



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

R. J. AND SUSAN CLAUS
22211 SW PACIFIC HWY
SHERWOOD, OR 97140

December 18, 2009

Reference: File S-87388

Dear Mr. and Mrs. Claus:

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 use of **135.34 acre feet (AF)** of stored water for irrigation of 261.5 acres and supplemental irrigation of 6.5 acres from March 1 through October 31, further described as:
 - 6.0 AF**, being 0.5 AF each from reservoirs 8, 9, 10, 12, 13, 15 and 16, tributary to Crazy Fork Canyon, reservoirs 36, 37, 38 and 39, tributary to Buck Hollow, and reservoir 52, tributary to Squaw Canyon;
 - 5.6 AF**, being 0.8 AF each from reservoir 18, tributary to Sunshine Canyon, reservoirs 24, 25, 27, 28 and 29, tributary to Willow Canyon, and reservoir 53, tributary to Squaw Canyon;
 - 33.0 AF**, being 3.0 AF each from reservoir 32, tributary to Willow Canyon, reservoir 40, tributary to Buck Hollow, and reservoirs 66, 67, 69, 76, 77, 78, 79, 80 and 81 tributary to Sniption Canyon;
 - 80.0 AF**, being 5.0 AF each from reservoir 17, tributary to Crazy Fork Canyon, reservoir 23, tributary to Sandy Canyon, reservoir 33, tributary to Willow Canyon, reservoirs 41, 42, 43 and 44, tributary to Buck Hollow, reservoir 54, tributary to Squaw Canyon, reservoirs 68, 70, 71, 72, 73 74, 75 and 82, tributary to Sniption Canyon;
 - 6.0 AF**, being 2.0 AF each from reservoir 1 and 2, tributary to Prior Canyon, and reservoir 3, tributary to an unnamed canyon SW of Prior Canyon;
 - 0.5 AF**, being 0.25 AF each from reservoirs 64 and 65, tributary to Sniption Canyon;

1.28 AF from reservoir 83 (constructed under Permit R-13956, identified as Reservoir 2), tributary to Snption Canyon;

0.79 AF from reservoir 84 (constructed under Permit R-13956, identified as Reservoir 3), tributary to Crazy Fork Canyon;

0.70 AF from reservoir 85 (constructed under Permit R-13956, identified as Reservoir 4), tributary to Sunshine Canyon;

1.47 AF from reservoir 86 (constructed under Permit R-13957, identified as Reservoir 7), tributary to Buck Hollow.

2. Section 2A of the application, "Proposed Source of Water," proposes the use of water from a total of 54 reservoirs. A total of 55 reservoirs are listed in the map table and 56 are drawn on the map, including a reservoir labeled as R-13956-3.

The applicant's agent has indicated that R-13956-3, labeled on the map, and reservoir 85 (constructed under Permit R-13956), tributary to Snption Canyon and reservoirs 86 and 87 (constructed under Permit R-13957), tributary to Buck Hollow, are to be removed from the application. Therefore, a total of 52 reservoirs and 132.38 AF will be considered for this application.

3. The map table contained errors in the locations for reservoirs 41, 42, 43, and 44. The corrected locations were obtained from the agent and are reflected in this review.
4. The proposed use is not prohibited by law or rule except where otherwise noted below.
5. The use of water from storage for irrigation is allowable under the John Day Basin Program.
6. Stored water is available in the amount and for the full period requested, contingent upon approval of Application R-87387.
7. The proposed use is located above the John Day Scenic Waterway, as designated under Oregon Revised Statute 390.826 (7).
8. The application contains a projected completion date of October 1, 2015. Any permit issued will require complete construction and complete application of the water within five years of permit issuance.
9. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 131.1 AF from reservoirs 1 and 2, tributary to Prior Canyon; reservoir 3, tributary to an unnamed canyon SW of Prior Canyon; reservoirs 8, 9, 10, 12, 13, 15, 16, and 17, tributary to Crazy Fork Canyon; reservoir 18, tributary to Sunshine Canyon; reservoir 23, tributary to Sandy Canyon; reservoirs 24, 25, 27, 28, 29, 32 and 33, tributary to Willow Canyon; reservoirs 36, 37, 38, 39, 40, 41, 42, 43, and 44, tributary to Buck Hollow; reservoirs 52, 53 and 54, tributary to Squaw Canyon; reservoirs 64, 65, 66, 67, 68,

69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82, tributary to Sniption Canyon, for irrigation of 261.5 acres and supplemental irrigation of 6.5 acres is allowable during the full period requested, March 1 through October 31, contingent upon approval of Application R-87387.

The use of 1.28 AF from reservoir 83 (constructed under Permit R-13956), tributary to Sniption Canyon, for irrigation is allowable, contingent upon approval of Application R-87387, which seeks additional storage for irrigation.

