



## EASTMAN Jeana M

---

**From:** MATTICK Michael J  
**Sent:** Wednesday, March 26, 2014 1:10 PM  
**To:** EASTMAN Jeana M  
**Subject:** RE: File G-17560 wrong county

Hi Jeana,

In this case, those dotted lines are the boundaries of the Thomas G. Hogue Donation Land Claim 77. When the Government Land Office Surveyors (GLO) were surveying the State in the late 1800s, marking section corners and such, whenever they came to a DLC, they surveyed around it and tried to pick up again as best they could on the other side. In the process they remonumented those corners and they remain as land marks. That is why they continue to show up on the tax lot maps. I apologize if I am saying stuff you already know. In this case, all of that DLC North and East of the river is completely inside tax lot 100 in section 13. If you look at the section 13 tax map, near that dotted line on the left, you will notice: 100 354.55 AC., and next to the right line it says: BALANCE OF LOT 100 MAPPED ON 12S 5W 12. I read that to say, this is tax lot 100 and some of it is on the next map North.

Let me know if you still have any doubts.  
Thanks,  
MM

Michael J. Mattick ph 541 682-3620  
Watermaster, District 2  
125 East 8th Avenue  
Eugene, OR 97401-2926

my email: [matticmj@wrd.state.or.us](mailto:matticmj@wrd.state.or.us)  
Agency Web Site: [www.oregon.gov/owrd](http://www.oregon.gov/owrd)

---

**From:** EASTMAN Jeana M  
**Sent:** Wednesday, March 26, 2014 9:44 AM  
**To:** MATTICK Michael J  
**Cc:** EASTMAN Jeana M  
**Subject:** RE: File G-17560 wrong county

Hi Michael -

It's not clear to me what the dotted line means on Sections 12 and 13 assessors maps. (See image below, I put a red line around the dotted line.) I think it means this area is part of Benton Co, and if that's the case, then this permit is located in Bent Co. Please also see full tax lots maps (attached) for sections 12 and 13.

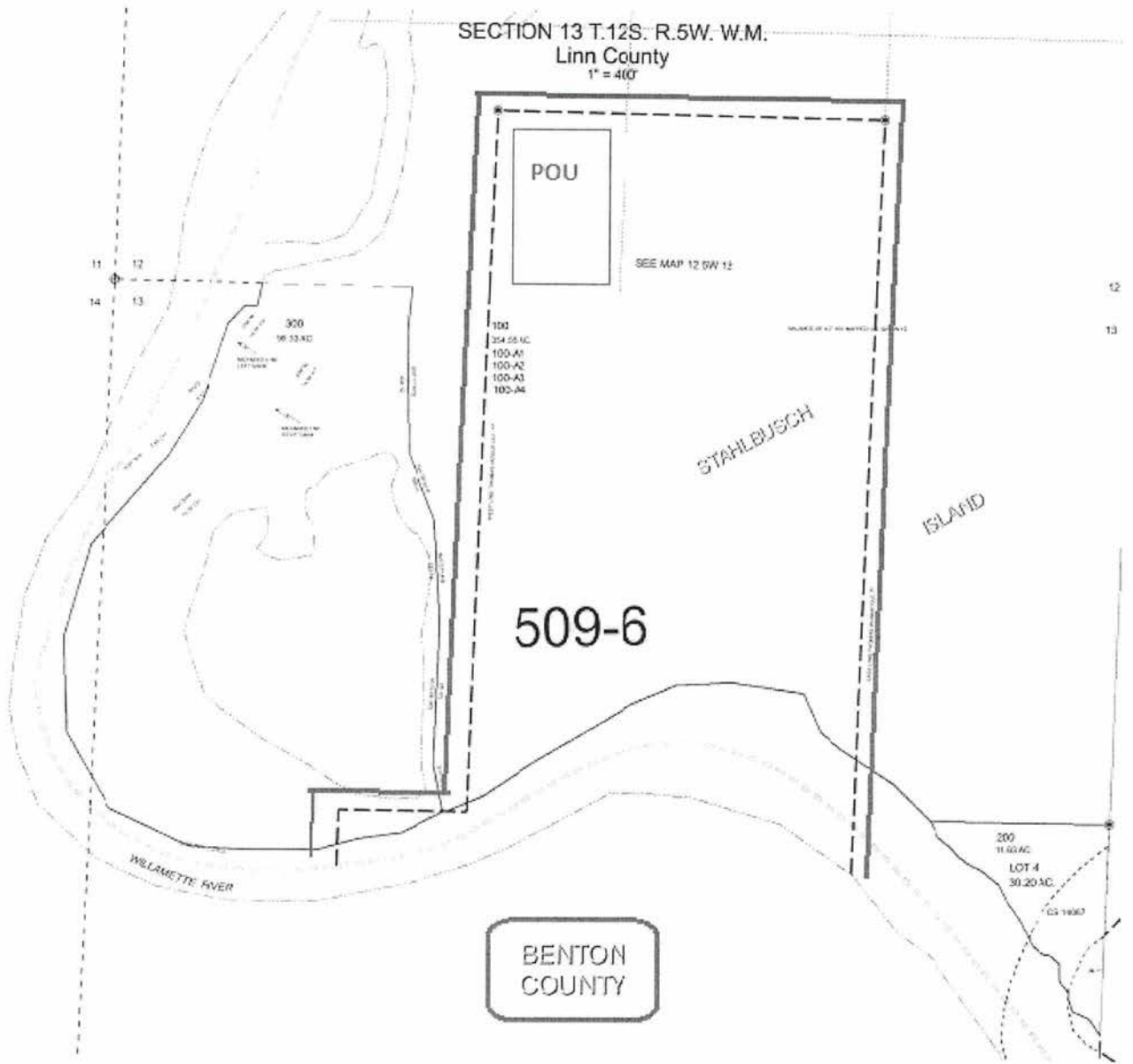
What do you think?

