



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

August 14, 2015

MIKE CEREGHINO
CEREGHINO FARMS
20525 NE WISTFUL VISTA DR
FAIRVIEW, OR 97024

Reference: File S-88106

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 the water-use permit application and to describe the 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 supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the use of 1.20 cubic feet per second (CFS) of water from Columbia River, a tributary of Pacific Ocean for supplemental irrigation of 100.0 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 diversion of water from Columbia River, a tributary of Pacific Ocean, for supplemental irrigation is allowable under the Columbia River Basin Program (OAR 690-519-0000).
4. Surface water is available in the amount and for the full period requested.
5. The application is subject to Section 4(d) of the Endangered Species Act.
6. The Department has determined that the proposed place of use has an underlying water right evidenced by Certificate 83331. Further review of the proposed source of water under Application S-88106 and the authorized point of diversion under Certificate 83331 indicates that application S-88106 will likely develop water from the same source, which precludes designation of the proposed use as supplemental.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Allowable Water Use

Because not all items are favorable, the use of 1.20 CFS of water from Columbia River, a tributary of Pacific Ocean, for supplemental irrigation of 100.0 acres is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Required:

Although it is unlikely that a permit will be issued, if the Department's findings change, additional information will be required prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following item(s):

The map submitted has a number of errors including the following:

- The map identifies Sections 34 and 35 incorrectly. Please submit a corrected map.
- The measured distance for the point of diversion is identified as being located "320' North and 2640' East of the 1/4 **S35 and S35**. Please identify the location of the Point of Diversion by reference to a recognized public-land survey corner.

Please submit this information no later than September 17, 2015. If you are unable to submit the information listed above, 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 with

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.

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, August 28, 2015**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With The 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.

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 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.

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. Be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of the application.

The water source identified in the 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 call me at 503-986-0806 if you have any questions regarding the contents of this letter or the application. Please have the 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: Kerri H. Cope, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Kerri H. Cope

Kerri H. Cope
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-88106
WAB 2-No WAB
POU 2-
GW

APPLICATION FACT SHEET

Application File Number: S-88106

Applicant: MIKE CEREGHINO AND CEREGHINO FARMS

County: Multnomah

Watermaster: 20

Priority Date: July 8, 2015

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: SUPPLEMENTAL IRRIGATION OF 100.0 ACRES

Quantity: 1.20 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 COLUMBIA R & MISC WWM

Point of Diversion: SENW, SECTION 34, T3N, R1W, W.M.; 320 FEET NORTH AND 2640 FEET EAST FROM W1/4 CORNER, SECTION 35

Place of Use:

SW ¼ NW ¼ 19.9 ACRES
SE ¼ NW ¼ 19.2 ACRES
NE ¼ SW ¼ 9.9 ACRES
NW ¼ SW ¼ 8.9 ACRES
SECTION 34

SW ¼ NE ¼ 0.5 ACRES
SE ¼ NE ¼ 17.7 ACRES
NE ¼ SE ¼ 15.9 ACRES
NW ¼ SE ¼ 8.0 ACRES
SECTION 35

TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 28, 2015

PUBLIC NOTICE DATE: Tuesday, August 18, 2015

30 DAY COMMENT DEADLINE DATE: Thursday, September 17, 2015