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.

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following item(s):

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map with table that reflects the correct locations of reservoirs 41, 42, 43, and 44, and has removed reservoirs R-13956-3, 85, 86, and 87, which are not part of this application.
- Please correct the location of the center of Section 3, and provide four copies of the map containing the necessary updates.

Please submit this information no later than Thursday, January 21, 2010. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

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, January 1, 2010**. 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 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 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 503-986-0853 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: Michele McAleer, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

APPLICATION FACT SHEET

Application File Number: S-87388

Applicant: R J AND SUSAN CLAUS

County: GILLIAM

Watermaster: 21

Priority Date: JANUARY 30, 2009

Source: RESERVOIRS 1 AND 2, TRIBUTARY TO PRIOR CANYON; RESERVOIR 3, TRIBUTARY TO AN UNNAMED CANYON SW OF PRIOR CANYON; RESERVOIRS 8, 9, 10, 12, 13, 15, 16, AND 17, TRIBUTARY TO CRAZY FORK CANYON; RESERVOIR 18, TRIBUTARY TO SUNSHINE CANYON; RESERVOIR 23, TRIBUTARY TO SANDY CANYON; RESERVOIRS 24, 25, 27, 28, 29, 32 AND 33, TRIBUTARY TO WILLOW CANYON; RESERVOIRS 36, 37, 38, 39, 40, 41, 42, 43, AND 44, TRIBUTARY TO BUCK HOLLOW; RESERVOIRS 52, 53 AND 54, TRIBUTARY TO SQUAW CANYON; RESERVOIRS 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, AND 83 TRIBUTARY TO SNIPTION CANYON

Use: IRRIGATION OF 261.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 6.5 ACRES

Quantity: 132.38 ACRE FEET

Basin Name & Number: JOHN DAY, #6

Stream Index Reference: Volume 1A THIRTYMILE CR & MISC

Points of Diversion:

RESERVOIR 1 - SESE, SECTION 18, T4S, R21E, W.M.; 800 FEET NORTH AND 100 FEET WEST FROM SE CORNER, SECTION 18

RESERVOIR 2 - NESE, SECTION 18, T4S, R21E, W.M.; 1700 FEET NORTH AND 400 FEET WEST FROM SE CORNER, SECTION 18

RESERVOIR 3 - SESE, SECTION 18, T4S, R21E, W.M.; 600 FEET NORTH AND 1200 FEET WEST FROM SE CORNER, SECTION 18

RESERVOIR 8 - NESE, SECTION 13, T4S, R20E, W.M.; 100 FEET SOUTH AND 800 FEET WEST FROM E1/4 CORNER, SECTION 13

RESERVOIR 9 - NESE, SECTION 13, T4S, R20E, W.M.; 500 FEET SOUTH AND 500 FEET WEST FROM E1/4 CORNER, SECTION 13

RESERVOIR 10 - NESE, SECTION 13, T4S, R20E, W.M.; 800 FEET SOUTH AND 200 FEET WEST FROM E1/4 CORNER, SECTION 13

RESERVOIR 12 - SWSW, SECTION 18, T4S, R21E, W.M.; 2000 FEET SOUTH AND 1300 FEET EAST FROM W1/4 CORNER, SECTION 18

RESERVOIR 13 - NENW, SECTION 19, T4S, R21E, W.M.; 200 FEET SOUTH AND 1900 FEET EAST FROM NW CORNER, SECTION 19

RESERVOIR 15 - NENW, SECTION 19, T4S, R21E, W.M.; 1100 FEET SOUTH AND 2200 FEET EAST FROM NW CORNER, SECTION 19

RESERVOIR 16 - SENW, SECTION 19, T4S, R21E, W.M.; 600 FEET NORTH AND 2400 FEET EAST FROM W1/4 CORNER, SECTION 19

RESERVOIR 17 - NWSE, SECTION 19, T4S, R21E, W.M.; 700 FEET SOUTH AND 2800 FEET EAST FROM W1/4 CORNER, SECTION 19

RESERVOIR 18 - SESW, SECTION 19, T4S, R21E, W.M.; 300 FEET NORTH AND 1600 FEET EAST FROM SW CORNER, SECTION 19

RESERVOIR 23 - NESE, SECTION 25, T4S, R20E, W.M.; 2800 FEET SOUTH AND 1700 FEET EAST FROM N1/4 CORNER, SECTION 25

RESERVOIR 24 - SENE, SECTION 26, T4S, R20E, W.M.; 1500 FEET SOUTH AND 900 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 25 - SENE, SECTION 26, T4S, R20E, W.M.; 2600 FEET SOUTH AND 1300 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 27 - NWSE, SECTION 26, T4S, R20E, W.M.; 3200 FEET SOUTH AND 1400 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 28 - SESE, SECTION 26, T4S, R20E, W.M.; 4000 FEET SOUTH AND 1100 FEET WEST FROM NE CORNER, SECTION 26

