



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

October 10, 2008

DAVID KNEILING
2831 BRUSH COLLEGE RD NW
SALEM, OR 97304

Reference: File S-87290

Dear Mr. Kneiling:

**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 15.9 acre feet (AF) of water, being 2.5 AF from Reservoir A and 13.4 AF from Reservoir B, tributaries of Spring Valley Creek, for irrigation on 51.9 acres from March 1 through October 31. The application proposed to use high-pressure sprinklers to irrigate alfalfa.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Reservoir A, and Reservoir B, tributaries of Spring Valley Creek, for irrigation use is allowable under the Willamette Basin Program.
4. Water in the amount of 2.5 AF from Reservoir A (to be constructed under Application R-87288) and 13.4 AF from Reservoir B (to be constructed under Application R-87289) is determined to be available for further appropriation, contingent upon the approval of Applications R-87288 and R-87289.

5. The proposed amount of water does not appear to be sufficient to provide a beneficial use without waste. The applicant proposes to irrigate 59.1 acres of alfalfa using high-pressure sprinklers. The standard duty for the application of water for irrigation in the Willamette Basin is 2.5 acre feet per acre. Therefore, the standard duty allowed to irrigate 59.1 acres would be 129.75 AF, or more than eight times the requested duty of 15.9 AF during the irrigation season. However, by providing additional information you may be able to pursue a limited permit. Please refer to the **Additional Information Opportunity** section below for details.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 15.9 AF of water, being 2.5 AF from Reservoir A, and 13.4 AF from Reservoir B, tributaries of Spring Valley Creek, for irrigation use on 51.9 acres is not allowable, and it appears unlikely that you will be issued a permit. However, by providing additional information you may be able to pursue a limited permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Opportunity

Please explain how you plan to irrigate 51.9 acres with only 15.9 AF of stored water.

Please submit the information no later than Thursday, November 13, 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.

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 \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, October 24, 2008**. 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 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. To submit alternative reporting procedures for review and approval.

- 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 503-986-0816 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: Kerry Kavanagh, 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 "K Kavanagh".

Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87290
WAB 2-182 stored water only
POU 2-182
GW

APPLICATION FACT SHEET

Application File Number: S-87290

Applicant: DAVID KNEILING

County: Polk

Watermaster: 16

Priority Date: September 22, 2008

Source: RESERVOIR A, CONSTRUCTED UNDER APPLICATION R-87288 AND RESERVOIR B, CONSTRUCTED UNDER APPLICATION R-87289, TRIBUTARIES OF SPRING VALLEY CREEK

Use: IRRIGATION USE ON 51.9 ACRES

Quantity: 15.9 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 17 SPRING VALLEY CR & MISC

Point of Diversion Location: SWNE, SECTION 25, T6S, R4W, W.M.; 2160 FEET SOUTH AND 145 FEET EAST FROM SW CORNER, CLAIBORNE C WALKER DLC 51

Place of Use:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.1 ACRES
SECTION 24

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 14.9 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.2 ACRES
SECTION 25

TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 24, 2008

PUBLIC NOTICE DATE: Tuesday, October 14, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, November 13, 2008

Mailing List for IR Copies

Application #S-87290

IR Date: October 10, 2008

Original mailed to applicant:

DAVID KNEILING
2831 BRUSH COLLEGE RD
SALEM, OR 97304

Copies sent to:

1. WRD - File # S-87290
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 16
4. ODFW: Karen Hans
5. DEQ: Nancy Gramlich

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture
7. WRD - Regional Manager: SWR

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

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

8. Corbey Boatwright, CWRE #208
Boatwright Engineering Inc., 2613 12th Street SE, Salem OR 97302

Caseworker: Kerry Kavanagh

\\COPYSH.T.IR

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

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.)