



Oregon

Theodore R. Kulongoski, 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

CALA FARMS
ATTN: PATTI ROBB
31144 WIRTH RD
TANGENT, OR 97389

March 7, 2008

Reference: File S-86982

Dear Ms. Robb:

**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 a water use permit 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 requested 5.73 cubic feet per second (CFS) from diversions A, B, C, D, E, F, G on Calapooia River, a tributary of Willamette River, and 1.11 CFS from diversion point H on Spoon Creek, tributary of Walton Slough, for irrigation use from April 1 through July 31 of each year. On January 25, 2008, the applicant amended the application to include the months of March and October, if allowable.
2. Upon further review, it appears that diversion H is located on Walton Slough, tributary to Shedd Slough. Please clarify whether the source for diversion H is Spoon Creek or Walton Slough. At this time, the Department will proceed with Walton Slough as the source.
3. It was unclear from the application materials how much acreage is proposed under this application. Based on a review of the application map, it appears that 3530.93 acres are to be irrigated. Please clarify the intended acreage.
4. The proposed use is not prohibited by law or rule except where otherwise noted below.
5. The Willamette Basin Program allows the use of water from diversions A, B, C, D, E, F, and H from October 1 through July 31 of each year under Oregon Administrative Rule (OAR) 690-502-0110(1)(c). The use of water from diversion G is allowable November 1 through June 30 under OAR 690-502-0110(1)(d).

6. Surface water is available October 1 through July 31 of each year.
7. The Calapooia River Decree allows the use of water for irrigation from May 1 through September 30 of each year.
8. Your proposed use falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
9. You are encouraged to contact Linn County as you may need to obtain authorization to cross any roads.
10. The Department has determined that there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Initial Determinations

Because of the above limitations, the use of 5.73 CFS from Calapooia River, a tributary of Willamette River, and Walton Slough, a tributary of Shedd Slough, for irrigation use on 3530.93 acres is not allowable during the full period requested, April 1 through July 31, and it appears unlikely that you will be issued a permit. However, by providing additional information as described below, you may be able to pursue a limited permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Opportunity:

By supplying the Department with additional information concerning the proposed use, you may be able to use water during May, June and July for diversions A, B, C, D, E, F and H and May and June for diversion G. If you do not withdraw your application and if you do not provide the additional information as described below, the Department will propose to reject your application.

If you would like to be able to use water during the months mentioned above, you must supply the Department with the following:

Supply information that would indicate that you can make beneficial use of the water during the times it is available for use by growing crops that can survive the shortened season. Identify the crop(s).

or Identify another source of water to use during the period when water use is not allowed.

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.

Additional Information Required:

Additional information is required to process your application. Please submit the following:

- The number of acres irrigated in each quarter-quarter section must be clearly indicated on the map and identified by shading or hachuring. The application map shows the number of acres within each quarter-quarter section but does not clearly identify where within each quarter-quarter the proposed lands are located. On the enclosed copy of your application maps, please show the number of acres to be used in each quarter-quarter section by hachuring. It also appears that some of the acreage listed might be associated with the wrong section. Please see enclosed "work copy maps" and Application Fact Sheet for more information.
- OAR 690-310-050((4)(b) requires that the application map submitted to the Department show the location of main canals, pipelines, ditches or other means of transporting water for the proposed use. Please provide this requirement, if applicable to the proposed use.

Please submit this information no later than April 10, 2008. 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 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.

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 \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, March 21, 2008**. 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, recording and reporting 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 meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded 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.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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 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 503-986-0853 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: Alyssa Mucken, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Alyssa Mucken
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

APPLICATION FACT SHEET

Application File Number: S-86982

Applicant: PATTI ROBB FOR CALA FARMS

County: LINN

Watermaster: 2

Priority Date: SEPTEMBER 18, 2007

Source: CALAPOOIA RIVER, A TRIBUTARY OF WILLAMETTE RIVER AND WALTON SLOUGH, A TRIBUTARY OF SHEDD SLOUGH

Use: IRRIGATION USE ON 3530.93 ACRES

Quantity: 6.8 CUBIC FEET PER SECOND, BEING 5.73 CFS FROM CALAPOOIA RIVER AND 1.11 CFS FROM WALTON SLOUGH

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 5 CALAPOOYA R

Point of Diversion(s):

