



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

April 8, 2011

DANIEL HUTCHISON
102 JANTONI DR
BOISE, ID 83712

Reference: File S-87504

Dear Mr. Hutchison:

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 use of 6.0 gallons per minute, being 0.01 cubic foot per second (CFS), from Black Bull Spring, a private spring, for year-round pond maintenance and irrigation of 2.0 acres from March 1 through October 31.

The application also proposed the use of 2.0 acre feet (AF) of water from Duck Pond Reservoir, for irrigation of 2.0 acres, from March 1 through October 31 of each year.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Black Bull Spring and Duck Pond Reservoir (contingent upon approval of Application R-87503), tributary to Barren Valley, for pond maintenance and irrigation is allowable under the Owyhee Basin Program.
4. The local watermaster has identified Black Bull Spring as a private spring, meaning that under natural conditions it does not form a natural channel or flow off the property where it originates at any time of the year. The watermaster has determined that year-round use of the private spring will not cause injury to senior water rights.
5. Stored water is available from Duck Pond Reservoir, contingent upon the approval of Application R-87503.

Summary of Initial Determinations

The use of 0.01 CFS of water from Black Bull Spring for year-round pond maintenance and irrigation from March 1 through October 31, and 2.0 AF of water from Duck Pond Reservoir, for irrigation of 2.0 acres is allowable during the full period requested, March 1 through October 31 for irrigation, and year-round for storage for irrigation is allowable, contingent upon approval of Application R-87503.

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.

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, April 22, 2011**. 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. 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.
 - B. If the Director notifies the permittee to install a staff gage, or other suitable measuring device, the permittee shall install such devices within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the devices in good working order and shall allow the watermaster access to the devices.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, 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.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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 503-986-0853 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: Michele McAleer, 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 cursive script, appearing to read "Michele R. McAleer".

Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87504
WAB 11- none (private - Black Bull Spring)

APPLICATION FACT SHEET

Application File Number: S-87504

Applicant: DANIEL HUTCHISON

County: MALHEUR

Watermaster: 9

Priority Date: AUGUST 03, 2009

Source: BLACK BULL SPRING, AND DUCK POND RESERVOIR (CONTINGENT UPON APPROVAL OF APPLICATION R-87503)

Use: POND MAINTENANCE AND IRRIGATION OF 2.0 ACRES

Quantity: 0.01 CUBIC FOOT PER SECOND AND 2.0 ACRE FEET

Basin Name & Number: OWYHEE, #11

Stream Index Reference: Volume 1 CROWLEY CR VALLEY

Point of Diversion:

Black Bull Spring: NENE, SECTION 34, T28S, R37E, W.M.; 1250 FEET SOUTH AND 132 FEET WEST FROM NE CORNER, SECTION 34

Duck Pond Reservoir: SENE, SECTION 34, T28S, R37E, W.M.; 1450 FEET SOUTH AND 207 FEET WEST FROM NE CORNER, SECTION 34

Place of Use:

SE ¼ NE ¼ 2.0 ACRES IRRIGATION & POND
MAINTENANCE
SECTION 34
TOWNSHIP 28 SOUTH, RANGE 37 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 22, 2011

PUBLIC NOTICE DATE: Tuesday, April 12, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, May 12, 2011

Mailing List for IR Copies

Application #S-87504

IR Date: April 8, 2011

Original mailed to applicant:

DANIEL HUTCHISON , 102 JANTONI DR, BOISE, ID 83712

Copies sent to:

1. WRD - File # S-87504
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent VIA E-MAIL to:

3. WRD - Regional Manager: ER
4. WRD -Watermaster # 9

IR, Map, and Fact Sheet Copies sent to:

5. Department of Agriculture

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

n/a

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

n/a

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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Caseworker: Michele McAleer

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