



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

**CERTIFIED MAIL
Return Receipt Requested**

THERESA CLIFF
BELL A LAND AND CATTLE CO.
PO BOX 97
LA PINE, OR 97739

August 26, 2011

Reference: File S-87600

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 use of 330.0 acre feet (AF) of stored water from East Thompson Valley Reservoir (constructed under Permit R-680), tributary to Silver Creek, for supplemental irrigation of 931.5 acres April 1 through September 30.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from East Thompson Valley Reservoir, tributary to Silver Creek, for supplemental irrigation is allowable under the Goose & Summer Lake Basin Program.
4. Stored water is available in the amount and for the full period requested, contingent upon submission of a valid contract.
5. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 330.0 AF of stored water from East Thompson Valley Reservoir (constructed under Permit R-680), tributary to Silver Creek, for supplemental irrigation of 931.5 acres is allowable during the full period requested, April 1 through September 30, contingent upon submission of a valid contract between you and Silver Lake Irrigation District to appropriate stored water from East Thompson Lake Reservoir.

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 issuance of any Proposed Final Order that may recommend approval. Please provide the following item(s):

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map that shows the location of the points of re-diversion of water from Silver Creek by reference to a recognized public land survey corner. The location may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

Prior to the issuance of a permit, the Department must receive a copy of an executed and valid contract between you and Silver Lake Irrigation District to appropriate stored water from East Thompson Lake Reservoir.

Please submit this information no later than September 5, 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.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department may proceed with a Proposed Final Order recommending denial of the application..

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, September 9, 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. Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

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-87600
WAB 13- stored water/diverted via Silver Creek - 70656
POU 13- stored water/diverted via Silver Creek - 70656

APPLICATION FACT SHEET

Application File Number: S-87600

Applicant: THERESA CLIFF, BELL A LAND AND CATTLE CO

County: LAKE

Watermaster: 12

Priority Date: MAY 6, 2010

Source: EAST THOMPSON VALLEY RESERVOIR (CONSTRUCTED UNDER PERMIT R-680), A TRIBUTARY OF SILVER CREEK

Use: SUPPLEMENTAL IRRIGATION OF 931.5 ACRES

Quantity: 330.0 ACRE FEET

Basin Name & Number: Goose & Summer Lake, #13

Stream Index Reference: Volume 2 SILVER CR

Point of Re-Diversion: NONE GIVEN

Place of Use:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.1 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.4 ACRES
SECTION 2

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.5 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 11

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.1 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.0 ACRES
SECTION 12

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27.3 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 14

Place of Use, continued:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 21.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.1 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34.7 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.4 ACRES

SECTION 15

TOWNSHIP 28 SOUTH, RANGE 14 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 9, 2011

PUBLIC NOTICE DATE: Tuesday, August 30, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, September 29, 2011

Mailing List for IR Copies

Application #S-87600

IR Date: August 19, 2011

Original mailed to applicant:

THERESA CLIFF, DBA BELL A LAND AND CATTLE CO, PO BOX 97, LA PINE, OR 97739

Copies sent to:

1. WRD - File # S-87600
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 12 (include div 33 review)
4. ODFW - Bill Tinniswood (include div 33 review)
5. DEQ - Eric Nigg (include div 33 review)

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

7. Silver Lake Irrigation District, c/o Tom O'Leary, Director, PO Box 69, Silver Lake, OR 97638

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

8. Glender's Hydro Tech Services, Dennis Glender, 8664 SW Sand Ridge Rd, Crooked River Ranch,
OR 97760

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

Caseworker: Michele McAleer

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