



April 17, 2015

JAMES DOVENBERG
27950 SW MOUNTAIN RD
WEST LINN, OR 97068

Reference: File R-88061

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 8.70 acre feet (AF) of water in six (6) reservoirs for livestock, fire protection, wildlife, aesthetics, recreation, and fish culture within the John Day Basin, specifically:

Res #	Reservoir Name	Dam height (feet)	Storage Capacity (acre-feet)	Source	Use					
					L V	F P	W I	A E	R C	F I
1	Bridge Creek 1	6	0.6	Bridge Creek, tributary to John Day River	x	x	x	x	x	
2	Bridge Creek 2	12	5.0	Bridge Creek, tributary to John Day River	x	x	x	x	x	
3	Grouse Creek 1	12	1.75	Grouse Creek, tributary to Widows Creek	x	x	x	x	x	
4	Grouse Creek 2	10	0.10	Grouse Creek, tributary to Widows Creek	x	x	x	x	x	
5	West Dry Creek	10	0.15	West Fork Dry Creek, tributary to John Day River	x	x	x	x	x	
6	Dry Creek House Pond	10	1.10	East Fork Dry Creek, tributary to John Day River	x	x	x	x		x

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from Bridge Creek, a tributary of John Day River; Grouse Creek, a tributary of Widows Creek; and West Fork Dry Creek and East Fork Dry Creek, tributaries of Dry Creek, for livestock, fire protection, wildlife, aesthetics, recreation, and fish culture is allowable under the John Day Basin Program (OAR 690-506-0040) .
4. Surface water is not available during the period July 1 through November 30 of each year.
5. OAR 690-033-0120(2) prohibits the diversion of water from April 15 through September 30 of each year.
6. The proposed use is located above the John Day Scenic Waterway, as designated under Oregon Revised Statute 390.826.
7. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
8. The application is subject to Section 4(d) of the Endangered Species Act.

Summary of Initial Determinations

The diversion of 8.70 AF of water from Bridge Creek, a tributary of John Day River; Grouse Creek, a tributary of Widows Creek; and West Fork Dry Creek and East Fork Dry Creek, tributaries of Dry Creek, for storage in six (6) reservoirs for livestock, fire protection, wildlife, aesthetics, recreation, and fish culture, is allowable December 1 through April 14 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 the application, you do not have to notify the Department. The 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 the 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 1, 2015**. 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 totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of diversion.

If the Director notifies the permittee to install a measuring device, 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.
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. 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.
 5. 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.
 6. 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.
 7. Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at John Day River at McDonald Ferry, Oregon, gage 14048000, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows are subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

John Day Scenic Waterway	
Month	Minimum Flow (cfs)
December	500
January	500
February	1000
March	2000
April	2000

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/programs/NaturalResources/Pages/AgWaterQuality.aspx> 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@wrd.state.or.us or 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: Barbara Park, 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 "Barbara Park". The signature is stylized with a large, looped "B" and a cursive "Park".

Barbara Park
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-88061
WAB 6-212
POU 6-212
GW

APPLICATION FACT SHEET

Application File Number: R-88061

Applicant: JAMES DOVENBERG

County: Grant

Watermaster: 4

Priority Date: March 16, 2015

Source: BRIDGE CREEK, A TRIBUTARY OF JOHN DAY RIVER; GROUSE CREEK, A TRIBUTARY OF WIDOWS CREEK; WEST FORK DRY CREEK AND EAST FORK DRY CREEK, TRIBUTARIES OF DRY CREEK

Use: STORAGE FOR LIVESTOCK, FIRE PROTECTION, WILDLIFE, AESTHETICS, RECREATION AND FISH CULTURE

Quantity: 8.70 ACRE FEET, BEING 0.6 AF IN BRIDGE CREEK 1 RESERVOIR; 5.0 AF IN BRIDGE CREEK 2 RESERVOIR; 1.75 AF IN GROUSE CREEK 1 RESERVOIR, 0.10 AF IN GROUSE CREEK 2 RESERVOIR; 0.15 AF IN WEST DRY CREEK RESERVOIR; AND 1.10 AF IN DRY CREEK HOUSE POND RESERVOIR

Basin Name & Number: John Day, #6

Stream Index Reference: Volume 2A BRIDGE CR & MISC

Points of Diversion:

BRIDGE CREEK 1: SWNE SECTION 19, T13S, R28E, W.M.; 1670 FEET SOUTH AND 2290 FEET WEST FROM NE CORNER, SECTION 19

BRIDGE CREEK 2: NWNW SECTION 30, T13S, R28E, W.M.; 560 FEET SOUTH AND 690 FEET EAST FROM NW CORNER, SECTION 30

GROUSE CREEK 1: NENE SECTION 29, T13S, R28E, W.M.; 140 FEET SOUTH AND 1010 FEET WEST FROM NE CORNER, SECTION 29

GROUSE CREEK 2: SWSW SECTION 21, T13S, R28E, W.M.; 690 FEET NORTH AND 770 FEET EAST FROM SW CORNER, SECTION 21

WEST DRY CREEK: SWSW SECTION 27, T13S, R28E, W.M.; 140 FEET NORTH AND 750 FEET EAST FROM SW CORNER, SECTION 27

DRY CREEK HOUSE POND: NWSE SECTION 34, T13S, R28E, W.M.; 3190 FEET SOUTH AND 2920 FEET EAST FROM NW CORNER, SECTION 34

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 19

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 21

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 29

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 30

NW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 34

TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 1, 2015

PUBLIC NOTICE DATE: Tuesday, April 21, 2015

30 DAY COMMENT DEADLINE DATE: Thursday, May 21, 2015

Mailing List for IR Copies

Application #R-88061

IR Date : April 17, 2015

Original and map mailed to applicant:

JAMES DOVENBERG, 27950 SW MOUNTAIN RD, WEST LINN, OR 97068

SENT VIA EMAIL:

1. WRD - Watermaster # 4
2. Applicant - JIMDOVENBERG@GMAIL.COM
3. ODFW
4. DEQ

Copies sent to:

1. WRD - Water Availability: Shawn Ortiz-Turner
2. CWRE - Michael Springer, Benchmark Land Surveying, 217 N. Canyon Blvd., John Day, OR 97845

IR, Map, and Fact Sheet Copies sent to:

- 1 WRD - File # R-88061
- 2 WRD - Regional Manager: NCR, Mike Ladd
3. Department of Agriculture

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

COPYSHT.IR

Caseworker: Barbara Park

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