Oregon
Kate Brown, Governor

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

June 10, 2016

MATT DOLINAR
9884 MOUNT ASHLAND SKI RD
ASHLAND, OR 97520

Reference: File G-18243

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 appropriation of 0.15 cubic foot per second of water from Well 1 (JACK 58507/L89231) and Well 2 (JACK 54643/l48007) in East Fork Cottonwood Creek Basin for storage of 0.31 acre-foot (AF) of water in Storage 1 Reservoir and 0.31 AF of water in Storage 2 Reservoir in East Fork Cottonwood Creek Basin for year-round nursery use on 79.8 acres.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.

3. Under ORS 536.340(1)(a), the Water Resources Commission may establish a basin program to classify sources of water supply as to the highest and best use and quantities of use, and that classification of sources of water supply has the effect of restricting the use and quantities of use thereof to the uses and quantities of uses specified in the classification. The Commission has not established a basin program for the Klamath River Basin. Therefore, neither the proposed use nor the quantity of water is restricted as a result of this consideration.

4. Groundwater from Well 1 (JACK 58507/L89231) will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of groundwater will avoid injury to existing groundwater rights.

   Groundwater from Well 2 (JACK 54643/l48007) will **not** likely be available within the capacity of the resource and/or without injury to existing groundwater rights.

5. The Department has determined, based upon OAR 690-009, that the proposed groundwater use will not have the potential for substantial interference with any surface water source.

6. The proposed reservoir sites are subject to a wetland determination by the Department of State Lands.

7. The Department understands that you wish to remove Well 2 (JACK 54643/l48007) as a point of appropriation under this application.

Summary of Initial Determinations

The appropriation of 0.15 CFS of water from Well 1 (JACK 58507/L89231) in East Fork Cottonwood Creek Basin for storage of 0.31 acre-foot (AF) of water in Storage 1 Reservoir and 0.31 AF of water in Storage 2 Reservoir in East Fork Cottonwood Creek Basin for year-round nursery use on 79.8 acres is allowable.

Because of these favorable determinations, the Department can now move the 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 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.

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, June 24, 2016**. 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 use and storage conditions:

   A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. 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 and stored each month, and shall submit a report which includes water-use and 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. Well Identification Tag Condition

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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 the 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 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: 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

G-18243
WAB 15-No PSI
POU 15-No PSI
GW

APPLICATION FACT SHEET

Application File Number: G-18243

Applicant: MATT DOLINAR

County: Jackson

Watermaster: 13

Priority Date: January 27, 2016

Source: WELL 1 (JACK 58507/L89231) AND WELL 2 (JACK 54643/L48007) IN EAST FORK COTTONWOOD CREEK BASIN; STORAGE 1 RESERVOIR AND STORAGE 2 RESERVOIR IN EAST FORK COTTONWOOD CREEK BASIN

Use: NURSERY USE ON 79.8 ACRES

Quantity: 0.15 CUBIC FOOT PER SECOND AND 0.62 ACRE FOOT

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 3 EMIGRANT CR MISC

Points of Diversion or Well Location(s):

WELL 1 (JACK 58507/L89231): NENW, SECTION 29, T40S, R2E, W.M.; 1025 FEET SOUTH AND 2436 FEET EAST FROM NW CORNER, SECTION 29

WELL 2 (JACK 54643/L48007): NENW, SECTION 29, T40S, R2E, W.M.; 3664 FEET SOUTH AND 615 FEET EAST FROM NW CORNER, SECTION 29

STORAGE 1 RESERVOIR: NENW, SECTION 29, T40S, R2E, W.M.; 2451 FEET SOUTH AND 1228 FEET EAST FROM NW CORNER, SECTION 29

STORAGE 2 RESERVOIR: NWSW, SECTION 29, T40S, R2E, W.M.; 3373 FEET SOUTH AND 922 FEET EAST FROM NW CORNER, SECTION 29

Place of Use:

QQ	NURSERY USE	STORAGE
NE ¼ NW ¼	2.3 ACRES	X
SW ¼ NW ¼	32.5 ACRES	
SE ¼ NW ¼	10.0 ACRES	
NW ¼ SW ¼	35.0 ACRES	X

SECTION 29
TOWNSHIP 40 SOUTH, RANGE 2 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 24, 2016

PUBLIC NOTICE DATE: Tuesday, June 14, 2016

30 DAY COMMENT DEADLINE DATE: Thursday, July 14, 2016

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