



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

RIVER REFUGE SEED LLC
26366 GAP RD
BROWNSVILLE, OR 97327

March 8, 2013

Reference: File R-87865

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 year-round storage of 47.7 acre feet (AF), being 5.0 AF in Reservoir 100-1, 24.5 AF in Reservoir 100-2, 9.1 AF in Reservoir 100-3, 2.9 AF in Reservoir 100-4, and 6.2 AF in Reservoir 100-5, from runoff and drainage water from man-made ditches, tributaries of Courtney Creek, for livestock, irrigation, agriculture, recreation, fish life, wildlife, pollution abatement, and wetland enhancement.

All reservoirs will have a dam height of 6.0 feet. Reservoir 100-1 will inundate 3.1 acres; Reservoir 100-2 will inundate 15.4 acres; Reservoir 100-3 will inundate 5.7 acres; Reservoir 100-4 will inundate 1.8 acres; and Reservoir 100-5 will inundate 3.9 acres.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Under Oregon Administrative Rule (OAR) 690-502-0040(4), water may be stored from November 1 through June 30. The Willamette Basin Program allows storage for livestock, irrigation, agriculture, recreation, fish life, wildlife, pollution abatement, and wetland enhancement (OAR 690-502-0040(4)(c)).
4. Surface water is available in the amount and for the full period requested.
5. The application is subject to Section 4(d) of the Endangered Species Act.

Summary of Initial Determinations

The storage of 47.7 AF, being 5.0 AF in Reservoir 100-1, 24.5 AF in Reservoir 100-2, 9.1 AF in Reservoir 100-3, 2.9 AF in Reservoir 100-4, and 6.2 AF in Reservoir 100-5, from runoff and drainage water from man-made ditches, tributaries of Courtney Creek, for livestock, irrigation, agriculture, recreation, fish life, wildlife, pollution abatement, and wetland enhancement may be allowed from 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 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, March 22, 2013**. 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 and maintained in the reservoirs.
 - 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 503-986-0816 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-87865
WAB 2-76
POU 2-76
GW n/a

APPLICATION FACT SHEET

Application File Number: R-87865

Applicant: RIVER REFUGE SEED LLC

County: Linn

Watermaster: 2

Priority Date: February 14, 2013

Source: RUNOFF AND DRAINAGE WATER FROM MAN-MADE DITCHES,
TRIBUTARIES OF COURTNEY CREEK

Use: STORAGE FOR LIVESTOCK, IRRIGATION, AGRICULTURE, RECREATION, FISH
LIFE, WILDLIFE, POLLUTION ABATEMENT, AND WETLAND ENHANCEMENT

Quantity: 47.7 ACRE FEET, (AF), BEING 5.0 AF IN RESERVOIR 100-1, 24.5 AF IN
RESERVOIR 100-2, 9.1 AF IN RESERVOIR 100-3, 2.9 AF IN RESERVOIR 100-4, AND 6.2
AF IN RESERVOIR 100-5

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 5 CALAPOOYA R MISC

Dam Locations:

RESERVOIR 100-1 - DLC 52, SECTION 12, T14S, R3W, W.M.; 1260 FEET SOUTH
AND 1280 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-2 - DLC 52, SECTION 12, T14S, R3W, W.M.; 1950 FEET SOUTH
AND 1550 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-3 - DLC 52, SECTION 12, T14S, R3W, W.M.; 1980 FEET SOUTH
AND 610 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-4 - DLC 52, SECTION 12, T14S, R3W, W.M.; 2120 FEET SOUTH
AND 850 FEET WEST FROM NE CORNER, SECTION 12

RESERVOIR 100-5 - DLC 52, SECTION 12, T14S, R3W, W.M.; 2060 FEET SOUTH
AND 1590 FEET WEST FROM NE CORNER, SECTION 12

Place of Use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$

NW $\frac{1}{4}$ NE $\frac{1}{4}$

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

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

SECTION 12

TOWNSHIP 14 SOUTH, RANGE 3 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 22, 2013

PUBLIC NOTICE DATE: Tuesday, March 12, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, April 11, 2013

Mailing List for IR Copies

Application #R-87865

IR Date : March 8, 2013

Original mailed to applicant:

RIVER REFUGE SEED LLC
26366 GAP RD
BROWNSVILLE, OR 97327

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

SENT VIA EMAIL:

1. WRD - Watermaster #2
2. ODFW
3. DEQ

Copies sent to:

1. WRD - File # R-87865
2. WRD - Water Availability: Ken Stahr

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

3. Department of Agriculture
4. Kim Kratz, Director, Oregon State Habitat Office
National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland OR 97232
5. U.S. Fish and Wildlife Service, Oregon Fish & Wildlife Office,
Attn: Paul Henson, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266
6. Don Knauer, PO Box 5416, Salem, OR 97304

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Caseworker: Kerry Kavanagh