



# 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

GRACE DINSDALE  
PO BOX 1130  
CORNELIUS, OR 97113

April 18, 2014

Reference: File S-87892

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 9.2 acre feet (AF) of stored water from a pond, to be constructed under Application R-87891, a tributary of Dairy Creek for year-round nursery use on 48.8 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Uses included in nursery use are fully included in irrigation and agriculture uses, both of which are allowed by OAR 690-502, the Willamette Basin Program. Therefore, the use of water from a pond, constructed under Application R-87891, in Dairy Creek Basin for nursery use is allowable.
4. Stored water is available from a pond, contingent upon the approval of Application R-87891.

Summary of Initial Determinations

**The use of 9.2 AF of stored water from a pond, to be constructed under application R-87891, a tributary of Dairy Creek for year-round nursery uses on 48.8 acres is allowable contingent upon the approval of Application R-87891.**

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 \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, May 2, 2014**. 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 devices, and recording/reporting of annual water use 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 device in good working order.
  - B. 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.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
  - 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.

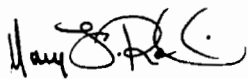
The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and 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](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: Mary Rohling, 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 black ink, appearing to read "Mary Rohling". The signature is stylized and cursive.

Mary Rohling  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87892  
WAB 2-  
POU 2-  
GW

# APPLICATION FACT SHEET

Application File Number: S-87892

Applicant: GRACE DINSDALE

County: Washington

Watermaster: 18

Priority Date: April 25, 2013

Source: A POND, TO BE CONSTRUCTED UNDER APPLICATION R-87891, A  
TRIBUTARY OF DAIRY CREEK

Use: NURSERY USES ON 48.8 ACRES

Quantity: 9.2 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 20 DAIRY CR MISC

Point of Diversion or Well Location(s): SENE, SECTION 15, T1N, R3W, W.M.; 1635 FEET  
SOUTH AND 510 FEET WEST FROM NE CORNER, SECTION 15

Place of Use:

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  0.9 ACRE  
SECTION 14

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  28.4 ACRES

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  5.4 ACRES

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  3.4 ACRES

SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  10.7 ACRES

SECTION 15

TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 2, 2014**

**PUBLIC NOTICE DATE: Tuesday, April 22, 2014**

**30 DAY COMMENT DEADLINE DATE: Thursday, May 22, 2014**