



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 S-87277

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 use 100.0 acre feet (AF) of water from Remembrance Lake under Application R-87276, a tributary of Butte Creek, for supplemental irrigation use on 293.4 acres from March 1 through October 31 of each year. 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 application indicates you're requesting supplemental irrigation of 293.4 acres whereas the map describes 286.4 acres.

In addition, the application proposed 38.3 acres in the NESE of Section 5, and the Department's records show only 37.9 primary acres in that quarter-quarter (being 0.6 acre under Certificate 31135 and 37.3 acres under Certificate 41481). The 0.4 acre strip on the southern line of the quarter-quarter was included on the Final Proof Survey map (attached) for Permit G-3820 (Certificate 41483) but was not certificated due to failure to make proof.

Considering the above, you may submit a revised map which describes 293.4 acres or you may submit a map which describes 0.4 acre of primary irrigation and 286.0 acres of supplemental irrigation.

3. The proposed use is not prohibited by law or rule except where otherwise noted below.
4. The use of water from Remembrance Lake under Application R-87276, a tributary of Butte Creek, for irrigation use is allowable under the Willamette Basin Program.
5. Stored water is available for further appropriation from Remembrance Lake, subject to the approval of Application R-87276.
6. The Department understands your mother and sister own part of the lands proposed to be irrigated; however prior to permit issuance, if one is issued, the Department must receive evidence that you have written authorization or an easement permitting access to lands not owned by you. Written authorization can be as simple as a letter signed by the owner siting the property and giving authorization for you to cross and irrigate the lands.

Summary of Initial Determinations

The use of 100.0 AF from Remembrance Lake under Application R-87276, a tributary of Butte Creek, for primary irrigation use on 0.4 acre and supplemental irrigation use on 286.0 acres is allowable during the full period requested, March 1 through October 31, contingent upon the approval of Application R-87276 and 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. 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.

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.

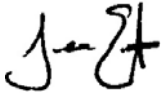
The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and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

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87277

WAB 2-st water

POU 2- 91% = 151

9% = 69799

GW

APPLICATION FACT SHEET

Application File Number: S-87277

Applicant: VICTOR SCHNEIDER, JR

County: Clackamas

Watermaster: 16

Priority Date: August 27, 2008

Source: REMEMBRANCE LAKE UNDER APPLICATION R-87276, A TRIBUTARY OF BUTTE CREEK

Use: SUPPLEMENTAL IRRIGATION USE ON 293.4 ACRES

Quantity: 100.0 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 15 BUTTE CR

Point of Diversion or Well Location(s): SWNE, SECTION 8, T6S, R1E, W.M.;1920 FEET SOUTH AND 1405 FEET WEST FROM NE CORNER, SECTION 8

Place of Use:

NE ¼ SW ¼ 17.3 ACRES
NW ¼ SW ¼ 40.5 ACRES
SW ¼ SW ¼ 37.5 ACRES
SE ¼ SW ¼ 9.6 ACRES
SECTION 4

NE ¼ SE ¼ 38.3 ACRES
SE ¼ SE ¼ 39.5 ACRES
SECTION 5

NE ¼ NE ¼ 19.7 ACRES
SE ¼ NE ¼ 23.0 ACRES
SECTION 8

NE ¼ NW ¼ 4.0 ACRES
NW ¼ NW ¼ 31.8 ACRES
SW ¼ NW ¼ 22.9 ACRES
SE ¼ NW ¼ 2.3 ACRES
SECTION 9
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 #S-87277

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 # S-87277
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

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

1. Phyllis Schneider, 36612 S Farm Rd, Mt Angel OR 97326
2. Donadee Burns, 8141 S Drake Rd, Mt Angel OR 97326

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

1. Boatwright, Corbey, CWRE #208

Boatwright Engineering Inc., 2613 12th Street SE, Salem OR 97302

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

Caseworker: Jeana Eastman

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