



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

July 24, 2009

CANBY UTILITY BOARD
ATTENTION: MATT MICHEL, ASSISTANT GENERAL MANAGER
154 NW 1ST AVENUE
PO BOX 1070
CANBY, OREGON 97013

Reference: File S-71072

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 12.4 cubic feet per second (CFS) of water from the Willamette River, tributary of Columbia River, for year-round municipal use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of 12.4 CFS of water from Willamette River, tributary of Columbia River, for municipal use is allowable under the Willamette Basin Program.
4. Surface water is available in the amount and for the full period requested.

Summary of Initial Determinations

The use of 12.4 CFS from Willamette River, tributary of Columbia River, for municipal use is allowable during the full period requested, year round.

Because of these favorable determinations, the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, August 7, 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 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 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- 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. 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 503-986-0816 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-71072
WAB 02-181
POU 02-181
GW n/a

APPLICATION FACT SHEET

Application File Number: S-71072

Applicant: CANBY UTILITY BOARD

County: CLACKAMAS

Watermaster: District 16

Priority Date: DECEMBER 27, 1990

Source: WILLAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER

Use: MUNICIPAL USE

Quantity: 12.4 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion Location: SWSW, SECTION 22, T 3S, R1E, W.M.; 102 FEET NORTH & 855 FEET EAST FROM SW CORNER, SECTION 22

Place of Use: WITHIN THE SERVICE BOUNDARY OF THE CITY OF CANBY

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 7, 2009

PUBLIC NOTICE DATE: Tuesday, July 28, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, August 27, 2009

Mailing List for IR Copies

Application #S-71072

IR Date: July 24, 2009

Original mailed to applicant:

CANBY UTILITY BOARD
ATTENTION: MATT MICHEL, ASSISTANT GENERAL MANAGER
154 NW IST
PO BOX 1070
CANBY, OREGON 97013

Copies sent to:

1. WRD - File # S-71072
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster District #20 - Sabrina White-Scarver
4. WRD - Watermaster District #16 - Mike McCord
5. ODFW - Danette Faucera – Public Interest Review
6. DEQ - Sally Puent - Public Interest Review

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

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

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

7. Adam Sussman, GSI Water Solutions, 1600 Western Blvd., Ste 240, Corvallis OR 97333
8. Jack Hammond, Beery, Elsner & Hammond, LLP,
1750 SW Harbor Way, Suite 380, Portland, OR 97201-5106
9. WaterWatch of Oregon, 213 SW Ash, Suite 208, Portland, OR 97204
10. The Freshwater Trust, 65 SW Yamhill Street, Suite 200, Portland, OR 97204

Caseworker: Kerry Kavanagh

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