



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

PETER DINSDALE
BLUE HERON FARM
PO BOX 357
INDEPENDENCE, OR 97351

April 27, 2012

Reference: File S-87794

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 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 use of 145.0 acre feet (AF) of water, being 80.0 AF in Alan Reservoir and 65.0 AF in Ben Reservoir, to be constructed under Application R-87793, tributaries of South Fork Ash Creek, for irrigation of 138.0 acres March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Alan Reservoir and Ben Reservoir, tributaries of South Fork Ash Creek, for irrigation is allowable March 1 through October 31 of each year under the Willamette Basin Program.
4. Stored water from Alan Reservoir and Ben Reservoir is available for further appropriation, contingent upon the approval of Application R-87793.
5. The application requested irrigation of 130.0 acres; however, the map provided with the application shows irrigation of 138.0 acres. The Department will proceed with the acreage shown on the map unless a revised map is submitted before Thursday, May 24, 2012.

Summary of Initial Determinations

The use of 145.0 AF, being 80.0 AF in Alan Reservoir and 65.0 AF in Ben Reservoir, to be constructed under Application R-87793, tributaries of South Fork Ash Creek, for irrigation of 138.0 acres is allowable March 1 through October 31 of each year, contingent upon the approval of Application R-87793.

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, May 11, 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, 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 503-986-0859 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

S-87794
WAB 2-stored water
POU 2-183
GW

APPLICATION FACT SHEET

Application File Number: S-87794

Applicant: PETER DINSDALE AND BLUE HERON FARM

County: Polk

Watermaster: 16

Priority Date: April 5, 2012

Source: ALAN RESERVOIR AND BEN RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-87793, TRIBUTARIES OF SOUTH FORK ASH CREEK

Use: IRRIGATION OF 138.0 ACRES

Quantity: 145.0 ACRE FEET (AF), BEING 80.0 AF IN ALAN RESERVOIR AND 65.0 AF IN BEN RESERVOIR

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 10 ASH CR & MISC

Point of Diversion or Well Location(s):

ALAN RESERVOIR: SENW, SECTION 31, T8S, R4W, W.M.; 225 FEET NORTH AND 1130 FEET WEST FROM C1/4 CORNER, SECTION 31

BEN RESERVOIR: SENE, SECTION 31, T8S, R4W, W.M.; 670 FEET NORTH AND 1330 FEET EAST FROM SW CORNER, SECTION 31

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 29.5 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.0 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 18.0 ACRES

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.0 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12.0 ACRES

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.5 ACRES

SECTION 31

TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 11, 2012

PUBLIC NOTICE DATE: Tuesday, May 1, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, May 31, 2012

Mailing List for IR Copies

Application #S-87794

IR Date: April 27, 2012

Original mailed to applicant:

PETER DINSDALE BLUE HERON FARM, PO BOX 357, INDEPENDENCE, OR 97351

Copies sent to:

1. WRD - File # S-87794
2. WRD - Water Availability: Ken Stahr

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

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