



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

August 28, 2009

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

Reference: File R-87497

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 is an enlargement of Application R-87397.

The application proposed the storage of 97.5 acre feet (AF) of water, being 31.0 AF in Pond 1, 4.5 AF in Pond 2, and 62.0 AF in Pond 3, from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife.

The proposed dam heights and area submerged for Pond 1, Pond 2, and Pond 3 are 16.0 feet and 6.16 acres, 14.0 feet and 2.88 acres, and 30.0 feet and 8.36 acres, respectively.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife is allowable January 1 through June 30 and November 1 through December 31 of each year under the Willamette Basin Program.
4. Surface water is available during the period January 1 through July 31 and October 1 through December 31 of each year.

Summary of Initial Determinations

The storage of 97.5 AF, being 31.0 AF in Pond 1, 4.5 AF in Pond 2, and 62.0 AF in Pond 3 from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife may be allowed January 1 through June 30 and November 1 through December 31 of each year.

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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, September 11, 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.
 - B. The permittee shall maintain all required devices in good working order.
 - C. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - D. 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.
 - E. 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.

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. Dam Conditions:

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If final construction deviates from the approved design a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

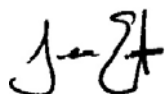
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that, 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 503-986-0859 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: Jeana Eastman, 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 'Jeana Eastman'.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87497
WAB 2-30200601
POU 2-30200601
GW

APPLICATION FACT SHEET

Application File Number: R-87497

Applicant: ALTON AND DIXIE G. SULLIVAN

County: Linn

Watermaster: 2

Priority Date: July 31, 2009

Source: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

Use: FISH LIFE, FIRE PROTECTION AND WILDLIFE

Quantity: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 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 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NENW, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NESE, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NW CORNER, SECTION 4

Place of Use:

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ POND 3
SE $\frac{1}{4}$ SE $\frac{1}{4}$ POND 3
SECTION 5

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

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 11, 2009

PUBLIC NOTICE DATE: Tuesday, September 1, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, October 1, 2009

Mailing List for IR Copies

Application #R-87497

IR Date : August 28, 2009

Original mailed to applicant:

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

Copies sent to:

1. WRD - File # R-87497
2. WRD - Water Availability: Ken Stahr

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

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

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

1. Erwin, Jon, CWRE #163

Udell Engineering & Land Surveying, LLC, 63 E Ash St, Lebanon OR 97355

COPYSHOT.IR

Caseworker: Jeana Eastman