



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

ALTON AND DIXIE SULLIVAN
PO BOX 2118
LEBANON, OR 97355

March 20, 2009

Reference: File R-87397

Dear Mr. and Mrs. Sullivan:

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 storage of 102.0 acre feet (AF), being 23.0 AF in Pond 1, 14.0 AF in Pond 2, and 65.0 AF in Pond 3, from runoff, tributary to Onehorse Slough, for fire protection, fish culture and wildlife. The dam height for Pond 1 is 16.0 feet and the area submerged is 6.16 acres. The dam height for Pond 2 is 14.0 feet and the area submerged is 2.88 acres. The dam height for Pond 3 is 30.0 feet and the area submerged is 8.36 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from runoff, tributary to Onehorse Slough for fire protection, fish culture and wildlife is allowable under the Willamette Basin Program.
4. Surface water is not available during the period August 1 through September 30.
5. Under OAR 690-502-0040(4)(a), the storage season in the Willamette Basin is limited to November 1 through June 30.
6. Prior to issuance of a permit and construction of the project, final dam designs and specifications must be submitted to the Department and approved by the Department's dam-safety engineer.

Summary of Initial Determinations

The storage of 102.0 AF, being 23.0 AF in Pond 1, 14.0 AF in Pond 2, and 65.0 AF in Pond 3 from runoff, tributary to Onehorse Slough for fire protection, fish culture and wildlife is allowable, November 1 through June 30.

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 #5 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.

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, April 3, 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, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. The permittee shall maintain such devices in good working order. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The permittee shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. 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.
3. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and

the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

4. Conditions may be added upon approval of dam designs and specifications.

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 503-986-0815 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,



Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87397
WAB 2-30200601
POU 2-30200601
GW

APPLICATION FACT SHEET

Application File Number: R-87397

Applicant: ALTON AND DIXIE SULLIVAN

County: LINN

Watermaster: 2

Priority Date: FEBRUARY 20, 2009

Source: RUNOFF, TRIBUTARY TO ONEHORSE SLOUGH

Use: FIRE PROTECTION, FISH CULTURE AND WILDLIFE

Quantity: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, AND 65.0 AF IN POND 3

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 6 S SANTIAM R MISC

Dam Location(s):

POND 1 - SESW, SECTION 4, T12S, R1W, W.M.; 4848.34 FEET SOUTH AND 1839.92 FEET EAST FROM NW CORNER, SECTION 4

POND 2 - NENW, SECTION 9, T12S, R1W, W.M.; 5574.67 FEET SOUTH AND 1634.55 FEET EAST FROM NW CORNER, SECTION 4

POND 3 - NESE, SECTION 5, T12S, R1W, W.M.; 3836.2 FEET SOUTH AND 461.14 FEET WEST FROM NE CORNER, SECTION 5

Place of Use:

POND 1	POND 2	POND 3
SE $\frac{1}{4}$ SW $\frac{1}{4}$	SECTION 4	
		NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
	SECTION 5	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$	
	SECTION 9	
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.		

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 3, 2009

PUBLIC NOTICE DATE: Tuesday, March 24, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, April 23, 2009

Mailing List for IR Copies

Application #R-87397

IR Date : March 20, 2009

Original mailed to applicant:

ALTON AND DIXIE SULLIVAN , PO BOX 2118, LEBANON, OR 97355

Copies sent to:

1. WRD - File # R-87397
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 2 (include Division 33 form)
4. ODFW: (include Division 33 form)
5. DEQ: (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

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

CWRE #163 Jon Erwin Lebanon OR 97355

Caseworker: Joel Plahn

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

COPYSHT.IR