



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

October 10, 2014

WK&K LAND LTD
3122 SE STAHLBUSH ISLAND RD
CORVALLIS, OR 97333

Reference: File S-87999

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 3.56 cubic feet per second (CFS) of water, being 1.78 CFS from Willamette Basin Project Reservoirs, constructed under Permits R-1625 and R-5363, tributary to Willamette River, and 1.78 CFS from East Channel, a tributary of Willamette River, for primary irrigation of 74.23 acres and supplemental irrigation of 149.5 acres March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Willamette Basin Project Reservoir, constructed under Permits R-1625 and R-5363, tributary to Willamette River, and East Channel, a tributary of Willamette River for irrigation is allowable under the Willamette Basin Program.
4. Surface water is available in the amount and for the full period requested.
5. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
6. The standard allowable rate for irrigation use from surface water is 1/80 CFS per acre. If the application is approved, the rate allowed from East Channel, tributary to Willamette River, will be 1.78 CFS, further limited to 0.93 CFS for primary irrigation of 74.23 acres and 1.78 CFS for supplemental irrigation of 149.5 acres.

7. The use of water under this right is subject to the terms and conditions of contract No. 149E101851, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.
8. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 559.33 acre-feet (AF) from Willamette Basin Project Reservoir, constructed under Permits R-1625 and R-5363, tributary to Willamette River, for primary irrigation of 74.23 acres and supplemental irrigation of 149.5 acres may be allowed during the full period requested, March 1 through October 31 of each year.

The use of 1.78 CFS of water, further limited to 0.93 CFS for primary irrigation of 74.23 acres and 1.78 CFS for supplemental irrigation of 149.5 acres from East Channel, a tributary of Willamette River may be allowed during the full period requested, March 1 through October 31 of each year.

Additional Information Required:

Additional exam fees are required prior to issuance of any Proposed Final Order that may recommend permit approval. The total exam fee is \$2900, and the Department has received a total of \$2050; please provide the additional fee of **\$850**.

(Please note, prior to permit issuance an additional \$450 for recording fees must be received, but this fee is not due at this time.)

Category	Fee
Base	\$800
Up to 1 CFS	\$300
3 Add'l CFS @ \$300 ea	\$900
1 Add'l use (supplemental)	\$300
2 Add'l PODs	\$600
TOTAL EXAM FEES:	\$2900

Please submit the payment no later than Thursday, November 13, 2014. If you are unable to meet this deadline, 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.

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 #7 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 \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, October 24, 2014**. 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 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.

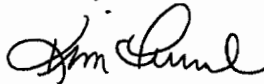
The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture

(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, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87999
WAB 2-30200321
POU 2-30200321
GW

APPLICATION FACT SHEET

Application File Number: S-87999

Applicant: WK&K LAND LTD

County: Linn

Watermaster: 16

Priority Date: July 31, 2014

Source: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARY TO WILLAMETTE RIVER, AND EAST CHANNEL, A TRIBUTARY OF WILLAMETTE RIVER

Use: IRRIGATION OF 74.23 ACRES AND SUPPLEMENTAL IRRIGATION OF 149.5 ACRES

Quantity: 3.56 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion or Well Location(s):

RAIL PUMP POD: SWNE, SECTION 13, T12S, R5W, W.M.; 1997 FEET SOUTH AND 2160 FEET WEST FROM NE CORNER, SECTION 13

BEACH PUMP POD: SENE, SECTION 13, T12S, R5W, W.M.; 2353 FEET SOUTH AND 1151 FEET WEST FROM NE CORNER, SECTION 13

N GRANDPA'S POD: SWSW, SECTION 7, T12S, R4W, W.M.; 91 FEET NORTH AND 1100 FEET EAST FROM SW CORNER, SECTION 7

Place of Use:

<u>OO</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SW ¼	7.16 ACRES	
NW ¼ SW ¼	1.71 ACRES	
SW ¼ SW ¼	3.35 ACRES	
SE ¼ SW ¼	4.71 ACRES	
	SECTION 7	
	TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.	
NE ¼ SW ¼		6.0 ACRES
SE ¼ SW ¼		20.0 ACRES
NE ¼ SE ¼		22.5 ACRES
NW ¼ SE ¼		21.0 ACRES
SW ¼ SE ¼		40.0 ACRES
SE ¼ SE ¼		40.0 ACRES
	SECTION 12	
	TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.	

<u>OO</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW ¼ NE ¼	7.75 ACRES	
SE ¼ NE ¼	3.65 ACRES	
NE ¼ NW ¼	13.83 ACRES	
SE ¼ NW ¼	20.67 ACRES	
NE ¼ SE ¼	11.4 ACRES	

SECTION 13

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 24, 2014

PUBLIC NOTICE DATE: Tuesday, October 14, 2014

30 DAY COMMENT DEADLINE DATE: Thursday, November 13, 2014