RESERVOIR 29 - NENE, SECTION 35, T4S, R20E, W.M.; 600 FEET SOUTH AND 700 FEET WEST FROM NE CORNER, SECTION 35

RESERVOIR 32 - SENE, SECTION 35, T4S, R20E, W.M.; 2200 FEET SOUTH AND 600 FEET WEST FROM NE CORNER, SECTION 35

RESERVOIR 33 - NESE, SECTION 35, T4S, R20E, W.M.; 3100 FEET SOUTH AND 400 FEET WEST FROM NE CORNER, SECTION 35

RESERVOIR 36 - NWNW, SECTION 26, T4S, R20E, W.M.; 200 FEET SOUTH AND 1000 FEET EAST FROM NW CORNER, SECTION 26

RESERVOIR 37 - NWNW, SECTION 26, T4S, R20E, W.M.; 1100 FEET SOUTH AND 900 FEET EAST FROM NW CORNER, SECTION 26

RESERVOIR 38 - SWNW, SECTION 26, T4S, R20E, W.M.; 2300 FEET SOUTH AND 500 FEET EAST FROM NW CORNER, SECTION 26

RESERVOIR 39 - NESE, SECTION 27, T4S, R20E, W.M.; 3700 FEET SOUTH AND 100 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 40 - SESE, SECTION 34, T4S, R20E, W.M.; 100 FEET NORTH AND 1400 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 41 - SESE, SECTION 34, T4S, R20E, W.M.; 770 FEET NORTH AND 1400 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 42 - NESE, SECTION 34, T4S, R20E, W.M.; 1440 FEET NORTH AND 260 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 43 - NESE, SECTION 34, T4S, R20E, W.M.; 2140 FEET NORTH AND 1630 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 44 - SENE, SECTION 34, T4S, R20E, W.M.; 2760 FEET NORTH AND 1690 FEET EAST FROM S1/4 CORNER, SECTION 34

RESERVOIR 52 - NENE, SECTION 27, T4S, R20E, W.M.; 200 FEET SOUTH AND 1200 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 53 - SENE, SECTION 27, T4S, R20E, W.M.; 1800 FEET SOUTH AND 1300 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 54 - SESE, SECTION 27, T4S, R20E, W.M.; 4500 FEET SOUTH AND 700 FEET WEST FROM NE CORNER, SECTION 27

RESERVOIR 64 - SWNE, SECTION 19, T4S, R21E, W.M.; 3200 FEET NORTH AND 1100 FEET EAST FROM S1/4 CORNER, SECTION 19

RESERVOIR 65 - NWSE, SECTION 19, T4S, R21E, W.M.; 2300 FEET NORTH AND 500 FEET EAST FROM S1/4 CORNER, SECTION 19

RESERVOIR 66 - SESW, SECTION 19, T4S, R21E, W.M.; 500 FEET NORTH AND 500 FEET WEST FROM S1/4 CORNER, SECTION 19

RESERVOIR 67 - SESW, SECTION 19, T4S, R21E, W.M.; 200 FEET NORTH AND 800 FEET WEST FROM S1/4 CORNER, SECTION 19

RESERVOIR 68 - NENW, SECTION 30, T4S, R21E, W.M.; 500 FEET SOUTH AND 1500 FEET EAST FROM NW CORNER, SECTION 30

RESERVOIR 69 - NWNW, SECTION 30, T4S, R21E, W.M.; 1100 FEET SOUTH AND 600 FEET EAST FROM NW CORNER, SECTION 30

RESERVOIR 70 - SWNW, SECTION 30, T4S, R21E, W.M.; 1800 FEET SOUTH AND 300 FEET EAST FROM NW CORNER, SECTION 30

RESERVOIR 71 - SENE, SECTION 25, T4S, R20E, W.M.; 2300 FEET SOUTH AND 100 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 72 - NESE, SECTION 25, T4S, R20E, W.M.; 2800 FEET SOUTH AND 500 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 73 - NESE, SECTION 25, T4S, R20E, W.M.; 3300 FEET SOUTH AND 800 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 74 - SWSE, SECTION 25, T4S, R20E, W.M.; 5200 FEET SOUTH AND 2600 FEET WEST FROM NE CORNER, SECTION 25

RESERVOIR 75 - NENW, SECTION 36, T4S, R20E, W.M.; 4100 FEET NORTH AND 1500 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 76 - SWNW, SECTION 36, T4S, R20E, W.M.; 3700 FEET NORTH AND 800 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 77 - SWNW, SECTION 36, T4S, R20E, W.M.; 3000 FEET NORTH AND 600 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 78 - NWSW, SECTION 36, T4S, R20E, W.M.; 2600 FEET NORTH AND 300 FEET EAST FROM SW CORNER, SECTION 36

