



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

KENTON GREGORY
3737 SW COUNCIL CREST DR
PORTLAND, OR 97239

February 6, 2009

Reference: File S-87175

Dear Mr. Gregory:

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 0.5 cubic foot per second (CFS) of water from sheet flow (runoff), tributary to Williams Canyon, being 0.33 CFS for irrigation use on 91.9 acres from March 1 through October 31, 0.09 CFS for pond maintenance of Cascade Reservoir and 0.08 CFS for pond maintenance of Twin Oaks Reservoir.

The application also proposed to use 17.1 acre feet (AF), being 9.1 AF of water from Cascade View Reservoir (Permit R-14671) and 8.0 AF from Twin Oaks Reservoir (Permit R-14672), tributaries to Williams Canyon, for irrigation use on 91.9 acres March 1 through October 31 of each year.

2. The proposed uses are not prohibited by law or rule except where otherwise noted below.
3. Under 690-502-0130(1)(b), the use of water from runoff, tributary to Williams Canyon for irrigation is not allowable May 1 through October 31.

The use of water from runoff, tributary to Williams Canyon for pond maintenance is allowable year-round under the Willamette Basin Program.

4. The use of stored water for irrigation is allowable from March 1 through October 31 under the Willamette Basin Program.
5. Surface water is not available May 1 through November 30.
6. Stored water is available in the amount requested.
7. The application proposes to use 17.1 AF of water to irrigate 91.9 acres . The proposed amount of water does not appear to be sufficient to provide a beneficial use without waste. The standard duty for the application of water for irrigation in the Willamette Basin is 2.5 acre-feet per acre, being 229.75 AF for 91.9 acres. Please explain how you can make beneficial use without waste of 17.1 AF on 91.9 acres.

Please submit the information no later than Thursday, February 19, 2009. Note: If proposed acreage is reduced in order to provide information that 17.1 AF of water can be used beneficially, before a Proposed Final Order recommending approval can be issued, a map with updated acreage will be required. 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.

8. Your application requested a completion date of 2018. Under ORS 537.230, the Department requires completion of construction and complete application of the water within 5 years of issuance.
9. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

Because not all items above are favorable, the use of 0.33 CFS of water from runoff, tributary to Williams Canyon, for irrigation use on 91.9 acres is not [allowable](#).

The use of 0.17 CFS of water from runoff, tributary to Williams Canyon for pond maintenance, being 0.09 CFS for Cascade Reservoir and 0.08 CFS for Twin Oaks Reservoir, is allowable December 1 through April 30.

The use of 17.1 AF, being 9.1 AF of water from Cascade View Reservoir (Permit R-14671) and 8.0 AF from Twin Oaks Reservoir (Permit R-14672), tributaries of Williams Canyon, for irrigation use is allowable March 1 through October 31.

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, 5 and 7 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:

- An updated map reflecting any changes mentioned in Initial Review Determination 7 is required prior to issuance of any Proposed Final Order that may recommend approval.
- The table on the map describes 0.52 acres in the NESE, Section 9, Township 2, South, Range 4 West, W.M. However the map shows hatching in the *NESE Section 8*.

In addition, the table on the map describes 0.04 acres in the SESE, Section 9, Township 2 South, Range 4 West, W.M. However the map shows hatching in the *SESE Section 8*.

Please submit a map that addresses these discrepancies.

Please submit this information no later than March 12, 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 not likely proceed with a Proposed Final Order recommending approval 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.

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, February 20, 2009**. 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 at each point of diversion. The permittee shall maintain the meter(s) in good working order. The permittee 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(s); provided however, where any meter 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 503-986-0808 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,

A handwritten signature in black ink that reads "Brook Geffen". The signature is written in a cursive, slightly slanted style.

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87175
WAB 2- 30201013
POU 2- 30201013
GW

APPLICATION FACT SHEET

Application File Number: S-87175

Applicant: KENTON GREGORY

County: YAMHILL

Watermaster: 18

Priority Date: MAY 14, 2008

Source: SHEET FLOW (RUNOFF), CASCADE VIEW RESERVOIR (CONSTRUCTED UNDER PERMIT R-14671), AND TWIN OAKS RESERVOIR (CONSTRUCTED UNDER PERMIT R-14672), TRIBUTARIES TO WILLIAMS CANYON

Use: POND MAINTENANCE AND IRRIGATION USE ON 91.9 ACRES

Quantity: 0.5 CUBIC FOOT PER SECOND AND 17.1 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 19A TUALATIN R MISC

Points of Diversion:

TWIN OAKS RESERVOIR AND RUNOFF: NWSE, SECTION 8, T2S, R4W, W.M.; 1565 FEET NORTH AND 2875 FEET EAST FROM SW CORNER, SECTION 8

CASCADE VIEW RESERVOIR AND RUNOFF: SWSE, SECTION 8, T2S, R4W, W.M.; 815 FEET NORTH AND 3015 FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

POND MAINTENANCE

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

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

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

IRRIGATION

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.3 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.6 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.52 ACRE

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.34 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.5 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.04 ACRE

SECTION 8

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.82 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.78 ACRES
SECTION 17
TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 20, 2009

PUBLIC NOTICE DATE: Tuesday, February 10, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, March 12, 2009

Mailing List for IR Copies

Application #S-87175

IR Date: February 6, 2009

Original mailed to applicant:

KENTON GREGORY , 3737 SW COUNCIL CREST DR, PORTLAND, OR 97239

Copies sent to:

1. WRD - File # S-87175
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR):
4. WRD - Watermaster # 18
5. Department of Agriculture

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

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

1. William Kness, 2137 19th Avenue, Forest Grove, OR 97116

Caseworker: Brook Geffen

COPYSHT.IR

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.)