



May 30, 2014

MARK WETZLER  
PO BOX 15445  
SEATTLE, WA 98115

Reference: File R-87976

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 storage of 20.0 acre feet in 12 reservoirs for irrigation, livestock and recreation within the South Yamhill River basin, specifically:

Res #	Res Name	Dam Height	Storage Capacity (acre-feet)	Source	Use		
					IR	LV	RC
1	Exeter	12 feet	0.8	Seasonal Stream #4	x	x	
2	Moya	12 feet	1.0	Seasonal Stream #4	x	x	
3	Pegasus	14 feet	4.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	x
4	Serenity	12 feet	0.7	Seasonal Stream #1	x	x	
5	Talyn	12 feet	0.8	Seasonal Stream #1	x	x	
6	Aurora	12 feet	0.4	Seasonal Stream #2	x	x	
7	Blackbird	12 feet	0.8	Seasonal Stream #2	x	x	
8	Bebop	12 feet	0.6	Seasonal Stream #3	x	x	
9	Firefly	12 feet	5.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	
10	Enterprize	12 feet	1.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	
11	Discovery 1	12 feet	3.9	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	x
12	Tardis	12 feet	1.0	Runoff, Res 1, 2, 4, 5, 6, 7, 8	x	x	x

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water for storage for irrigation, livestock and recreation from seasonal streams, tributary of South Yamhill River, 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 of each year.

### Summary of Initial Determinations

**The diversion of 20.0 AF of water for storage in 12 reservoirs for irrigation, livestock and recreation from seasonal streams, tributary of South Yamhill River, 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 \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, June 13, 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 storage conditions:
  - A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoirs. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the permittee to install a staff gage, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.
  - B. The Director may require the permittee to keep and maintain a record of the 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.

- C. 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 passage 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 503-986-0816 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: Kim French-Gorski, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French-Gorski  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87976  
WAB 2-73562  
POU 2-73562

# APPLICATION FACT SHEET

Application File Number: R-87976

Applicant: MARK WETZLER

County: Polk

Watermaster: 16

Priority Date: April 30, 2014

Source: SEASONAL STREAMS, TRIBUTARY OF SOUTH YAMHILL RIVER

Use: STORAGE FOR IRRIGATION, LIVESTOCK AND RECREATION

Quantity: 20.0 ACRE FEET, BEING 0.8 AF IN EXETER RESERVOIR, 1.0 AF IN MOYA RESERVOIR, 4.0 AF IN PEGASUS RESERVOIR, 0.7 AF IN SERENITY RESERVOIR, 0.8 AF IN TALYN RESERVOIR, 0.4 AF IN AURORA RESERVOIR, 0.8 AF IN BLACKBIRD RESERVOIR, 0.6 AF IN BEBOP RESERVOIR, 5.0 IN FIREFLY RESERVOIR, 1.0 AF IN ENTERPRIZE RESERVOIR, 3.9 AF IN DISCOVERY 1 RESERVOIR AND 1.0 AF IN TARDIS RESERVOIR.

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 11A SALT CR

Points of Diversion:

