



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**

July 22, 2011

WESTPORT WATER ASSOCIATION
49206 HWY 30
WESTPORT, OR 97016

Reference: File S-87713

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 proposes the use of 100 gallons per minute of water, being 0.22 cubic foot per second (CFS), for year-round quasi-municipal use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Knapp Springs, a tributary of McFarlane Creek for quasi-municipal uses is allowable under the North Coast Basin Program.
4. Surface water is available in the amount and for the full period requested.
5. The proposed use in this application is currently allowed by the Department under Limited License #1194. If a permit is approved for this application, Limited License #1194 will be terminated upon issuance of that permit.
6. You are encouraged to contact Clatsop County Public Works. Your Land Use Compatibility form from Clatsop County indicates that you must obtain a permit to perform work in a public right of way.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.22 CFS of water from Knapp Springs, a tributary of McFarlane Creek for quasi-municipal uses is allowable during the full period requested, year-round.

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 permit issuance. Please provide the following item(s):

- The proposed use in this application will occur in both Columbia and Clatsop Counties, and land-use approval has been obtained only from Columbia County.

The land use compatibility form from Clatsop County submitted with the application indicates that the land uses to be served by this proposed use involve discretionary land-use approvals for a **Development Permit and Geological Hazard Permit**. As of July 22, 2011, those approvals were **not being pursued, and had not been obtained**.

Prior to the issuance of a permit, the Department must receive documentation that the proposed use complies with the local acknowledged comprehensive land-use plan. Please submit documentation from the relevant jurisdiction that either:

- 1) the proposed use is allowed outright or
- 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Please submit this information no later than August 22, 2011. 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.

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 5, 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. 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 diverted each month, and shall submit a report which includes the recorded report 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.
3. The application is subject to Section 4(d) of the Endangered Species Act.

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 503-986-0853 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 that reads "Michele R. McAleer".

Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87713
WAB 1- n/a, no WAB (WA form to WM #1)
POU 1- no WAB

APPLICATION FACT SHEET

Application File Number: S-87713

Applicant: WESTPORT WATER ASSOCIATION

Counties: Columbia and Clatsop

Watermaster: 1

Priority Date: April 18, 2011

Source: KNAPP SPRINGS, A TRIBUTARY OF MCFARLANE CREEK

Use: QUASI-MUNICIPAL USE

Quantity: 0.22 CUBIC FOOT PER SECOND

Basin Name & Number: North Coast, #1

Stream Index Reference: Volume 1 COLUMBIA R MISC

Point of Diversion: NENE, SECTION 34, T8N, R6W, W.M.; 1285 FEET SOUTH AND 1050 FEET WEST FROM NE CORNER, SECTION 34

Place of Use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 6
TOWNSHIP 7 NORTH, RANGE 5 WEST, W.M.

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NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 1
TOWNSHIP 7 NORTH, RANGE 6 WEST, W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 30

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SECTION 31

SW $\frac{1}{4}$ SW $\frac{1}{4}$
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SECTION 32

TOWNSHIP 8 NORTH, RANGE 5 WEST, W.M.

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SECTION 25

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SECTION 26

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SECTION 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 34

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SECTION 35

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SECTION 36

TOWNSHIP 8 NORTH, RANGE 6 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 5, 2011

PUBLIC NOTICE DATE: Tuesday, July 26, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, August 28, 2011

Mailing List for IR Copies

Application #S-87713

IR Date: July 22, 2011

Original mailed to applicant:

WESTPORT WATER ASSOCIATION, 49206 HWY 30, WESTPORT, OR 97016

Copies sent to:

1. WRD - File # S-87713
2. WRD - Water Availability: Ken Stahr

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

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

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture
7. Kim Kratz, Northwest Fisheries Science Center, NOAA Fisheries, 2725 Montlake Blvd E, Seattle, WA 98112
8. U.S. Fish and Wildlife Service, Newport Field Office, Attn: Madeleine Vander Heyden, 2127 SE Marine Science Drive, Newport, OR 97365

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

9. Wauna Water District, 91685 Taylorville Rd, Clatskanie, OR 97016
10. Joann Knapp & Duane Knapp, 92643 Fernhill Rd, Astoria, OR 97103
11. Steven & Suzanne Gerttula, 92658 Simonsen Rd, Astoria, OR 97103

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

12. Jeanne Boatwright, Boatwright Engineering, Inc., 2613 13th Street SE, Salem, OR 97302

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

Caseworker: Michele McAleer

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