



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

December 16, 2011

MCMINNVILLE WATER & LIGHT
ATTN: PAUL ELIAS, GENERAL MANAGER
PO BOX 638
MCMINNVILLE, OR 97218

CITY OF DAYTON
ATTN: CHRISTY ELLIS, CITY MANAGER
PO BOX 339
DAYTON, OR 97114

CITY OF LAFAYETTE
ATTN: PRESTON POLASEK, CITY ADMINISTRATOR
PO BOX 55
LAFAYETTE, OR 97127

CITY OF CARLTON
ATTN: KATHIE ORIET, MAYOR
191 E MAIN ST
CARLTON, OR 97111

Reference: File S-87762

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 use of 44.18 cubic feet per second (CFS) of water from Willamette River, a tributary of Columbia River, for year-round municipal uses.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Willamette River, a tributary of Columbia River, for year-round municipal uses is allowable under the Willamette Basin Program.
4. Surface water is available in the amount and for the full period requested.

5. The application materials indicate you do not own all the lands from or on which water is to be diverted, conveyed, and used. Please note that the Department does not consider customers that receive water from you as “affected landowners” and does not require their names or addresses. If the associated lands involve persons *other than customers*, please provide their names and addresses by Thursday, January 19, 2012.

Summary of Initial Determinations

The use of 44.18 CFS from Willamette River, a tributary of Columbia River, for year-round municipal uses is allowable.

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 the application, you do not have to notify the Department. The 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, December 30, 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. Within five years of permit issuance, the City of Carlton shall submit a Water Management and Conservation Plan, addressing use under this permit, consistent with OAR 690-086. If the permit holders form a Chapter 190 water-delivery organization, the permit holders may submit a combined Water Management and Conservation Plan.
- The Director may approve an extension of this time line to complete the required Water Management and Conservation Plan. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department. No water may be diverted if a Water Management and Conservation Plan is not submitted within five years of permit issuance, unless an extension of this time has been approved.
3. 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,

A handwritten signature in cursive script, appearing to read 'J. Eastman'.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87762
WAB 2-182
POU 2-70746, 2-188, 2-163, 2-30200801, 2-182
GW

APPLICATION FACT SHEET

Application File Number: S-87762

Applicants: MCMINNVILLE WATER & LIGHT, CITY OF DAYTON, CITY OF LAFAYETTE, AND CITY OF CARLTON

Counties: Marion and Yamhill

Watermaster: 16

Priority Date: November 2, 2011

Source: WILLAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER

Use: MUNICIPAL USES

Quantity: 44.18 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion or Well Location(s): NENW, SECTION 27, T4S, R3W, W.M.;1060 FEET SOUTH AND 2165 FEET EAST FROM NW CORNER, SECTION 27

Place of Use: WITHIN THE PERMIT HOLDER'S SERVICE BOUNDARIES

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 30, 2011

PUBLIC NOTICE DATE: Tuesday, December 20, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, January 19, 2012

Mailing List for IR Copies

Application #S-87762

IR Date: December 16, 2011

Original mailed to applicants:

MCMINNVILLE WATER & LIGHT
ATTN: PAUL ELIAS, GENERAL MANAGER
PO BOX 638
MCMINNVILLE, OR 97218

CITY OF DAYTON
ATTN: CHRISTY ELLIS, CITY MANAGER
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ATTN: KATHIE ORIET, MAYOR
191 E MAIN ST
CARLTON, OR 97111

Copies sent to:

1. WRD - File # S-87762
2. WRD - Water Availability: Ken Stahr

VIA EMAIL:

3. WRD -Watermaster # 16 (include Division 33 form)
4. ODFW: (include Division 33 form)
5. DEQ: (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

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

1. Sussman, Adam

GSI Water Solutions, 1600 Western Blvd., Ste 240, Corvallis OR 97333

Caseworker: Jeana Eastman

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