRD - File # R-87276
2. WRD - Water Availability: Ken Stahr

### IR, Map, and Fact Sheet Copies sent VIA EMAIL:

3. WRD - Watermaster # 16
4. ODFW:
5. DEQ:

### IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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### Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

1. Boatwright, Corbey, CWRE #208

Boatwright Engineering Inc., 2613 12<sup>th</sup> Street SE, Salem OR 97302

Caseworker: Jeana Eastman

COPYSHT.IR