RESERVOIR 79 - NESE, SECTION 35, T4S, R20E, W.M.; 1700 FEET NORTH AND 200 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 80 - SWSE, SECTION 35, T4S, R20E, W.M.; 1000 FEET NORTH AND 1500 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 81 - SESW, SECTION 35, T4S, R20E, W.M.; 100 FEET NORTH AND 3200 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 82 - NWNW, SECTION 2, T5S, R20E, W.M.; 200 FEET SOUTH AND 400 FEET EAST FROM NW CORNER, SECTION 2

RESERVOIR 83 - NENE, SECTION 19, T4S, R21E, W.M.; 2640 FEET NORTH AND 50 FEET WEST FROM E 1/4 CORNER, SECTION 19

Place of Use:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE SE	3.8 ACRES	
SECTION 13		
SE NE	5.7 ACRES	
SE SW	0.8 ACRE	
NE SE	7.0 ACRES	
NW SE	1.8 ACRES	
SW SE	11.1 ACRES	
SE SE	0.2 ACRE	
SECTION 25		
SW NE	1.1 ACRES	
SE NE	2.5 ACRES	
NW NW	3.1 ACRES	
SW NW	4.0 ACRES	
NW SW	3.4 ACRES	
NE SE	0.4 ACRE	
NW SE	3.4 ACRES	
SW SE	0.1 ACRE	
SE SE	3.7 ACRES	
SECTION 26		
NE NE	3.0 ACRES	
SE NE	3.9 ACRES	
NE SE	2.4 ACRES	

Place of Use, continued:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW SE	2.4 ACRES	
SW SE	0.6 ACRE	
SE SE	6.9 ACRES	
SECTION 27		
NE NE	4.1 ACRES	
SE NE	4.1 ACRES	
NE SE	3.9 ACRES	
SW SE	0.5 ACRE	
SE SE	6.2 ACRES	
SECTION 34		
NE NE	3.9 ACRES	
SW SW	0.1 ACRE	
SE SW	4.7 ACRES	
NE SE	10.5 ACRES	
NW SE	0.3 ACRE	
SW SE	7.8 ACRES	
SE SE	0.3 ACRE	
SECTION 35		
NW NE	0.2 ACRE	
NE NW	14.1 ACRES	
NW NW	2.6 ACRES	
SW NW	6.7 ACRES	
NW SW	2.1 ACRES	
SECTION 36		
TOWNSHIP 4 SOUTH, RANGE 20 EAST, W.M.		
NW SW	1.5 ACRES	
SW SW	3.4 ACRES	
SE SW	1.7 ACRES	
SE SE	2.5 ACRES	
SECTION 18		
NE NE	7.2 ACRES	
SW NE	6.0 ACRES	
SE NE	3.5 ACRES	
NE NW	3.9 ACRES	
SE NW	3.8 ACRES	
NE SW	4.8 ACRES	1.0 ACRE
SE SW	6.2 ACRES	4.2 ACRES
NE SE		0.1 ACRE
NW SE	5.5 ACRES	
SECTION 19		
NE NW	2.7 ACRES	0.7 ACRE
NW NW	8.1 ACRES	0.5 ACRE
SW NW	5.3 ACRES	
SECTION 30		
TOWNSHIP 4 SOUTH, RANGE 21 EAST, W.M.		

Place of Use, continued:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE NW	1.8 ACRES	
NW NW	6.1 ACRES	
SECTION 2		
NE NE	4.6 ACRES	
NW NE	6.7 ACRES	
NE NW	5.9 ACRES	
SW NW	17.2 ACRES	
SE NW	6.0 ACRES	
SECTION 3		
TOWNSHIP 5 SOUTH, RANGE 20 EAST, W.M.		

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 1, 2010

PUBLIC NOTICE DATE: Tuesday, December 22, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, January 21, 2010

Mailing List for IR Copies

Application #S-87388

IR Date: December 18, 2009

Original mailed to applicant:

R. J. AND SUSAN CLAUS , 22211 SW PACIFIC HWY, SHERWOOD, OR 97140

Copies sent to:

1. WRD - File # S-87388
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent via e-mail to:

3. WRD - Watermaster # 21
4. ODFW: Jeff Neal
5. DEQ: Pat Vernon

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture
7. WRD - Regional Manager: NCR

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

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

8. Bill Porfily, Porfily Water Rights Consulting, PO Box 643, Stanfield, OR 97875

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

Caseworker: Michele McAleer

COPYSH.T.IR