



Oregon

John A. Kitzhaber, MD, 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 L. AND LEANN R. MCKEE
24903 SW PERRYDALE RD
AMITY, OR 97101

August 19, 2011

Reference: File S-87734

Dear Applicants:

**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 1.0 cubic foot per second (CFS) of water from two unnamed springs and runoff, tributary to Salt Creek, and the use of 57.7 acre feet (AF) of stored water, being 54.2 AF from Upper Reservoir, and 3.5 AF from Lower Reservoir, to be constructed under Application R-87735, for irrigation of 103.4 acres March 1 through October 31 of each year.

The application also proposed the diversion of 0.66 CFS of water from two unnamed streams and runoff, tributary to Salt Creek, for year-round pond maintenance. The rate requested also reflects the inclusion of 1.5 AF of water currently stored for exempt use by livestock.

The rate also includes the extraction of 6.4 AF of stored ground water from the reservoir, contingent upon approval of Application G-17474.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water from runoff and two springs, tributary to Salt Creek, for irrigation and pond maintenance is allowable November through April under the Willamette Basin Program.

The use of stored water for irrigation is allowable March through October under the Willamette Basin Program.

4. Surface water is not available during the period June 1 through October 31.
Stored water is available, contingent upon approval of Application R-87735.
5. The application is subject to Section 4(d) of the Endangered Species Act.

6. The application proposes the irrigation of 103.4 acres, while the map indicates 103.0 acres to be irrigated. The Department will consider 103.0 acres unless you provide clarification and a map indicating the location of the 0.4 acres not currently shown on the map.

Summary of Initial Determinations

The use of 1.0 CFS of water from two unnamed springs and runoff, tributary to Salt Creek, for irrigation of 103.0 acres may be allowed from March 1 to April 30.

The use of 57.7 AF of stored water, being 54.2 AF from Upper Reservoir, and 3.5 AF from Lower Reservoir, for irrigation of 103.0 acres is allowable March 1 through October 31, contingent upon approval of Application R-87735.

The use of 0.66 CFS of water from runoff and two springs, tributary to Salt Creek, for pond maintenance may be allowed from November 1 through April 30, contingent upon approval of Application R-87735.

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, September 2, 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, 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.

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,



Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87734
WAB 2- 73562
POU 2-73562

APPLICATION FACT SHEET

Application File Number: S-87734

Applicant: ROBERT L. AND LEANN R. MCKEE

County: YAMHILL

Watermaster: 16

Priority Date: JULY 6, 2011

Source: TWO SPRINGS AND RUNOFF, AND TWO RESERVOIRS (UPPER AND LOWER RESERVOIRS, TO BE CONSTRUCTED UNDER APPLICATION R-87735), TRIBUTARY TO SALT CREEK

Use: IRRIGATION OF 103.0 ACRES AND POND MAINTENANCE

Quantity: 1.66 CUBIC FEET PER SECOND AND 64.1 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 11A SALT CR

Points of Diversion:

POD#1 (UPPER RESERVOIR): NWSE, SECTION 31, T5S, R4W, W.M.; 350 FEET SOUTH AND 400 FEET EAST FROM C1/4 CORNER, SECTION 31

POD#2 (LOWER RESERVOIR): SWNE, SECTION 31, T5S, R4W, W.M.; 1000 FEET NORTH AND 550 FEET EAST FROM C1/4 CORNER, SECTION 31

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.4 ACRES IRRIGATION & POND MAINTENANCE
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.3 ACRES IRRIGATION
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.3 ACRES IRRIGATION
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.6 ACRE IRRIGATION
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.6 ACRES IRRIGATION
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.3 ACRES IRRIGATION & POND MAINTENANCE
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.0 ACRES IRRIGATION

SECTION 31

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.6 ACRES IRRIGATION
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.9 ACRES IRRIGATION

SECTION 6

TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 2, 2011

PUBLIC NOTICE DATE: Tuesday, August 23, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, September 22, 2011

Mailing List for IR Copies

Application #S-87734

IR Date : August 19, 2011

Original mailed to applicant:

ROBERT L. AND LEANN R. MCKEE , 24903 SW PERRYDALE RD, AMITY, OR 97101

Copies sent to:

1. WRD - File # R-87735
2. WRD - Water Availability: Ken Stahr

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

IR, Map, and Fact Sheet Copies sent to:

3. Department of Agriculture
4. Kim Kratz, Director, Oregon State Habitat Office, National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland, OR 97232
5. US Fish & Wildlife Service, Attn: Rollie White, Supervisor, Endangered Species Division, 2600 S.E. 98th Avenue, Suite 100, Portland, OR 97266

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

6. WRD - Watermaster # 16 (include Division 33 form)
7. ODFW: Tom Murtaugh (include Division 33 form)
8. DEQ: Nancy Gramlich (include Division 33 form)

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

9. Mary A. (Freeman) Clow, 21200 SW McKee Road, Amity, OR 97101

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

10. Leland Hardy, PE, CWRE, H & R Engineering, LLC., 690 Loring Dr NW, Salem OR 97304