



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 AND KATHRYN ROGERS
26366 GAP RD
BROWNSVILLE, OR 97327-9720

April 9, 2010

Reference: File R-87555

Dear Applicants:

**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 year-round storage of 174.3 acre-feet (AF) of water from seven unnamed streams and runoff, tributaries to Courtney Creek, for multiple purpose use.

Storage of 174.3 AF is further limited by reservoir as follows:

Reservoir	Maximum Dam Height (feet)	Maximum Water Depth (feet)	Surface Area (acres)	Storage (acre-feet)
400-1	5.0	3.0	2.9	7.3
400-2	5.0	3.0	4.1	9.0
400-3	5.0	3.0	1.7	5.1
400-4	5.0	3.0	3.0	7.5
400-5	5.0	3.0	2.0	6.0
400-6	5.0	3.0	3.7	8.9
400-7	5.0	3.0	2.7	6.8
400-8	5.0	3.0	8.6	17.2
400-9	5.0	3.0	9.2	18.4
400-10	5.0	3.0	3.5	8.8

Reservoir	Maximum Dam Height (feet)	Maximum Water Depth (feet)	Surface Area (acres)	Storage (acre-feet)
600-1	5.0	3.0	3.1	7.8
600-2	5.0	3.0	1.7	4.3
600-3	5.0	3.0	2.4	6.0
600-4	5.0	3.0	3.2	8.0
600-5	5.0	3.0	2.7	6.8
600-6	5.0	3.0	1.8	4.5
600-7	5.0	3.0	3.9	9.0
600-8	5.0	3.0	2.8	7.0
600-9	5.0	3.0	0.9	2.3
600-10	5.0	3.0	1.3	3.3
600-11	5.0	3.0	1.7	4.3
600-12	5.0	3.0	3.7	8.9
600-13	5.0	3.0	1.3	3.3
600-14	5.0	3.0	1.5	3.8

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Under the Willamette Basin Program, the use of water from seven unnamed streams and runoff, tributaries to Courtney Creek, is allowable November 1 through June 30.
4. Surface water is available year-round.
5. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

Summary of Initial Determinations

The storage of 174.3 AF of water from seven unnamed streams and runoff, tributaries to Courtney Creek, for multiple purpose is allowable November 1 through June 30.

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 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, April 23, 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. 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 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.
 - C. 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.
 - D. 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.
 - E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
3. 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 503-986-0808 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: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87555
WAB 2-76
POU 2-76
GW

APPLICATION FACT SHEET

Application File Number: R-87555

Applicant: DAVID AND KATHRYN ROGERS

County: Linn

Watermaster: 2

Priority Date: November 23, 2009

Source: SEVEN UNNAMED STREAMS AND RUNOFF, TRIBUTARIES OF COURTNEY CREEK

Use: MULTIPLE PURPOSE

Quantity: 174.30 ACRE FEET (AF), BEING:

Reservoir	AF
400-1	7.3
400-2	9.0
400-3	5.1
400-4	7.5
400-5	6.0
400-6	8.9
400-7	6.8
400-8	17.2
400-9	18.4
400-10	8.8
600-1	7.8
600-2	4.3
600-3	6.0

Reservoir	AF
600-4	8.0
600-5	6.8
600-6	4.5
600-7	9.0
600-8	7.0
600-9	2.3
600-10	3.3
600-11	4.3
600-12	8.9
600-13	3.3
600-14	3.8

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 5 CALAPOOYA R MISC

Points of Diversion:

A: SENE, SECTION 7, T14S, R2W, W.M.; 1820 FEET NORTH AND 1960 FEET EAST FROM NW CORNER, DLC 61

Points of Diversion (cont.):

- B: SWNE, SECTION 7, T14S, R2W, W.M.; 1800 FEET NORTH AND 1550 FEET EAST FROM NW CORNER, DLC 61
- C: SWNE, SECTION 7, T14S, R2W, W.M.; 1740 FEET NORTH AND 1440 FEET EAST FROM NW CORNER, DLC 61
- D: SWNE, SECTION 7, T14S, R2W, W.M.; 1760 FEET NORTH AND 1070 FEET EAST FROM NW CORNER, DLC 61
- E: NWSE, SECTION 7, T14S, R2W, W.M.; 850 FEET NORTH AND 550 FEET EAST FROM NW CORNER, DLC 61
- F: NESW, SECTION 7, T14S, R2W, W.M.; 490 FEET NORTH AND 10 FEET EAST FROM NW CORNER, DLC 61
- G: NESW, SECTION 7, T14S, R2W, W.M.; 300 FEET NORTH AND 110 FEET EAST FROM NW CORNER, DLC 61

Reservoir Locations:

