



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

GERALD OR HEATHER FREEMAN
2680 N OAK GROVE RD
RICKREALL, OR 97371

March 30, 2012

Reference: File R-87786

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 an 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 25.3 acre feet (AF) of water in Oak Grove Reservoir, from runoff, tributary to Goodwin Branch, for irrigation and recreation. The reservoir will inundate 16.58 acres with a dam height of 16.3 feet.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from runoff, tributary to Goodwin Branch, is allowable for irrigation and recreation under the Willamette Basin Program (Oregon Administrative Rules (OAR) 690-502-0050(1)(e)).
4. The surface waters of the Willamette River and tributaries are classified for storage from November 1 through June 30. (OAR 690-502-0040(4)(a)).
5. Surface water is available during the period October 1 through July 31.
6. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
7. The application is subject to Section 4(d) of the Endangered Species Act.
8. Prior to issuance of a permit and construction of the project, final dam designs and specifications must be submitted to the Department and approved by the Department's dam-safety engineer.

Summary of Initial Determinations

The storage of 25.3 AF in Oak Grove Reservoir, from runoff, tributary to Goodwin Branch, for irrigation and recreation is allowable November 1 through June 30.

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, April 13, 2012**. 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, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed 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. The permittee shall maintain all required devices in good working order.
 - C. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - D. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted / stored, and may require the permittee to report water use / 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.
 - E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

3. The permittee shall pass all live flow outside the storage season.
4. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
5. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.
6. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.
7. 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.
8. Conditions may be added upon approval of dam designs and specifications.

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 503-986-0816 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87786
WAB 2-30200702
POU 2-30200702
GW n/a

APPLICATION FACT SHEET

Application File Number: R-87786

Applicant: GERALD OR HEATHER FREEMAN

County: Polk

Watermaster: 16

Priority Date: March 8, 2012

Source: RUNOFF, TRIBUTARY TO GOODWIN BRANCH

Use: STORAGE FOR IRRIGATION AND RECREATION

Quantity: 25.3 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 10 MUD CR SLOUGH & MISC

Point of Diversion Location: SWSW, SECTION 10, T7S, R4W, W.M.; 295 FEET NORTH AND 600 FEET EAST FROM SW CORNER, SECTION 10

Place of Use:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 10
TOWNSHIP 7 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 13, 2012

PUBLIC NOTICE DATE: Tuesday, April 3, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, May 3, 2012

Mailing List for IR Copies

Application #R-87786

IR Date: March 30, 2012

Original mailed to applicant:

GERALD OR HEATHER FREEMAN,
2680 N OAK GROVE RD
RICKREALL, OR 97371

Copies sent to:

1. WRD - File # R-87786
2. WRD - Water Availability: Ken Stahr
3. WRD - Keith Mills, Dam Safety

Copies Mailed
By: _____ (SUPPORT STAFF)
on: _____ (DATE)

VIA EMAIL

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

IR, Map, and Fact Sheet Copies sent to:

7. Department of Agriculture

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

Affected District (include "Notice of Initial Review--Affected District")

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

8. Corbey Boatwright, CWRE #208
Boatwright Engineering Inc., 2613 12th Street SE, Salem OR 97302
9. Kim Kratz, Director, Oregon State Habitat Office
National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland OR 97232
10. Paul Henson, US Fish & Wildlife Service,
Oregon Fish & Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266

Caseworker: Kerry Kavanagh

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