

COURCHANE Corey A * WRD

From: Nancy Rorick <nrorick@nlr-water.com>
Sent: Tuesday, February 16, 2021 2:23 PM
To: COURCHANE Corey A * WRD
Cc: HOSHAW Jered L * WRD; Chris Ray
Subject: Consent to injury for T13404
Attachments: consent to injury letter for T13404.pdf; Supplemental Report No 2 T13404.pdf

Dear Corey,

Attached is a letter requesting that the Department begin the process for consent to injury for T13404. I have also included a recently updated title report.

Thank you,
Nancy

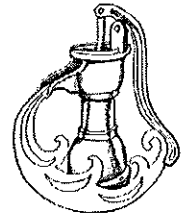
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February 16, 2021
Received by OWRD

Corey Courchane
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

FEB 16 2021

Salem, OR

Dear Mr. Courchane:

I am writing on behalf of Chris Ray as the authorized agent regarding the revised draft preliminary determination for T13404. The purposes of T13404 are to add POD 3 to irrigate the entire parcel via a gravity fed pipe and to change the POU to accommodate pivots.

The OWRD is proposing to deny the transfer application due to alleged injury of Certificate 73354 an instream water-right. This letter notifies the OWRD that Mr. Ray intends to pursue consent of injury to the instream water right (OAR 690-380-5050 (1)).

Currently, water is pumped from the South Fork of Willow Creek at PODs 1 and 2 to supply water to the two Certificates 48389 (priority 1972) and 56241 (priority 1981) proposed for transfer. Water is also pumped from proposed APOD 3 for a water right (Certificate 47744) not included in the transfer. A portion of this right (268.1 acres) is located on Mr. Ray's property.

Water for PODs 1 and 2 is impounded by a concrete diversion structure and weir (see attached photographs). This structure currently inhibits fish passage. If the ODFW consents to injury and the OWRD approves APOD 3, Mr. Ray will abandon PODs 1 and 2. The diversion structure for PODs 1 and 2 will be removed and the stream bank restored. The APOD 3 will be upgraded to current standards for fish passage and screens.

Mr. Ray's water rights are junior to downstream water rights on Willow Creek. Demand for water downstream prevents him from diverting water when stream flow is low. He withdraws water from Willow Creek only when it is abundant early in the season.

If the consent to injury is not approved, Mr. Ray will modify the transfer application to a change in Place of Use only and continue using the existing diversion structures.

We are hopeful that we can reach an agreement that both improves fish passage and allows Mr. Ray to divert water from APOD 3.

Attached is the title report prepared by AmeriTitle.

Sincerely,

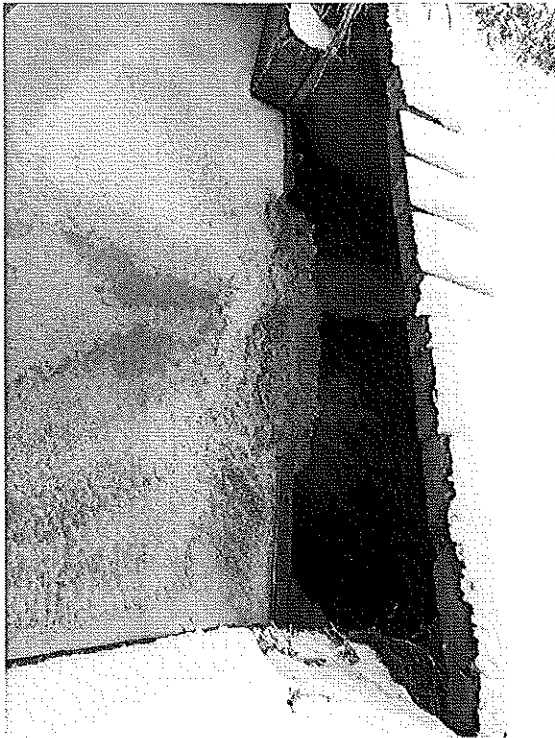
A handwritten signature in cursive script that reads "Nancy L. Rorick". The signature is written in black ink and is positioned above the typed name.

Nancy L. Rorick, RG, CWRE

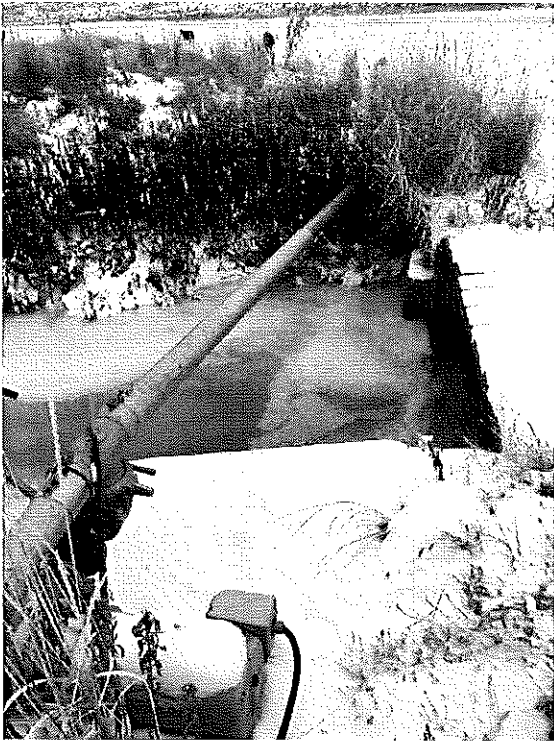
CC: Jered Hoshaw, District 9 Water Master



Photograph 1 Looking upstream at the existing diversion structure.



Photograph 2 Weir boards that impound water behind the diversion structure.



Photograph 3 Pump on the upstream side of diversion structure.



Photograph 4 Pump and impounded water on the upstream side of the diversion structure.

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