



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

DAVID STANDLEY
STANDLEY TIMBER LLC
39038 TRILLIUM LANE
CORVALLIS, OR 97330

January 29, 2010

Reference: File R-87568

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 storage of 15.0 acre feet (AF) of water, being 3.0 AF each in Division, Lost World, J Dale, Johnson, and Stillwell Reservoirs, from runoff, a tributary of Jordan Creek, Grande Ronde River, and Whiskey Creek, for fire protection, livestock, and wildlife.

The proposed dam height for each reservoir is less than 10 feet, and the area submerged for each reservoir is 0.25 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from runoff, a tributary of Jordan Creek, Grande Ronde River, and Whiskey Creek, for fire protection, livestock, and wildlife is allowable under the Grande Ronde Basin Program.
4. Surface water is available during the period December 1 through June 30.
5. Oregon Administrative Rule 690-033-0120(2) prohibits the diversion of water from April 15 through September 30 of each year.
6. The proposed use is located above the Wallowa-Grande Ronde Scenic Waterway, as designated under Oregon Revised Statute 390.826.

Summary of Initial Determinations

The use of 15.0 AF, being 3.0 AF each in Division, Lost World, J Dale, Johnson, and Stillwell Reservoirs, from runoff, a tributary of Jordan Creek, Grande Ronde River, and Whiskey Creek, for fire protection, livestock, and wildlife is allowable December 1 through April 14.

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 **#4 and #5** 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, February 12, 2010**. 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. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead pool level 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. If the Director notifies the permittee to install a staff gage, or other suitable measuring device, the permittee shall install such devices within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the devices in good working order and shall allow the watermaster access to the devices.
- 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.
- 3. Use of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Grande Ronde River at Troy, OR, gage 13333000 and discontinue diversion when the flows specified below are unmet. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet.

Wallowa-Grande Ronde River Scenic Waterway	
<i>Month</i>	<i>Minimum Bypass Flow (cfs)</i>
January	800
February	800
March	2000
April	5000

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 cursive script, appearing to read 'Jeana Eastman'.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87568

WAB Division, Johnson 8-30810412 Lost World, J Dale 8-230 Stillwell 8-30810411

POU 8-

GW

APPLICATION FACT SHEET

Application File Number: R-87568

Applicant: DAVID STANDLEY, STANDLEY TIMBER LLC

County: Union

Watermaster: 6

Priority Date: January 6, 2010

Source(s):

DIVISION, JOHNSON - RUNOFF, A TRIBUTARY OF JORDON CREEK

LOST WORLD, J DALE - RUNOFF, A TRIBUTARY OF GRANDE RONDE RIVER

STILLWELL - RUNOFF, A TRIBUTARY OF WHISKEY CREEK

Use: FIRE PROTECTION, LIVESTOCK, AND WILDLIFE

Quantity: 15.0 ACRE FEET (AF), BEING 3.0 AF IN EACH RESERVOIR

Basin Name & Number: Grande Ronde, #8

Stream Index Reference: Volume 1 GRANDE RONDE R MISC

Point of Diversion(s):

DIVISION RESERVOIR: NWNE, SECTION 25, T3S, R36E, W.M.;160 FEET SOUTH AND 2950 FEET EAST FROM NW CORNER, SECTION 25

LOST WORLD RESERVOIR: SENE, SECTION 13, T3S, R36E, W.M.;2050 FEET SOUTH AND 4144 FEET EAST FROM NW CORNER, SECTION 13

J DALE RESERVOIR: SWSE, SECTION 13, T3S, R36E, W.M.;570 FEET NORTH AND 1450 FEET WEST FROM SE CORNER, SECTION 13

JOHNSON RESERVOIR: NENW, SECTION 30, T3S, R37E, W.M.;510 FEET SOUTH AND 1830 FEET EAST FROM NW CORNER, SECTION 30

STILLWELL RESERVOIR: SWSE, SECTION 19, T3S, R37E, W.M.;190 FEET NORTH AND 1450 FEET WEST FROM SE CORNER, SECTION 19

Place of Use:

SE ¼ NE ¼
SW ¼ SE ¼
SECTION 13

NW ¼ NE ¼
SECTION 25

TOWNSHIP 3 SOUTH, RANGE 36 EAST, W.M.

SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 19

NE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 30
TOWNSHIP 3 SOUTH, RANGE 37 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 12, 2010

PUBLIC NOTICE DATE: Tuesday, February 2, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, March 4, 2010

Mailing List for IR Copies

Application #R-87568

IR Date: January 29, 2010

Original mailed to applicant:

DAVID STANDLEY STANDLEY TIMBER LLC, 39038 TRILLIUM LANE, CORVALLIS, OR 97330

Copies sent to:

1. WRD - File # R-87568
2. WRD - Water Availability: Ken Stahr

IR SENT VIA EMAIL BY CW:

3. WRD -Watermaster # 6
4. ODFW:
5. DEQ:

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

IR, Map, and Fact Sheet Copies sent to:

6. WRD - Regional Manager (not SCR): E
7. Department of Agriculture
8. Columbia River Intertribal Fish Commission, Julie Carter,
729 NE Oregon St, Ste 200, Portland OR 97232
9. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
10. NW Power Planning Council, Fish & Wildlife Division, Karl Weist
851 SW Sixth Ave, Ste 1020, Portland OR 97204
11. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson
PO Box 638, 73239 Confederated Way, Pendleton, OR 97801
12. National Marine Fisheries Service, Spencer Hovekamp
3502 Hwy 30, La Grande, OR 97850