- 400-1: NENW, SECTION 7, T14S, R2W, W.M.; 2800 FEET NORTH AND 600 FEET WEST FROM NW CORNER, DLC 61
- 400-2: SENW, SECTION 7, T14S, R2W, W.M.; 2600 FEET NORTH AND 100 FEET WEST FROM NW CORNER, DLC 61
- 400-3: SENW, SECTION 7, T14S, R2W, W.M.; 2350 FEET NORTH AND 630 FEET WEST FROM NW CORNER, DLC 61
- 400-4: SENW, SECTION 7, T14S, R2W, W.M.; 2300 FEET NORTH AND 1000 FEET WEST FROM NW CORNER, DLC 61
- 400-5: SWNE, SECTION 7, T14S, R2W, W.M.; 2100 FEET NORTH AND 600 FEET EAST FROM NW CORNER, DLC 61
- 400-6: SWNE, SECTION 7, T14S, R2W, W.M.; 2050 FEET NORTH AND 750 FEET EAST FROM NW CORNER, DLC 61
- 400-7: SWNE, SECTION 7, T14S, R2W, W.M.; 2050 FEET NORTH AND 950 FEET EAST FROM NW CORNER, DLC 61
- 400-8: SWNE, SECTION 7, T14S, R2W, W.M.; 1400 FEET NORTH AND 400 FEET EAST FROM NW CORNER, DLC 61
- 400-9: SWNE, SECTION 7, T14S, R2W, W.M.; 1400 FEET NORTH AND 1050 FEET EAST FROM NW CORNER, DLC 61
- 400-10: SWNE, SECTION 7, T14S, R2W, W.M.; 1900 FEET NORTH AND 1500 FEET EAST FROM NW CORNER, DLC 61

Reservoir Locations (cont.):

600-1: NWSW, SECTION 7, T14S, R2W, W.M.; 400 FEET NORTH AND 1600 FEET WEST FROM NW CORNER, DLC 61

600-2: NWSW, SECTION 7, T14S, R2W, W.M.; 300 FEET NORTH AND 1400 FEET WEST FROM NW CORNER, DLC 61

600-3: NWSW, SECTION 7, T14S, R 2W, W.M.; 500 FEET NORTH AND 1550 FEET WEST FROM NW CORNER, DLC 61

600-4: NWSW, SECTION 7, T14S, R 2W, W.M.; 750 FEET NORTH AND 1550 FEET WEST FROM NW CORNER, DLC 61

600-5: NWSW, SECTION 7, T14S, R 2W, W.M.; 600 FEET NORTH AND 1140 FEET WEST FROM NW CORNER, DLC 61

600-6: NWSW, SECTION 7, T14S, R 2W, W.M.; 330 FEET NORTH AND 1260 FEET WEST FROM NW CORNER, DLC 61

600-7: NESW, SECTION 7, T14S, R 2W, W.M.; 500 FEET NORTH AND 600 FEET WEST FROM NW CORNER, DLC 61

600-8: NESW, SECTION 7, T14S, R 2W, W.M.; 700 FEET NORTH AND 650 FEET WEST FROM NW CORNER, DLC 61

600-9: NESW, SECTION 7, T14S, R 2W, W.M.; 750 FEET NORTH AND 850 FEET WEST FROM NW CORNER, DLC 61

600-10: NESW, SECTION 7, T14S, R 2W, W.M.; 900 FEET NORTH AND 600 FEET WEST FROM NW CORNER, DLC 61

600-11: NESW, SECTION 7, T14S, R 2W, W.M.; 900 FEET NORTH AND 400 FEET WEST FROM NW CORNER, DLC 61

600-12: NESW, SECTION 7, T14S, R 2W, W.M.; 850 FEET NORTH AND 200 FEET WEST FROM NW CORNER, DLC 61

600-13: NESW, SECTION 7, T14S, R 2W, W.M.; 950 FEET NORTH AND 200 FEET EAST FROM NW CORNER, DLC 61

600-14: NESW, SECTION 7, T14S, R 2W, W.M.; 600 FEET NORTH AND 200 FEET EAST FROM NW CORNER, DLC 61

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$

NW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 7
TOWNSHIP 14 SOUTH, RANGE 2 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 23, 2010

PUBLIC NOTICE DATE: Tuesday, April 13, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, May 13, 2010

Mailing List for IR Copies

Application #R-87555

IR Date : April 9, 2010

Original mailed to applicant:

DAVID AND KATHRYN ROGERS , 26366 GAP RD, BROWNSVILLE, OR 97327-9720

Copies sent to:

1. WRD - File # R-87555
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)

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

NW Farm Credit Services, PO Box 72300, Eugene, OR 97401

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

6. Department of Agriculture
7. Parks
8. Don Knauer

COPYSHT.IR

Caseworker: Brook Geffen

REMINDER: Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)