



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**

HOLLOW GOOSE FARM LLC
2467 NW SAVIER ST
PORTLAND, OR 97210

June 15, 2012

Reference: File R-87807

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 requested the storage of 8.9 acre feet (AF) of water in two reservoirs from runoff and a ditch, tributaries of Gilbert River, for wetland enhancement and wildlife. The dam heights will be 2.0 feet and the two reservoirs will inundate a total of 8.9 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from runoff and a ditch, tributaries of Gilbert River, for wetland enhancement and wildlife is allowable November 1 through June 30 under the Willamette Basin Program.
4. Surface water is available during the period November 1 through June 30.
5. Before a permit will be issued the Department must receive documentation from Multnomah County Planning and Development that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.
6. Please provide the volume of water per reservoir, which should total 8.9 acre feet.

Please also provide the location of each dam or center of each reservoir by reference to a recognized public land survey corner.

Note that it may be helpful to name each of the reservoirs to easily distinguish them.

Please submit this information no later than Thursday, July 19, 2012. 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 will likely proceed with a Proposed Final Order recommending denial of the application.

7. The application is subject to Section 4(d) of the Endangered Species Act.

Summary of Initial Determinations

The storage of 8.9 AF in two reservoirs from runoff and a ditch, tributaries of Gilbert River, for wetland enhancement and wildlife may be allowed November 1 through June 30.

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to **#3 and #4** above, your application will likely be limited accordingly.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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, June 29, 2012**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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 each reservoir. The staff gages 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 devices; 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 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.
 - E. 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

APPLICATION FACT SHEET

Application File Number: R-87807

Applicant: HOLLOW GOOSE FARM LLC

County: Multnomah

Watermaster: 20

Priority Date: May 18, 2012

Source: RUNOFF AND A DITCH, TRIBUTARIES OF GILBERT RIVER

Use: WETLAND ENHANCEMENT AND WILDLIFE

Quantity: 8.9 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 MULTNOMAH CHANNEL & TRIBS

Point of Diversion or Well Location(s): SWNE, SECTION 32, T3N, R1W, W.M.; 800 FEET NORTH AND 220 FEET EAST FROM C1/4 CORNER, SECTION 32

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 32
TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 29, 2012

PUBLIC NOTICE DATE: Tuesday, June 19, 2012

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

Mailing List for IR Copies

Application #R-87807

IR Date : June 15, 2012

Original mailed to applicant:

HOLLOW GOOSE FARM LLC, 2467 NW SAVIER ST, PORTLAND, OR 97210

Copies sent to:

1. WRD - File # R-87807
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:

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

VIA EMAIL:

4. WRD - Watermaster # 20
5. ODFW:
6. DEQ:

Caseworker: Jeana Eastman

COPYSHT.IR