POD A: NENE, SECTION 14, T12S, R4W, W.M.; 1275 FEET SOUTH AND 1075 FEET WEST FROM NE CORNER, SECTION 14

POD B: SWNE, SECTION 24, T12S, R4W, W.M.; 1550 FEET SOUTH AND 1400 FEET WEST FROM NE CORNER, SECTION 24

POD C: SENE, SECTION 30, T12S, R3W, W.M.; 1620 FEET SOUTH AND 800 FEET WEST FROM NE CORNER, SECTION 30

POD D: NESE, SECTION 30, T12S, R3W, W.M.; 3590 FEET SOUTH AND 1075 FEET WEST FROM NE CORNER, SECTION 30

POD E: NENW, SECTION 32, T12S, R3W, W.M.; 1375 FEET NORTH AND 300 FEET WEST FROM C1/4 CORNER, SECTION 32

POD F: SESW, SECTION 32, T12S, R3W, W.M.; 2600 FEET SOUTH AND 775 FEET WEST FROM C1/4 CORNER, SECTION 32

POD G: SWSW, SECTION 8, T13S, R3W, W.M.; 2700 FEET NORTH AND 1650 FEET WEST FROM C1/4 CORNER, SECTION 17

POD H: SWSW, SECTION 17, T13S, R3W, W.M.; 2575 FEET SOUTH AND 1875 FEET WEST FROM C1/4 CORNER, SECTION 17

Place of Use:

SW ¼ NW ¼ 10.89 ACRES*
SE ¼ NW ¼ 3.00 ACRES
NE ¼ SW ¼ 6.00 ACRES
NW ¼ SW ¼ 31.98 ACRES
SW ¼ SW ¼ 38.65 ACRES
SW ¼ SW ¼ 0.50 ACRE**
SE ¼ SW ¼ 5.00 ACRES
NE ¼ SE ¼ 11.00 ACRES*

SECTION 18

NE ¼ NE ¼ 40.00 ACRES
NW ¼ NE ¼ 39.00 ACRES
SW ¼ NE ¼ 26.00 ACRES
SE ¼ NE ¼ 40.00 ACRES
NE ¼ NW ¼ 21.00 ACRES
NW ¼ NW ¼ 14.00 ACRES
NW ¼ NW ¼ 3.50 ACRES**
NW ¼ NW ¼ 2.00 ACRES*
NE ¼ SE ¼ 40.00 ACRES
NW ¼ SE ¼ 18.39 ACRES

SECTION 19

NE ¼ NW ¼ 14.00 ACRES
NW ¼ NW ¼ 7.06 ACRES
SW ¼ NW ¼ 24.00 ACRES
SW ¼ NW ¼ 9.00 ACRES**
SE ¼ NW ¼ 40.00 ACRES
NE ¼ SW ¼ 40.00 ACRES
NW ¼ SW ¼ 24.00 ACRES
NW ¼ SW ¼ 5.00 ACRES**
SW ¼ SW ¼ 7.00 ACRES
SE ¼ SW ¼ 13.00 ACRES
NE ¼ SE ¼ 40.00 ACRES
NW ¼ SE ¼ 40.00 ACRES
SW ¼ SE ¼ 40.00 ACRES
SE ¼ SE ¼ 40.00 ACRES

SECTION 20

NE ¼ SW ¼ 29.51 ACRES
NW ¼ SW ¼ 40.00 ACRES
SW ¼ SW ¼ 40.00 ACRES
SE ¼ SW ¼ 29.48 ACRES
NE ¼ SE ¼ 40.00 ACRES
NW ¼ SE ¼ 40.00 ACRES
SW ¼ SE ¼ 40.00 ACRES
SE ¼ SE ¼ 40.00 ACRES

SECTION 21

NE ¼ NE ¼ 20.00 ACRES
NW ¼ NE ¼ 20.23 ACRES
SW ¼ NE ¼ 34.00 ACRES
SE ¼ NE ¼ 40.00 ACRES
NE ¼ NW ¼ 30.00 ACRES

SECTION 28

TOWNSHIP 12 SOUTH, RANGE 3 WEST, W.M.

