



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

October 29, 2010

DENIS LAVIOLETTE
ALDERBROOK GOLF COURSE
PO BOX 432
TILLAMOOK, OR 97141

Reference: File G-17409

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 appropriation of 0.57 cubic foot per second (CFS) of water from Well 1, Well 2, and Well 3 in Vaughn Creek Basin for irrigation of 45.37 acres March 1 through October 31 and year-round pond maintenance of Pond D under Application R-87636.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1, Well 2, and Well 3 in Vaughn Creek Basin for irrigation and pond maintenance is allowable under the North Coast Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

The Department has determined, based upon OAR 690-009, that the proposed ground water use will have the potential for substantial interference with Vaughn Creek. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered. Surface water is not available in the amount and for the full period requested.

5. Due to #4, it is unlikely the Department will issue a permit for 0.57 CFS. However, by amending the requested rate, the Department may be able to proceed favorably and issue a limited permit. The amount of water available year-round is 0.22 CFS. Therefore, if this amount can meet your needs, you may want to consider amending the rate to 0.22

CFS. If you are interested in amending the requested rate, please submit an amendment by Thursday, November 25, 2010. If you need additional time, you may submit a written request for an administrative hold for up to an additional 180 days.

6. The standard allowable rate for pond maintenance is 0.01 CFS for each acre foot of stored water. If the application is approved, the rate allowed will be limited to 0.005 CFS (0.01 cfs * 0.51 acre feet of stored water in Pond D).

Summary of Allowable Water Use

Because not all items above are favorable, the use of 0.57 CFS for irrigation of 45.37 acres March 1 through October 31, further limited to 0.005 CFS for year-round pond maintenance, from Well 1, Well 2, and Well 3 in Vaughn Creek Basin is not allowable, and it appears unlikely that you will be issued a permit. However, the Departments findings may change if the requested rate is amended to an amount that is available, being 0.22 CFS. At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

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, November 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. 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 appropriation. 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. Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.
 3. The wells shall produce water only from the alluvial ground water reservoir.
 4. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
 5. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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". The signature is cursive and somewhat stylized.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17409
WAB 1-3012032
POU 1-30120320
GW

APPLICATION FACT SHEET

Application File Number: G-17409

Applicant: DENIS LAVIOLETTE ALDERBROOK GOLF COURSE

County: Tillamook

Watermaster: 1

Priority Date: August 9, 2010

Source: WELL 1, WELL 2, AND WELL 3 IN VAUGHN CREEK BASIN

Use: IRRIGATION OF 45.37 ACRES AND POND MAINTENANCE

Quantity: 0.57 CUBIC FOOT PER SECOND

Basin Name & Number: North Coast, #1

Stream Index Reference: Volume 2A TILLAMOOK BAY & TRIBS

Point of Diversion or Well Location(s):

WELL 1: NESW, SECTION 1, T1S, R10W, W.M.;1535 FEET NORTH AND 2225 FEET EAST FROM SW CORNER, SECTION 1

WELL 2: NESW, SECTION 1, T1S, R10W, W.M.;1705 FEET NORTH AND 2250 FEET EAST FROM SW CORNER, SECTION 1

WELL 3: NESW, SECTION 1, T1S, R10W, W.M.;1800 FEET NORTH AND 2275 FEET EAST FROM SW CORNER, SECTION 1

Place of Use:

NE ¼ SW ¼ 15.57 ACRES
NW ¼ SW ¼ 14.03 ACRES
SW ¼ SW ¼ 1.92 ACRES
SE ¼ SW ¼ 8.93 ACRES AND POND MAINTENANCE
NW ¼ SE ¼ 2.19 ACRES
SW ¼ SE ¼ 2.73 ACRES
SECTION 1
TOWNSHIP 1 SOUTH, RANGE 10 WEST, W.M.

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

PUBLIC NOTICE DATE: Tuesday, November 2, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, December 2, 2010

Mailing List for IR Copies

Application #G-17409

IR Date: October 29, 2010

Original mailed to applicant:

DENIS LAVIOLETTE ALDERBROOK GOLF COURSE, PO BOX 432, TILLAMOOK, OR 97141

Copies sent to:

1. WRD - File # G-17409
2. WRD - Water Availability: Ken Stahr

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

sent via email

3. WRD - Watermaster # 1 (include Division 33 form)
4. ODFW: (include Division 33 form)
5. DEQ: (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

Caseworker: Jeana Eastman

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