



Oregon
Kate Brown, Governor

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

July 14, 2017

REID RANCH LLC
1331 E LUDLOW RIDGE RD
PORT LUDLOW, WA 98635

SELTZER/JOHNSON TRUST
1921 LION PLACE
WENATCHEE, WA 98801

Reference: File S-88043

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 diversion of 0.08 cubic foot per second (CFS) of water from a spring, tributary to Columbia River, for irrigation of 12.0 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 a spring, tributary to Columbia River, for irrigation is allowable under the Deschutes Basin Program (OAR 690-505-0020).
4. OAR 690-033-0120(2) prohibits the diversion of water from April 15 through September 30 of each year; however, in previous applications for this location, Oregon Department of Fish and Wildlife (ODFW) determined there would be insignificant impact to fish because the point of diversion is a spring and has little to no runoff into the nearby surface water drainage. Following issuance of this Initial Review, ODFW will be consulted regarding the potential for impact to fish and fish habitat. The results of that determination will affect the outcome of the Proposed Final Order.
5. Because this application will have an impact on surface water flows where ODFW has identified that sensitive, threatened, or endangered fish are present, this application will be reviewed by ODFW and the Department of Environmental Quality in accordance with OAR 690-033 rules. This review could have an impact on the eventual outcome of your application. This review could cause your application to be proposed for denial, or for the season of use to be shortened or impacted in some other way when the Department issues a proposed final order at the next stage of processing.

6. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
7. Based on a preliminary review, an analysis of water availability using the Department's Water Availability Reporting System is not possible for the proposed point of diversion; therefore, a site-specific determination must be made by the Watermaster. The results of that determination may affect the outcome of the Proposed Final Order.
8. The application proposed the diversion of 0.08 CFS of water from a spring that appears to be Helm Spring, also permitted for diversion of 1.1 acre-feet (AF) of water October 1 through May 31, for storage in Reid Ranch House Pond, for multiple purpose use under Certificate 90828.

The application proposed temporary storage of water in a "bulge-in-the-system" in Reid Ranch House Pond for irrigation; however, because Reid Ranch House Pond is already permitted as a reservoir under Permit R-14969, it cannot also be used as a "bulge-in-the-system". See the **Additional Information** section, below.

Summary of Initial Determination

The diversion of 0.08 CFS of water from a spring, tributary to Columbia River, for irrigation of 12.0 acres may be allowable contingent upon the ODFW review for potential impact to fish and fish habitat, and a site-specific water availability determination from the Department's Watermaster.

The use of Reid Ranch House Pond as a bulge-in-the-system is not allowable.

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

Because Reid Ranch House Pond is already a permitted reservoir, it cannot also be used as a bulge-in-the-system. It may be in your best interest to withdraw this application and reapply for an enlargement of the pond permitted under Permit R-14969, then apply for a secondary permit to use the additional stored water.

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, July 21, 2017**. 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. The Director may require the permittee to install a totalizing flow meter 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 diverted, and may require the permittee to report water-use 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.
 - C. 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.

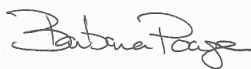
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. Be aware that, if significant 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 the proposed water use.

If you have any questions:

Feel free to contact me at Barbara.J.Poage@oregon.gov or 503-986-0859 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: 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 Poage
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form
S-88043
WAB 5-no WAB
POU 5-no WAB
GW

APPLICATION FACT SHEET

Application File Number: S-88043

Applicant: REID RANCH LLC/SELTZER JOHNSON TRUST

County: SHERMAN

Watermaster: 3

Priority Date: JANUARY 8, 2015

Source: A SPRING, TRIBUTARY TO COLUMBIA RIVER

Use: IRRIGATION OF 12.0 ACRES

Quantity: 0.08 CUBIC FOOT PER SECOND

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 3 COLUMBIA R & MISC

Point of Diversion: NESW SECTION 35, T3N, R17E, W.M.; 1332 FEET NORTH AND 1960 FEET EAST FROM SW CORNER, SECTION 35

Place of Use:

NE SW 12.0 ACRES
SECTION 35
TOWNSHIP 3 NORTH, RANGE 17 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 28, 2017

PUBLIC NOTICE DATE: Tuesday, July 18, 2017

30 DAY COMMENT DEADLINE DATE: Thursday, August 17, 2017

Mailing List for IR Copies

Application #S-88043

IR Date: July 14, 2017

Original and map mailed to applicant:

REID RANCH LLC
DAVID REID
1331 E LUDLOW RIDGE RD
PORT LUDLOW, WA 98635

SELTZER JOHNSON TRUST
1921 LION PLACE
WENATCHEE, WA 98801

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

SENT VIA EMAIL:

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

Copies sent to:

1. WRD - Hydrographics

IR, Map, and Fact Sheet Copies sent to:

2. WRD - File # S-88043
3. WRD - Regional Manager: NCR
4. Department of Agriculture
5. Columbia River Intertribal Fish Commission, Julie Carter,
729 NE Oregon St, Ste 200, Portland OR 97232
6. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
7. NW Power Planning Council, Fish & Wildlife Division, Karl Weist
851 SW Sixth Ave, Ste 1020, Portland OR 97204
8. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson
Nixyaawii Governance Center, 46411 Timine Way, Pendleton OR 97801
9. National Marine Fisheries Service, Spencer Hovekamp
3502 Hwy 30, La Grande, OR 97850

Caseworker: Barbara Park Poage

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 Customer Service Group 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
- four 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