



# 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

COOPER CREEK VINEYARDS, LLC.  
C/O PREMIER PACIFIC VINEYARDS  
ATTN: MATT MCKAMEY  
PO BOX 3989  
NAPA, OR 94558

December 12, 2008

Reference: File S-87123

Dear Mr. McKamey:

**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 requested the use of 3.0 cubic feet per second (CFS) from an unnamed stream, tributary to Cooper Creek, for irrigation use on 297.0 acres from March 1 through October 31, and year-round pond maintenance of Cooper Creek Reservoir. The application also requested the use of 150.0 acre feet (AF) from Cooper Creek Reservoir (Application R-87122) for irrigation use on the same 297.0 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 stored water for irrigation use is allowable from March 1 through October 31 under the Willamette Basin Program.
4. The use of water from an unnamed stream for irrigation is only allowed November 1 through April 30.
5. Stored water is available, subject to approval of Application R-87122.
6. Surface water is not available in the amount requested during the period July 1 through September 30.

7. The standard allowable rate for pond maintenance is 0.01 CFS/AF of stored water. Your application did not specify a rate for pond maintenance. If the application is approved, the rate allowed for pond maintenance will be limited to 1.5 CFS.
8. Your application requested a completion date of 2015. The Department requires that completion of construction and complete application of the water be made 5 years from issuance of the permit.

### Summary of Initial Determinations

**The use of 3.0 CFS from an unnamed stream, tributary to Cooper Creek, for irrigation on 297.0 acres from March 1 through October 31 is not allowable.**

**The use of 1.5 CFS from an unnamed stream, tributary to Cooper Creek, for pond maintenance is allowable from October 1 through June 30.**

**The use of 150.0 AF from Cooper Creek Reservoir for irrigation on 297.0 acres is allowable from March 1 through October 31, contingent upon the approval of Application R-87122.**

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to **#4, 6, and 7** above, your application will likely be limited accordingly.

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, January 2, 2009**. 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.
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](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 503-986-0815 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: Joel Plahn, 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 'J Plahn', written in a cursive style.

Joel Plahn  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87123  
WAB 2-30200301  
POU 2-30200301  
GW

# APPLICATION FACT SHEET

Application File Number: S-87123

Applicant: COOPER CREEK VINEYARDS, LLC.

County: POLK

Watermaster: 16

Priority Date: MARCH 14, 2008

Source: UNNAMED STREAM AND COOPER CREEK RESERVOIR UNDER APPLICATION R-87122, TRIBUTARIES OF COOPER CREEK

Use: IRRIGATION USE ON 297.0 ACRES AND POND MAINTENANCE

Quantity: 3.0 CUBIC FEET PER SECOND AND 150.0 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 9A LITTLE LUCKIAMUTE R MISC

Point of Diversion Location(s): SWNW, SECTION 4, T9S, R5W, W.M.; 1980 FEET SOUTH AND 400 FEET EAST FROM NW CORNER, SECTION 4

Place of Use:

## **IRRIGATION**

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  12.9 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  12.6 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  12.4 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  12.1 ACRES

## **POND MAINTENANCE**

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  21.8 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  21.7 ACRES  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  40.0 ACRES  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  40.0 ACRES  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  21.6 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  21.9 ACRES

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$

## SECTION 33

TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

## SECTION 4

TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 2, 2009**

**PUBLIC NOTICE DATE: Tuesday, December 23, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, January 15, 2009**

# Mailing List for IR Copies

Application #S-87123

IR Date : December 12, 2008

## Original mailed to applicant:

COOPER CREEK VINEYARDS, LLC., PO BOX 3989, NAPA, OR 94558

## Copies sent to:

1. WRD - File # S-87123
2. WRD - Water Availability: Ken Stahr

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

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

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

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

6. Department of Agriculture

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

7. Urstadt, Eric, CWRE #385  
Stuntzner Engineering & Forestry, LLC, 2137 19<sup>th</sup> Avenue, Forest Grove OR 97116
8. William Kness,  
Stuntzner Engineering & Forestry, LLC, 2137 19<sup>th</sup> Avenue, Forest Grove OR 97116
9. Luckiamute Watershed Council, WOU, 345 North Monmouth Ave, Monmouth OR 97361

Caseworker: Joel Plahn

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