



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

GREENBERRY IRRIGATION DISTRICT
30742 VENELL PLACE
CORVALLIS, OR 97333

July 23, 2010

Reference: File S-87621

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 diversion of 22.0 cubic feet per second (CFS) of water from Willamette River, a tributary of Columbia River, for agriculture uses September 1 through June 30.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Willamette River, a tributary of Columbia River, for year-round agriculture uses is allowable under the Willamette Basin Program.
4. Surface water is available in the amount and for the full period requested.
5. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 22.0 CFS from Willamette River, a tributary of Columbia River, for agriculture uses September 1 through June 30 is allowable.

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 permit approval. Please provide the following items:

- Clarification of whether or not you have a recorded easement or written authorization permitting access to lands not owned by you. More than one check box is marked on the application form, indicating that you have *and* that you do not have easement or written authorization. (Please note that the Department does not consider customers that you deliver water to as affected landowners and does not require easement or written authorization to cross customer lands.)
- A completed Land Use Information Form (LUIF) or a receipt signed and dated *within the past year* by the relevant planning jurisdiction that states the proposed use of water and location(s) where water will be diverted, conveyed, and used comply with the local acknowledged comprehensive land-use plan. The LUIF submitted with the application is over three (3) years old.
- At least two (2) additional copies of the application map as we find it necessary to have more than one copy of the application map on file.

Please submit this information no later than Thursday, August 26, 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.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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.

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, August 6, 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 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,

A handwritten signature in black ink, appearing to read 'Jeana Eastman'.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87621
WAB 2-30200321
POU 2-30200321
GW

APPLICATION FACT SHEET

Application File Number: S-87621

Applicant: GREENBERRY IRRIGATION DISTRICT

County: Benton

Watermaster: 2

Priority Date: June 16, 2010

Source: WILAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER

Use: AGRICULTURE USES

Quantity: 22.0 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion or Well Location(s):

POD 1: SWSW, SECTION 25, T13S, R5W, W.M.;1300 FEET NORTH AND 1300 FEET EAST FROM SW CORNER, SECTION 25

POD 2: SWNW, SECTION 19, T13S, R4W, W.M.;3146 FEET NORTH AND 1281 FEET EAST FROM SW CORNER, SECTION 19

Place of Use:

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SECTION 23

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RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 6, 2010

PUBLIC NOTICE DATE: Tuesday, July 27, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, August 26, 2010

Mailing List for IR Copies

Application #S-87621

IR Date: July 23, 2010

Original mailed to applicant:

GREENBERRY IRRIGATION DISTRICT, 30742 VENELL PLACE, CORVALLIS, OR 97333

Copies sent to:

1. WRD - File # S-87621
2. WRD - Water Availability: Ken Stahr

VIA EMAIL:

3. WRD - Watermaster # 2
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"):

***see attached two pgs for ALO's

***TIMMIE: DO NOT SEND MAP WITH IR, the copy in file is our only copy, I'm requesting additional copies and we can send them out with the PFO. see me if questions, thx

Caseworker: Jeana Eastman

COPYSHT.IR