



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

June 20, 2014

JENSEN HOLDINGS LLC
6532 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381

Reference: File R-87950

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 diversion of 132.6 acre feet (AF) of water for storage in Yamhill Farm Dam Reservoir from an unnamed stream, a tributary of Yamhill Creek, for fish life, recreation, wetland enhancement and irrigation.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water for storage from an unnamed stream, a tributary of Yamhill Creek, for fish life, recreation, wetland enhancement and irrigation is allowable November 1 through June 30 under the Willamette Basin Program.

Please keep in mind that if a permit to store water is issued for this application, you would need to obtain a secondary permit to use the stored water for out-of-reservoir use, being irrigation.

4. Surface water is available during the period October 1 through June 30.
5. Prior to the issuance of a permit and the storage of water, the Department must receive and give written approval of engineered plans and specifications.

Summary of Initial Determinations

The diversion of 132.6 AF of water for storage in Yamill Farm Dam Reservoir from an unnamed stream, a tributary of Yamhill Creek, for fish life, recreation, wetland enhancement and irrigation is allowable November 1 through June 30 of each year.

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, July 4, 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. 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 the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. 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 stored each month, and shall submit a report which includes water-storage 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. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
3. The permittee shall pass all live flow outside the storage season.

4. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
5. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.
6. Dam conditions may be added upon approval of final plans and specifications.

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: 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-87950
WAB 2-70746
POU 2-70746
GW

APPLICATION FACT SHEET

Application File Number: R-87950

Applicant: JENSEN HOLDINGS LLC

County: Yamhill

Watermaster: 16

Priority Date: December 31, 2013

Source: UNNAMED STREAM, A TRIBUTARY OF YAMHILL CREEK

Use: STORAGE FOR FISH LIFE, RECREATION, WETLAND ENHANCEMENT AND IRRIGATION

Quantity: 132.6 ACRE FEET

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 12 N YAMHILL R MISC

Point of Diversion or Well Location(s): DLC 50, SESE, SECTION 27, T2S, R4W, W.M.; 3206 FEET SOUTH AND 2887 FEET WEST FROM NE CORNER, DLC 50

Place of Use:

DLC 50 SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 26

DLC 50 SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 27

DLC 50 NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 34

DLC 50 NW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 35

TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 4, 2014

PUBLIC NOTICE DATE: Tuesday, June 24, 2014

30 DAY COMMENT DEADLINE DATE: Thursday, July 24, 2014

Mailing List for IR Copies

Application #R-87950

IR Date: June 20, 2014

Original mailed to applicant:

JENSEN HOLDINGS LLC, 6532 HOWELL PRAIRIE RD NE, SILVERTON, OR 97381

SENT VIA EMAIL:

1. WRD - Watermaster # 16
2. ODFW
3. DEQ
4. Engineer - boatwrightengr@yahoo.com
5. CWRE - jmsengineering@qwestoffice.net

Copies sent to:

1. WRD - File # R-87950
2. WRD - Water Availability: Shawn Turner
3. WRD - Dam Safety: Keith Mills

IR, Map, and Fact Sheet Copies sent to:

3. 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

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