



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

GORDON MILLER
2001 COMMERCIAL ST SE
SALEM, OR 97302

July 4, 2008

Reference: File S-87184

Dear Mr. Miller:

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 0.06 cubic foot per second (CFS) of water from a spring, a tributary of Willamette River, for irrigation use on 1.0 acre, supplemental irrigation use on 1.6 acres, and supplemental nursery use on 1.4 acres March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Uses included in nursery use are fully included in irrigation and agriculture uses, both of which are allowed by OAR 690-502, the Willamette Basin Program.

However, the use of water from a spring, a tributary of Willamette River, for irrigation use, supplemental irrigation use, and nursery use are not classified uses July 1 through August 31, and therefore, not allowable during that time.

4. Surface water is available in the amount requested.
5. The standard allowable rate for irrigation use of ground water is 1/80 CFS per acre. Your application requested 0.06 CFS for irrigation use and supplemental irrigation use on 2.6 acres. If the application is approved, the rate allowed will be limited to 0.03 CFS.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 0.03 CFS of water from a spring, a tributary of Willamette River, for irrigation use on 1.0 acre, supplemental irrigation use on 1.6 acres, and supplemental nursery use on 1.4 acres March 1 through October 31 is not allowable.

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, 18, 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 503-986-0808 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: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Brook Geffen

Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87184

WAB 2-813

POU 2-813

GW

APPLICATION FACT SHEET

Application File Number: S-87184

Applicant: GORDON MILLER

County: MARION

Watermaster: 16

Priority Date: MAY 22, 2008

Source: A SPRING, A TRIBUTARY OF WILLAMETTE RIVER

Use: IRRIGATION USE ON 1.0 ACRE, SUPPLEMENTAL IRRIGATION USE ON 1.6 ACRES, AND SUPPLEMENTAL NURSERY USE ON 1.4 ACRES

Quantity: 0.06 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion: SWNW, SECTION 36, T8S, R4W, W.M.; 1500 FEET SOUTH AND 290 FEET EAST FROM NW CORNER, SECTION 36

Place of Use:

Primary Irrigation

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.0 ACRE

Supplemental Irrigation

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.6 ACRES

Supplemental Nursery Use

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.4 ACRES

SECTION 36

TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 18, 2008

PUBLIC NOTICE DATE: Tuesday, July 8, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, August 7, 2008

Mailing List for IR Copies

Application #S-87184

IR Date: July 4, 2008

Original mailed to applicant:

GORDON MILLER , 2001 COMMERCIAL ST SE, SALEM, OR 97302

Copies sent to:

1. WRD - File # S-87184
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR):
4. WRD - Watermaster # 16 (include Division 33 form)
5. ODFW: Karen Hans (include Division 33 form)
6. DEQ: Nancy Gramlich (include Division 33 form)
7. Department of Agriculture

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

Caseworker: Brook Geffen

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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.)

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)