EXETER RESERVOIR: SWNE, SECTION 5, T7S, R5W, W.M.; 3000 FEET NORTH AND 1530 FEET WEST FROM SE CORNER, SECTION 5

MOYA RESERVOIR: SWNE, SECTION 5, T7S, R5W, W.M.; 2710 FEET NORTH AND 1700 FEET WEST FROM SE CORNER, SECTION 5

PEGASUS RESERVOIR: NESE, SECTION 5, T7S, R5W, W.M.; 2000 FEET NORTH AND 590 FEET WEST FROM SE CORNER, SECTION 5

SERENITY RESERVOIR: NESE, SECTION 5, T7S, R5W, W.M.; 2010 FEET NORTH AND 1220 FEET WEST FROM SE CORNER, SECTION 5

TALYN RESERVOIR: NESE, SECTION 5, T7S, R5W, W.M.; 2010 FEET NORTH AND 1310 FEET WEST FROM SE CORNER, SECTION 5

AURORA RESERVOIR: NESE, SECTION 5, T7S, R5W, W.M.; 1590 FEET NORTH AND 1180 FEET WEST FROM SE CORNER, SECTION 5

BLACKBIRD RESERVOIR: NESE, SECTION 5, T7S, R5W, W.M.; 1520 FEET NORTH AND 1250 FEET WEST FROM SE CORNER, SECTION 5

BEBOP RESERVOIR: SESE, SECTION 5, T7S, R5W, W.M.; 1050 FEET NORTH AND 1210

FEET WEST FROM SE CORNER, SECTION 5

FIREFLY RESERVOIR: NESE, SECTION 5, T7S, R5W, W.M.; 1770 FEET NORTH AND 1270 FEET WEST FROM SE CORNER, SECTION 5

ENTERPRIZE RESERVOIR: NESE, SECTION 5, T7S, R5W, W.M.; 1660 FEET NORTH AND 750 FEET WEST FROM SE CORNER, SECTION 5

DISCOVERY 1 RESERVOIR: SENE, SECTION 5, T7S, R5W, W.M.; 3080 FEET NORTH AND 960 FEET WEST FROM SE CORNER, SECTION 5

TARDIS RESERVOIR: SENE, SECTION 5, T7S, R5W, W.M.; 2905 FEET NORTH AND 830 FEET WEST FROM SE CORNER, SECTION 5

Place of Use:

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

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

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

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

SECTION 5

TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 13, 2014**

**PUBLIC NOTICE DATE: Tuesday, June 3, 2014**

**30 DAY COMMENT DEADLINE DATE: Thursday, July 3, 2014**

# Mailing List for IR Copies

Application #R-87976

IR Date: May 23, 2014

---

**Original e-mailed** to applicant:

~~MARK WETZLER, PO BOX 15445, SEATTLE, WA 98115~~

**SENT VIA EMAIL:**

1. Applicant - [mark.wetzler@gmail.com](mailto:mark.wetzler@gmail.com)
2. Agent - [bill@bkwrc.com](mailto:bill@bkwrc.com)
3. WRD - Watermaster # 16
4. ODFW
5. DEQ

Copies sent to:

1. WRD - File # R-87976
2. WRD - Water Availability: Shawn Turner

IR, Map, and Fact Sheet Copies sent to:

- 3.4. Department of Agriculture

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

Caseworker: Kim French-Gorski

COPYSHT.IR

## APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to take and use the waters of Oregon, a citizen must first obtain a permit from the Water Resources Department. The water must be used for beneficial purpose - without waste. To become well-informed about water right topics, weekly public notice, forms and fees please visit our web site at [www.wrd.state.or.us](http://www.wrd.state.or.us)

### 1. *Pre-application considerations*

- follow instructions in the application packet
- if you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Information Group (WRIG) at 503-986-0801

### 2. *Application filing*

- application with fee is received by the Department
- Department determines completeness of application
- if use is not allowed by statute (ORS 538), the application and fees are returned to the applicant
- incomplete application and fees are returned to the applicant
- only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing

### 3. *Initial Review (IR)*

- caseworker reviews application by considering basin plans, water availability, statutory restrictions and all other appropriate factors
- caseworker sends IR report to applicant
- contact the caseworker if you have questions about the IR
- seven days after date of the IR, it is included in Department's weekly Public Notice
- public comments must be submitted within 30 days after the Public Notice
- **administrative hold** may be requested in writing by applicant

### 4. *Proposed Final Order (PFO)*

- caseworker evaluates application against required criteria and develops draft permit, if appropriate
- PFO includes instructions for filing of protests
- caseworker considers public comments and mails PFO to applicant
- the PFO is included in Department's weekly Public Notice
- public protests to the PFO must be submitted within 45 days after the Public Notice

**Stop Processing deadline is within 14 days of Initial Review - use the form below**

- applicant may request no further action and fee refund of all but \$225

### STOP PROCESSING REQUEST FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

Applicant notification to withdraw Water Right Application # \_\_\_\_\_

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$225 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application

Signature \_\_\_\_\_ date \_\_\_\_\_

Signature \_\_\_\_\_ date \_\_\_\_\_

*Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$225 examination fee) be returned.*

This notice must be received at Water Resources Department by \_\_\_\_\_

Return the notice to: OWRD, Water Rights Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A  
Salem OR 97301-1271

## 5. *Final Order (FO)*

- if no protest is filed, Final Order is issued

### *The protest process*

If one or more protests are filed, permit process consists of:

- settlement discussion
- contested case hearing
- proposed order
- period of time to file exceptions
- possible hearing by Water Resources Commission
- final order issued

### *Permit holder responsibilities*

- comply with all water use conditions of the permit
- advise Department of address change or assignment to new permit holder
- if need arises, request extension of time or authorize cancellation of permit
- submit timely claim of beneficial use (COBU) to Department
- most permits require COBU to be prepared by a Certified Water Right Examiner
- permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions