



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

September 4, 2009

ROSELAWN SEED INC.
17236 BUTTEVILLE RD NE
WOODBURN, OR 97071-8426

Reference: File S-87507

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 160.0 acre feet (AF) of stored water from Bill Rose Reservoir, a tributary of Rock Creek, for irrigation of 64.0 acres March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Bill Rose Reservoir, a tributary of Rock Creek, for irrigation is allowable March 1 through October 31 under the Willamette Basin Program.
4. Bill Rose Reservoir was constructed under Permits R-13163, R-2144 (Certificate 31437), and R-5821 (Certificate 50459).

Permit R-13163 allows the storage of 200.0 AF; the full amount being appropriated for irrigation under Permit S-53839.

Certificate 31437 allows the storage of 10.7 AF; the full amount being appropriated for irrigation under Certificate 31438.

Certificate 50459 allows the storage of 339.3 AF; the full amount being appropriated for irrigation under Certificate 50460.

Stored water is not available from Bill Rose Reservoir as the reservoir has already been fully appropriated under secondary water rights.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 160.0 AF of water from Bill Rose Reservoir, a tributary of Rock Creek for irrigation of 64.0 acres is not allowable, and it appears unlikely that you will be issued a permit unless suitable mitigation is provided. At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

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 18, 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 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.

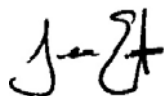
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that,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



Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87507
WAB 2-
POU 2-
GW

APPLICATION FACT SHEET

Application File Number: S-87507

Applicant: ROSELAWN SEED INC

County: Clackamas

Watermaster: 16

Priority Date: August 5, 2009

Source: BILL ROSE RESERVOIR, A TRIBUTARY OF ROCK CREEK

Use: IRRIGATION OF 64.0 ACRES

Quantity: 160.0 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 15A ROCK CR MISC

Point of Diversion: NWN, SECTION 20, T5S, R1E, W.M.; 1220 FEET SOUTH AND 2150 FEET WEST FROM NE CORNER, SECTION 20

Place of Use:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.8 ACRES
SECTION 20

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27.6 ACRES
SECTION 21
TOWNSHIP 5 SOUTH, RANGE 1 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 18, 2009

PUBLIC NOTICE DATE: Tuesday, September 8, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, October 8, 2009

Mailing List for IR Copies

Application #S-87507

IR Date: September 4, 2009

Original mailed to applicant:

ROSELAWN SEED INC, 17236 BUTTEVILLE RD NE, WOODBURN, OR 97071-8426

Copies sent to:

1. WRD - File # S-87507
2. WRD - Water Availability: Ken Stahr

IR sent via email by jme:

3. WRD - Watermaster # 16
4. ODFW:
5. DEQ:

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

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

1. Lawrence & Eunice Beyer, 33684 S Needy Rd, Woodburn OR 97071

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

1. Knauer, Don, CWRE #75

2566 Islander Ave NW, Salem OR 97304-2448