

Kerry Kavanagh
Application Caseworker
Water Rights Section
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
(503) 986-0816

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APR 27 2010

WATER RESOURCES DEPT
SALEM, OREGON

I would like to ask the OWRD to hereby amending my application, S-86866, to remove any proposed use of POD #3 due to an unforeseen circumstance and therefore I am also requesting that OWRD issue a **superseding PFO** for S-86866 based on this amendment to my application that reflects my proposed use of only the originally proposed POD 1 and POD 2.

Thanks

Kent Madison

Kerry Kavanagh

From: kent madison [kmadison@eoni.com]
Sent: Tuesday, April 27, 2010 4:13 PM
To: Kerry Kavanagh
Cc: 'kent madison'
Subject: RE: OWRD - Application S-86866
Importance: High
Attachments: OWRD POD change.doc

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SALEM, OREGON

Kerry

Attached is a letter requesting the change to my application.



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Kerry Kavanagh [mailto:kavanakl@wrp.state.or.us]
Sent: Tuesday, April 27, 2010 2:33 PM
To: kmadison@eoni.com
Cc: Kerry Kavanagh
Subject: FW: OWRD - Application S-86866
Importance: High

Hi Kent,

I need a written statement from you describing how you wish to amend the application. Do you want to amend your application by removing POD #3? Please reply in writing.

Thanks,

Kerry

Kerry Kavanagh
Application Caseworker
Water Rights Section
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
(503) 986-0816

From: kent madison [mailto:kmadison@eoni.com]
Sent: Monday, April 26, 2010 3:21 PM
To: 'Lynne Paretchan'; 'MacDougal, Douglas'; Port of Umatilla; 'Jason Melady'; 'Bill Porfily'

Cc: ebrookshier@hermiston.or.us; 'kent madison'; Kerry Kavanagh
Subject: RE: OWRD - Application S-86866
Importance: High

Lynne

Thanks for your time today and your understanding of what I am trying to do. I agree with your email on what is the best way to continue with my water right.

Kerry

Please see the email below on what I agree to have the OWRD do on behalf of my application S-86866

Thanks



Kent Madison

29299 Madison Rd
Echo Oregon 97826
541-376-8107 office
541-571-0581 cell

From: Lynne Paretchan [mailto:lynne@lparetchan.com]
Sent: Monday, April 26, 2010 2:39 PM
To: kent madison
Cc: ebrookshier@hermiston.or.us
Subject: OWRD - Application S-86866

Hi Kent,

Good talking with you today. As we discussed, if your application for a surface water right (S-86866), did not include any proposal to use POD #3, which is the Port and City's pump station on the Columbia, then the City would not need to protest the proposed final order (PFO) issued for S-86866 by OWRD on April 13, 2010. And then your application could move ahead on the basis of you using the other two PODs originally requested in S-86866.

To request to amend your application to OWRD to remove your proposal to use POD 3, I suggest you send OWRD an email/letter stating that you are hereby amending your application, S-86866, to remove any proposed use of POD #3 due to an unforeseen circumstance and therefore you are also requesting that OWRD issue a **superseding PFO** for S-86866 based on this amendment to your application that reflects your proposed use of only the originally proposed POD 1 and POD 2.

I think this would be the simplest approach for all because then your amended application could move ahead with a superseding PFO that would far be less likely to be protested. And then you and the City and the Port et al. could sit down and discuss if and how it might be possible to accomplish the delivery of water to you within the capacity of the existing infrastructure on a revocable licensee basis if you had a water right permit that allowed for the use of POD 3 as a point of diversion. And if such an agreement was feasible, then you could apply to amend any permit issued for S-86866 to add POD 3 back as a point of diversion.

And here is Kerry's email: kavanakl@wrp.state.or.us

Lynne

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