*Unable to locate on map

**Section label appears to be incorrect

NW ¼ NW ¼ 40.00 ACRES
SW ¼ NW ¼ 30.00 ACRES
SW ¼ NW ¼ 2.00 ACRES
SE ¼ NW ¼ 24.15 ACRES
SE ¼ NW ¼ 3.22 ACRES
NE ¼ SW ¼ 13.00 ACRES
NW ¼ SW ¼ 10.00 ACRES
SW ¼ SW ¼ 7.00 ACRES
SE ¼ SW ¼ 10.00 ACRES
NE ¼ SE ¼ 10.23 ACRES
NW ¼ SE ¼ 19.00 ACRES

SECTION 28

NE ¼ NW ¼ 23.50 ACRES
NW ¼ NW ¼ 15.52 ACRES
SE ¼ SW ¼ 20.10 ACRES

SECTION 29

SW ¼ NE ¼ 0.64 ACRE
SE ¼ NE ¼ 7.00 ACRES
NE ¼ SE ¼ 7.00 ACRES
NW ¼ SE ¼ 6.00 ACRES
SW ¼ SE ¼ 8.00 ACRES
SE ¼ SE ¼ 9.00 ACRES

SECTION 30

NE ¼ NE ¼ 11.00 ACRES**
NW ¼ NE ¼ 3.00 ACRES**
SW ¼ NE ¼ 9.00 ACRES**
SE ¼ NE ¼ 31.00 ACRES**
SE ¼ SW ¼ 16.27 ACRES
SE ¼ SW ¼ 8.00 ACRES**
NE ¼ SE ¼ 25.00 ACRES
NW ¼ SE ¼ 8.00 ACRES
SW ¼ SE ¼ 23.00 ACRES
SW ¼ SE ¼ 10.07 ACRES**
SW ¼ SE ¼ 4.00 ACRES**
SE ¼ SE ¼ 40.00 ACRES

SECTION 31

NE ¼ NW ¼ 15.04 ACRES
NE ¼ NW ¼ 8.00 ACRES**
SW ¼ NW ¼ 5.00 ACRES
SE ¼ NW ¼ 13.78 ACRES
NE ¼ SW ¼ 5.00 ACRES**
NW ¼ SW ¼ 23.00 ACRES**
SW ¼ SW ¼ 21.00 ACRES
SW ¼ SW ¼ 10.00 ACRES**
SE ¼ SW ¼ 1.50 ACRES
SE ¼ SW ¼ 3.75 ACRES**

SECTION 32

TOWNSHIP 12 SOUTH, RANGE 3 WEST, W.M.

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SE ¼ SW ¼ 3.00 ACRES
NE ¼ SE ¼ 4.90 ACRES*
NW ¼ SE ¼ 2.00 ACRES*
SW ¼ SE ¼ 32.00 ACRES
SE ¼ SE ¼ 40.00 ACRES

SECTION 11

SW ¼ NW ¼ 20.50 ACRES
SE ¼ NW ¼ 16.76 ACRES
NE ¼ SW ¼ 40.00 ACRES
NW ¼ SW ¼ 22.90 ACRES
SW ¼ SW ¼ 40.00 ACRES
SE ¼ SW ¼ 40.00 ACRES
NE ¼ SE ¼ 35.00 ACRES
NW ¼ SE ¼ 40.00 ACRES
SW ¼ SE ¼ 40.00 ACRES
SE ¼ SE ¼ 41.74 ACRES

SECTION 12

NE ¼ NE ¼ 21.00 ACRES
NW ¼ NE ¼ 14.38 ACRES
NE ¼ NW ¼ 40.00 ACRES
NW ¼ NW ¼ 40.00 ACRES
SW ¼ NW ¼ 27.12 ACRES
SE ¼ NW ¼ 27.12 ACRES
NE ¼ SE ¼ 2.00 ACRES**
SW ¼ SE ¼ 3.00 ACRES**
SE ¼ SE ¼ 21.35 ACRES**

