



# 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

REVANA VINEYARDS  
ATTN: DR MADALIAH REVANA  
5118 TANGLE LANE  
HOUSTON, TX 77056

June 12, 2009

Reference: File S-87456

Dear Applicant:

### **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 0.25 cubic foot per second (CFS) from runoff (POD #1) and runoff (POD #2), tributaries to Chehalem Creek, and 18.2 acre-feet (AF) from Revana #1 Reservoir (Application R-87454), and Revana #2 Reservoir (Application R-87455), tributaries to Chehalem Creek for irrigation use March 1 through October 31. The application also proposed the use of 0.18 CFS from runoff (POD #1) and runoff (POD #2) for pond maintenance of Revana #1 Reservoir and Revana #2 Reservoir.
2. The proposed uses are not prohibited by law or rule except where otherwise noted below.
3. Under the Willamette Basin Program (690-502-0050 (1)(e)), the use of water from runoff (POD #1) and runoff (POD #2) for irrigation use is limited to September 1 through June 30.

Under the Willamette Basin Program, the use of water from runoff (POD #1) and runoff (POD #2) for pond maintenance is allowable.

Under the Willamette Basin Program the use of stored water from Revana #1 Reservoir and Revana #2 Reservoir for irrigation use is allowable.

4. Surface water is not available during the period July 1 through October 31.

Stored water from Revana #1 Reservoir and Revana #2 Reservoir is available year-round.

5. A portion of the area proposed to be irrigated under this application, being 19.32 acres within NE ¼ NE ¼, Section 20, T3S, R3W, W.M., is currently covered by an existing irrigation water right evidenced by Permit G-15489. Permit G-15489 authorizes the use of 0.11 CFS, which is not the full rate allowed for 19.32 acres.

When used to make up a deficiency in rate under Permit G-15489, the use of water under this application for lands currently covered by Permit G-15489 is allowable.

### **Summary of Initial Determinations**

**The use of 0.25 CFS from runoff (POD #1 and #2), tributaries to Chehalem Creek, for irrigation use is allowable March 1 through June 30.**

**The use of 0.18 CFS from runoff (POD #1 and #2), tributaries to Chehalem Creek, for pond maintenance is allowable November 1 through June 30.**

**The use of 18.2 AF of stored water from from Revana #1 Reservoir (Application R-87454) and Revana #2 Reservoir (Application R-87455), tributaries to Chehalem Creek, for irrigation use is allowable March 1 through October 31, contingent upon approval of applications R-87454 and R-87455.**

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.

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, June 26, 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.
  - 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.
  - 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.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and 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](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, appearing to read "Brook Geffen", with a horizontal line extending from the end of the name.

Brook Geffen  
Water Right Application Caseworker

enclosures:    Application Process Description and Stop Processing Request Form

S-87456  
WAB 2- 30200707  
POU 2-30200707  
GW - NA

# APPLICATION FACT SHEET

Application File Number: S-87456

Applicant: DR MADALIAH REVANA REVANA VINEYARDS

County: YAMHILL

Watermaster: 16

Priority Date: MAY 12, 2009

Source: RUNOFF (POD #1), RUNOFF (POD #2), REVANA #1 RESERVOIR (Application R-87454), AND REVANA #2 RESERVOIR (Application R-87455), TRIBUTARIES OF CHEHALEM CREEK

Use: IRRIGATION USE ON 79.7 ACRES AND POND MAINTENANCE

Quantity: 0.25 CUBIC FOOT PER SECOND (CFS) FOR IRRIGATION USE, 0.18 CFS FOR POND MAINTENANCE, AND 18.20 ACRE FEET OF STORED WATER FOR IRRIGATION USE

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 17 CHEHALEM CR MISC

Points of Diversion:

RUNOFF (POD #1) AND REVANA #1 RESERVOIR: NENE SECTION 20, T3S, R3W, W.M.; 500 FEET SOUTH AND 730 FEET WEST FROM NE CORNER, SECTION 20

RUNOFF (POD #2) AND REVANA #2 RESERVOIR: SWSE SECTION 17, T3.0S, R3.0W, W.M.; 1075 FEET NORTH AND 1865 FEET WEST FROM SE CORNER, SECTION 17

Place of Use:

| <u>QUARTER/QUARTER</u>               | <u>ACRES</u> | <u>USE</u>       |
|--------------------------------------|--------------|------------------|
| NE $\frac{1}{4}$ SE $\frac{1}{4}$    | 0.8 ACRES    | IRRIGATION       |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$    | 2.5 ACRES    | IRRIGATION       |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$    | 21.7 ACRES   | IRRIGATION       |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$    |              | POND MAINTENANCE |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$    | 4.6 ACRES    | IRRIGATION       |
| SECTION 17                           |              |                  |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$    | 34.3 ACRES   | IRRIGATION       |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$    |              | POND MAINTENANCE |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$    | 2.7 ACRES    | IRRIGATION       |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$    | 13.1 ACRES   | IRRIGATION       |
| SECTION 20                           |              |                  |
| TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M. |              |                  |

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 26, 2009**

**PUBLIC NOTICE DATE: Tuesday, June 16, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, July 16, 2009**

# Mailing List for IR Copies

Application #S-87456

IR Date : June 12, 2009

## Original mailed to applicant:

REVANA VINEYARDS, ATTN: DR MADALIAH REVANA, 5118 TANGLE LANE, HOUSTON, TX 77056

## Copies sent to:

1. WRD - File # S-87456
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 16 (include Division 33 form)
4. ODFW: (include Division 33 form)
5. DEQ: (include Division 33 form)

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.)

Bill Kness, Stuntzner Engineering, 2137 19<sup>th</sup> Ave, Forest Grove, OR 97116

Caseworker: Brook Geffen

COPYSHT.IR

Copies Mailed

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**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.)