



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

GARY WALLSTROM
10942 GARMA COURT SE
TURNER, OR 97392

October 7, 2011

Reference: File R-87756

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 1.2 acre feet (AF) of water, being 0.6 AF each in Wallstrom's Upper Pond and Wallstrom's Lower Pond, from South Fork Norton Creek, a tributary of Norton Creek, for aesthetics. Each pond will have a dam height of 6.0 feet and each will inundate 0.13 acre.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from South Fork Norton Creek, a tributary of Norton Creek, for aesthetics is allowable November 1 through June 30 under the Willamette Basin Program.
4. Surface water is available during the period November 1 through May 31.
5. The Department miscalculated the fees; we apologize for this error. **Please provide the additional fee of \$100.**

Category	Fee
Base	\$700
2 acre feet (1.2 af rounded) @ \$25 each	\$50
One additional pond at \$100	\$100
TOTAL EXAM FEES DUE:	\$850
EXAM FEES PAID:	\$750

Summary of Initial Determinations

The storage of 1.2 AF, being 0.6 AF each in Wallstrom's Upper Pond and Wallstrom's Lower Pond, from South Fork Norton Creek, a tributary of Norton Creek, for aesthetics is allowable November 1 through May 31.

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, October 21, 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 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.
- 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 503-986-0859 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-87756
WAB 2-30200701
POU 2-30200701
GW

APPLICATION FACT SHEET

Application File Number: R-87756

Applicant: GARY WALLSTROM

County: Marion

Watermaster: 16

Priority Date: September 19, 2011

Source: SOUTH FORK NORTON CREEK, A TRIBUTARY OF NORTON CREEK

Use: AESTHETICS

Quantity: 1.2 ACRE FEET (AF), BEING 0.6 AF IN EACH RESERVOIR

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 10A MCKINNEY CR & MISC

Point of Diversion or Well Location(s):

WALLSTROM'S UPPER POND: SESW, SECTION 7, T9S, R2W, W.M.;120 FEET
NORTH AND 1870 FEET EAST FROM SW CORNER, SECTION 7

WALLSTROM'S LOWER POND: SESW, SECTION 7, T9S, R2W, W.M.;590 FEET
NORTH AND 1420 FEET EAST FROM SW CORNER, SECTION 7

Place of Use:

SE ¼ SW ¼
SECTION 7
TOWNSHIP 9 SOUTH, RANGE 2 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 21, 2011

PUBLIC NOTICE DATE: Tuesday, October 11, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, November 10, 2011

Mailing List for IR Copies

Application #R-87756

IR Date: October 7, 2011

Original mailed to applicant:

GARY WALLSTROM , 10942 GARMA COURT SE, TURNER, OR 97392

Copies sent to:

1. WRD - File # R-87756
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

VIA EMAIL:

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

Copies to:

1. Kim Kratz, Director, Oregon State Habitat Office
National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland OR 97232
2. Paul Henson, State Supervisor, USFWS, Oregon Fish & Wildlife Office
2600 S.E. 98th Ave, Ste 100, Portland, OR 97266