SECTION 13

NE ¼ NE ¼ 40.00 ACRES
NW ¼ NE ¼ 40.00 ACRES
SW ¼ NE ¼ 36.00 ACRES
SW ¼ NE ¼ 2.00 ACRES*
SE ¼ NE ¼ 18.72 ACRES
SE ¼ NE ¼ 15.41 ACRES*
NE ¼ NW ¼ 15.00 ACRES
SE ¼ NW ¼ 10.00 ACRES
NE ¼ SW ¼ 0.50 ACRES*
NE ¼ SE ¼ 3.50 ACRES*
NW ¼ SE ¼ 1.50 ACRES*
NW ¼ SE ¼ 4.50 ACRES*

SECTION 14

NE ¼ NE ¼ 38.00 ACRES
NW ¼ NE ¼ 11.00 ACRES
SW ¼ NE ¼ 3.62 ACRES
SE ¼ NE ¼ 26.00 ACRES

SECTION 24

SW ¼ SE ¼ 30.68 ACRES
SE ¼ SE ¼ 38.00 ACRES

SECTION 36

TOWNSHIP 12 SOUTH, RANGE 4 WEST, W.M.

*Unable to locate on map

**Section label appears to be incorrect

NE ¼ NW ¼ 15.68 ACRES**
NW ¼ NW ¼ 3.50 ACRES**
SECTION 5

NE ¼ NE ¼ 8.00 ACRES**
NW ¼ NE ¼ 31.18 ACRES
NW ¼ NE ¼ 1.00 ACRE **
SW ¼ NE ¼ 10.00 ACRES
NE ¼ NW ¼ 15.00 ACRES
NW ¼ NW ¼ 15.58 ACRES
SECTION 6

NE ¼ NE ¼ 12.68 ACRES
NW ¼ NE ¼ 40.00 ACRES
SW ¼ NE ¼ 40.87 ACRES
SE ¼ NE ¼ 34.35 ACRES
NE ¼ NW ¼ 8.46 ACRES
SE ¼ NW ¼ 0.13 ACRE
NE ¼ SW ¼ 20.00 ACRES
NE ¼ SW ¼ 7.22 ACRES**
NW ¼ SW ¼ 20.00 ACRES**
NW ¼ SW ¼ 8.33 ACRES
SW ¼ SW ¼ 8.35 ACRES**
SE ¼ SW ¼ 22.00 ACRES**
NW ¼ SE ¼ 40.43 ACRES
SW ¼ SE ¼ 40.00 ACRES
SE ¼ SE ¼ 20.00 ACRES**
SECTION 7

SW ¼ SW ¼ 19.87 ACRES**
SECTION 8

NW ¼ NW ¼ 40.00 ACRES
SW ¼ NW ¼ 40.00 ACRES
NE ¼ SW ¼ 37.50 ACRES
NW ¼ SW ¼ 23.90 ACRES
SW ¼ SW ¼ 14.50 ACRES
SE ¼ SW ¼ 24.66 ACRES
SECTION 17

NE ¼ NE ¼ 40.00 ACRES**
SE ¼ NE ¼ 40.00 ACRES**
NE ¼ SE ¼ 30.25 ACRES**
NE ¼ SE ¼ 3.72 ACRES**
NE ¼ SE ¼ 6.63 ACRES
NW ¼ SE ¼ 18.00 ACRES
SW ¼ SE ¼ 18.00 ACRES
SE ¼ SE ¼ 26.00 ACRES**
SE ¼ SE ¼ 10.51 ACRES
SECTION 18

NW ¼ NE ¼ 20.47 ACRES
SECTION 19

TOWNSHIP 13 SOUTH, RANGE 3 WEST, W.M.

* Unable to Locate on the Map

** Section label appears to be incorrect

NE ¼ NE ¼ 30.00 ACRES**
NW ¼ NE ¼ 18.00 ACRES**
SECTION 1
TOWNSHIP 13 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 21, 2008

PUBLIC NOTICE DATE: Tuesday, March 11, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, April 10, 2008

* Unable to Locate on the Map

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