



February 27, 2015

OR TWO LLC  
C/O JONATHAN GLASS  
422 ABEYTA ST  
SANTA FE, NM 87505

Reference: File R-88040

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:

- The application proposed diversion of 80.5 acre feet (AF) of water from runoff, a seasonal stream, and an unnamed spring, tributaries of Bowers Slough, for storage in nine reservoirs for fish culture, livestock, wildlife, irrigation, and agriculture, specifically:

Res #	Reservoir Name	Enlargement Under Certificate #	Dam Height (ft)	Storage Capacity (acre-feet)	Source	Use				
						FI	LV	WI	IR	AG
1	Ladder Pond		8.0	2.0	runoff, Spring Pond	X	X	X	X	
2	Fish Pond	71094	12.0	9.0	runoff, Spring Pond	X	X	X	X	
3	East Turkey Nest Pond		8.0	1.0	runoff, East Valley Pond		X		X	X
4	Big Saddle Pond		9.5	45.0	runoff, seasonal stream				X	X
5	East Valley Pond	72089	12.0	8.5	runoff	X	X		X	X
6	Spring Pond	72089	12.0	2.0	runoff, unnamed spring	X	X	X	X	
7	Top Turkey's Nest Pond		6.0	3.0	Big Saddle Pond		X		X	X
8	West Saddle Pond		9.5	7.0	runoff	X	X		X	
9	West Upper Valley Pond		9.5	3.0	runoff	X	X	X	X	

- The proposed use is not prohibited by law or rule except where otherwise noted below.
- The diversion of water from runoff, a seasonal stream, and an unnamed spring, tributaries of Bowers Slough, for storage in nine reservoirs for fish culture, livestock, wildlife, irrigation, and agriculture, is allowable under the Willamette Basin Program (OAR 690-502-0040) (4).

4. Surface water is available for storage during the period November 1 through June 30 of each year (OAR 690-502-0040) (4).
5. The application requested six years from the date of permit issuance to complete construction and completely apply the water to full beneficial use. Oregon Revised Statute limits the time line to no more than five years after the permit is issued. If a permit is issued, it will limit the time line to no more than five years.

Please note that if a permit is issued and construction is not complete and/or full beneficial use has not been made within the five years prescribed by the permit, the permit holder may submit an application to the Department for an extension of time, which may be approved based upon the merit of the application.

6. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

### Summary of Initial Determinations

**The diversion of 80.5 AF of water from runoff, a seasonal stream, and an unnamed spring, tributaries of Bowers Slough, for storage in nine reservoirs for fish culture, livestock, wildlife, irrigation, and agriculture 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, March 13, 2015**. For your convenience you may use the enclosed "STOP PROCESSING" form.

#### If A Permit Is Issued It Will Likely Include The Following Conditions:

##### 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 each 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 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.
  - 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 contact me at [Barbara.J.Park@wrdd.state.or.us](mailto:Barbara.J.Park@wrdd.state.or.us) or call me at 503-986-0859 if you have any questions regarding the contents of this letter or your application. Please include your application number in all correspondence. 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: Barbara Park, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Barbara Park  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-88040  
WAB 2-30200321  
POU 2-30200321

# APPLICATION FACT SHEET

Application File Number: R-88040

Applicant: OR TWO LLC, C/O JONATHAN GLASS

County: BENTON

Watermaster: 16

Priority Date: DECEMBER 31, 2014

Source: RUNOFF, SEASONAL STREAM, UNNAMED SPRING, TRIBUTARIES OF BOWERS SLOUGH

Use: STORAGE FOR FISH CULTURE, LIVESTOCK, WILDLIFE, IRRIGATION, AND AGRICULTURE

Quantity: 80.5 ACRE FEET, BEING 2.0 AF IN LADDER POND, 9.0 AF IN FISH POND, 1.0 AF IN EAST TURKEY NEST POND, 45.0 AF IN BIG SADDLE POND, 8.5 AF IN EAST VALLEY POND, 2.0 AF IN SPRING POND, 3.0 AF IN TOP TURKEY'S NEST POND, 7.0 AF IN WEST SADDLE POND, AND 3.0 AF IN WEST UPPER VALLEY POND

Basin Name & Number: WILLAMETTE, #2

Stream Index Reference: VOLUME 5 BOWERS SLOUGH & MISC

Points of Diversion:

RESERVOIR 1 (LADDER POND): 960 FEET SOUTH AND 2182 FEET WEST OF NE CORNER HALTER DLC 73;

RESERVOIR 2 (FISH POND): 1102 FEET SOUTH AND 2535 FEET WEST OF NE CORNER HALTER DLC 73;

RESERVOIR 3 (EAST TURKEY NEST POND): 1732 FEET SOUTH AND 1534 FEET EAST OF NE CORNER HALTER DLC 73;

RESERVOIR 4 (BIG SADDLE POND): 974 FEET SOUTH AND 40 FEET WEST OF NE CORNER HALTER DLC 73;

RESERVOIR 5 (EAST VALLEY POND): 1428 FEET SOUTH AND 1468 FEET EAST OF NE CORNER HALTER DLC 73;

RESERVOIR 6 (SPRING POND): 864 FEET SOUTH AND 1968 FEET WEST OF NE CORNER HALTER DLC 73;

RESERVOIR 7 (TOP TURKEY NEST POND): 1540 FEET SOUTH AND 40 FEET WEST OF NE CORNER HALTER DLC 73;

RESERVOIR 8 (WEST SADDLE POND): 713 FEET SOUTH AND 1600 FEET WEST OF NE CORNER HALTER DLC 73;

RESERVOIR 9 (WEST UPPER VALLEY POND): 775 FEET SOUTH AND 1800 FEET WEST OF NE CORNER HALTER DLC 73

Place of Use:

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 27

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 28

TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 13, 2015**

**PUBLIC NOTICE DATE: Tuesday, March 3, 2015**

**30 DAY COMMENT DEADLINE DATE: Thursday, April 2, 2015**

# Mailing List for IR Copies

Application #R-88040

IR Date: February 27, 2015

**Original and map mailed to applicant:**

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OR TWO LLC  
C/O JONATHAN GLASS  
422 ABEYTA ST  
SANTA FE, NM 87505

**SENT VIA EMAIL:**

1. WRD - Watermaster # 16
2. ODFW
3. DEQ

**IR, Map, and Fact Sheet Copies sent to:**

4. WRD - File # R-88040
5. Department of Agriculture

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