



# 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

ROBERT AND BETTY JANZEN  
20555 SE WEBFOOT RD  
DAYTON, OR 97114

March 4, 2011

Reference: File R-87683

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 35.34 acre feet (AF) of water in New Campbell Reservoir from an unnamed stream, a tributary of Palmer Creek, for irrigation, livestock, wildlife, aesthetics, and fire protection. The dam height is 9.9 feet and the area submerged by the reservoir is 44.34 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from an unnamed stream, a tributary of Palmer Creek, for irrigation, livestock, wildlife, aesthetics, and fire protection is allowable November 1 through June 30 under the Willamette Basin Program.

Please keep in mind that if a permit is issued under this application, you would need to obtain a secondary permit to use the water for out-of-reservoir uses (irrigation).

4. Surface water is available during the period October 1 through July 31.

Summary of Initial Determinations

**The storage of 35.34 AF from an unnamed stream, a tributary of Palmer Creek, for irrigation, livestock, wildlife, aesthetics, and fire protection may be allowed 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 and #4** 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, March 18, 2011**. 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, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed 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. The permittee shall maintain all required devices in good working order.
  - C. The permittee shall allow the watermaster access to the device; provided however, where any 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 stored, and may require the permittee to report water storage 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.
2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
  3. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

4. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.
5. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.
6. 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](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,



Jeana Eastman  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87683  
WAB 2-30200801  
POU 2-30200801

# APPLICATION FACT SHEET

Application File Number: R-87683

Applicant: ROBERT AND BETTY JANZEN

County: Yamhill

Watermaster: 16

Priority Date: January 21, 2011

Source: UNNAMED STREAM, A TRIBUTARY OF PALMER CREEK

Use: STORAGE FOR IRRIGATION, LIVESTOCK, WILDLIFE, AESTHETICS, AND FIRE PROTECTION

Quantity: 35.34 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 12A PALMER CR & MISC

Point of Diversion or Well Location(s): NESW, SECTION 20, T5S, R3W, W.M.; 1215 FEET SOUTH AND 425 FEET WEST FROM C1/4 CORNER, SECTION 20

Place of Use:

NE ¼ SW ¼  
SE ¼ SW ¼  
SW ¼ SE ¼  
SECTION 20

NW ¼ NE ¼  
NE ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
SECTION 29

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 18, 2011**

**PUBLIC NOTICE DATE: Tuesday, March 8, 2011**

**30 DAY COMMENT DEADLINE DATE: Thursday, April 7, 2011**

# Mailing List for IR Copies

Application #R-87683

IR Date : March 4, 2011

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**Original mailed to applicant:**

ROBERT AND BETTY JANZEN , 20555 SE WEBFOOT RD, DAYTON, OR 97114

Copies sent to:

1. WRD - File # R-87683
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 16
4. ODFW:
5. DEQ:

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture
7. Palmer Creek Water District Improvement Co, PO Box 152, Dayton OR 97114

Caseworker: Jeana Eastman

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