



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**

December 12, 2008

GLENN AND SUSANNE HOWARD
1970 NW GARRIS LANE
MCMINNVILLE, OR 97128

Reference: File S-87356

Dear Mr. and Mrs. Howard:

**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 12.0 acre feet (AF) of stored water from Falcon Glen Reservoir under Permit R-14584 for irrigation use on 20.4 acres from May 1 through October 31, and the use of 0.11 cubic foot per second (CFS) of water from an unnamed stream, a tributary of Baker Creek, for pond maintenance of Falcon Glen Reservoir from May 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 from Falcon Glen Reservoir under Permit R-14584, a tributary of Baker Creek, for irrigation use is allowable March 1 through October 31 under Oregon Administrative Rule (OAR) 690-502-0040(4)(c), the Willamette Basin Program. Because you have requested a shorter season, you will be limited to May 1 through October 31.

The use of water from an unnamed stream, a tributary of Baker Creek, for pond maintenance is not allowable under OAR 690-502-0100(4)(b)(J), the Willamette Basin Program. These waters are only classified for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

4. Water in the amount of 8.0 AF from Falcon Glen Reservoir is determined to be available for further appropriation from water legally stored under Permit R-14584. Although this application proposed the use of 12.0 AF, because Permit R-14584 only authorizes the storage of 8.0 AF, if the application is approved it will be limited to 8.0 AF.

Surface water from an unnamed stream is not available during the period June 1 through November 30 of each year.

5. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 8.0 AF from Falcon Glen Reservoir under Permit R-14584, tributary of Baker Creek for irrigation use on 20.4 acres may be allowed during the full period requested, May 1 through October 31 of each year.

The use of 0.11 CFS from an unnamed stream, tributary of Baker Creek, for pond maintenance may be not allowed.

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to **#3 and #4** above, your application will likely be limited accordingly.

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following items:

- A completed Land Use Information Form (LUIF) or a receipt signed and dated by a Yamhill County official for the property described as Tax Lot 1703, Section 9, Township 4 South, Range 5 West, W.M. The application contains a LUIF for Tax Lot 1004, but it does not include all lands where water will be diverted, conveyed, and used; and

- Additional exam fee in the amount of \$200. This is based on:

Category	Fee
Base	\$500
Up to 1 CFS	\$200
12 AF @ \$20/AF	\$240
One additional point of diversion	\$200
One additional use	\$200
TOTAL EXAM FEES:	\$1340
PAID EXAM FEES:	\$1140

Please submit this information no later than Thursday, January 15, 2009. 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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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, December 26, 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. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. If the Director notifies the permittee to install a totalizing flow meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee 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 503-986-0859 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-87356
WAB 2-70745
POU 2-70745
GW

APPLICATION FACT SHEET

Application File Number: S-87356

Applicant: GLENN AND SUSANNE HOWARD

County: Yamhill

Watermaster: 16

Priority Date: November 28, 2008

Source: FALCON GLEN RESERVOIR UNDER PERMIT R-14584, AND UNNAMED STREAM, TRIBUTARIES OF BAKER CREEK

Use: IRRIGATION USE ON 20.4 ACRES AND POND MAINTENANCE

Quantity: 12.0 ACRE FEET AND 0.11 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 12 BAKER CR

Point of Diversion or Well Location(s):

FALCON GLEN RESERVOIR: NENW, SECTION 16, T4S, R5W, W.M.; 475 FEET SOUTH AND 2500 FEET EAST FROM NW CORNER, SECTION 16

UNNAMED STREAM: SWSE, SECTION 9, T4S, R5W, W.M.; 300 FEET NORTH AND 2800 FEET EAST FROM SW CORNER, SECTION 9

Place of Use:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.51 ACRES IRRIGATION
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.5 ACRES IRRIGATION
SECTION 9

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.39 ACRES IRRIGATION AND POND MAINTENANCE
SECTION 16
TOWNSHIP 4 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 26, 2008

PUBLIC NOTICE DATE: Tuesday, December 16, 2008

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

Mailing List for IR Copies

Application #S-87356

IR Date : December 12, 2008

Original mailed to applicant:

GLENN AND SUSANNE HOWARD , 1970 NW GARRIS LANE, MCMINNVILLE, OR 97128

Copies sent to:

WRD - File # S-87356

WRD - Water Availability: Ken Stahr

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

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

WRD - Watermaster # 16

ODFW:

DEQ:

IR, Map, and Fact Sheet Copies sent to:

Department of Agriculture

Caseworker: Jeana Eastman

COPYSHT.IR