FOR ASSESSMENT AND  
TAXATION ONLY

SECTION 13 T.12S. R.5W. W.M.  
Linn County  
1" = 400'



BENTON COUNTY



**Jeana Eastman** ★ ★ ★ Water Right Application Analyst ★ ★ ★ 503.986.0812

Oregon Water Resources Dept, 725 Summer St NE, Ste A, Salem OR 97301  
<http://oregon.gov/OWRD>

*"Dwelling on the negative simply contributes to its power." ~Shirley MacLaine*

**From:** MATTICK Michael J  
**Sent:** Wednesday, March 26, 2014 9:21 AM  
**To:** EASTMAN Jeana M  
**Subject:** File G-17560 wrong county

Hi Jeana,

I know this is a really late comment and that you don't do these any more, but could you put a note in the file or something so we get the right county when we certificate this. It should be Linn county, not Benton. Sorry I did not catch that earlier.

MM

Michael J. Mattick ph 541 682-3620

Watermaster, District 2

125 East 8th Avenue

Eugene, OR 97401-2926

my email: [matticmj@wrd.state.or.us](mailto:matticmj@wrd.state.or.us)

Agency Web Site: [www.oregon.gov/owrd](http://www.oregon.gov/owrd)



## EASTMAN Jeana M

---

**From:** EASTMAN Jeana M  
**Sent:** Wednesday, March 26, 2014 9:44 AM  
**To:** MATTICK Michael J  
**Cc:** EASTMAN Jeana M  
**Subject:** RE: File G-17560 wrong county  
**Attachments:** 125w12pdf.pdf; 125w13pdf.pdf; P-G-17004\_PERMIT MAP.pdf

Hi Michael -

It's not clear to me what the dotted line means on Sections 12 and 13 assessors maps. (See image below, I put a red line around the dotted line.) I think it means this area is part of Benton Co, and if that's the case, then this permit is located in Bent Co. Please also see full tax lots maps (attached) for sections 12 and 13.

What do you think?

FOR ASSESSMENT AND TAXATION ONLY

SECTION 13 T.12S. R.5W. W.M.  
Linn County  
1" = 400'



**Jeana Eastman** ★ ★ ★ Water Right Application Analyst ★ ★ ★ 503.986.0812

Oregon Water Resources Dept, 725 Summer St NE, Ste A, Salem OR 97301  
<http://oregon.gov/OWRD>

*"Dwelling on the negative simply contributes to its power." ~Shirley MacLaine*

---

**From:** MATTICK Michael J  
**Sent:** Wednesday, March 26, 2014 9:21 AM  
**To:** EASTMAN Jeana M  
**Subject:** File G-17560 wrong county

Hi Jeana,

I know this is a really late comment and that you don't do these any more, but could you put a note in the file or something so we get the right county when we certificate this. It should be Linn county, not Benton. Sorry I did not catch that earlier.

MM

Michael J. Mattick ph 541 682-3620  
Watermaster, District 2  
125 East 8th Avenue  
Eugene, OR 97401-2926

my email: [matticmj@wrd.state.or.us](mailto:matticmj@wrd.state.or.us)  
Agency Web Site: [www.oregon.gov/owrd](http://www.oregon.gov/owrd)

FOR ASSESSMENT AND TAXATION ONLY



SECTION 13 T. 12S. R. 5W. W.M.  
Linn County  
1" = 400'

12S05W13  
LINN COUNTY  
CANCELLED

LINN COUNTY  
12S05W13  
4/9/2009

509-6

BENTON COUNTY

BENTON COUNTY

100  
384.55 AC  
100-A1  
100-A2  
100-A3  
100-A4

300  
99.33 AC  
300-A1  
300-A2  
300-A3  
300-A4

200  
30.20 AC  
LOT 4

LOT 6  
1.32 AC

ESTLAND

STREIBERHOLS

WILAMETTE RIVER

12 7 13 16

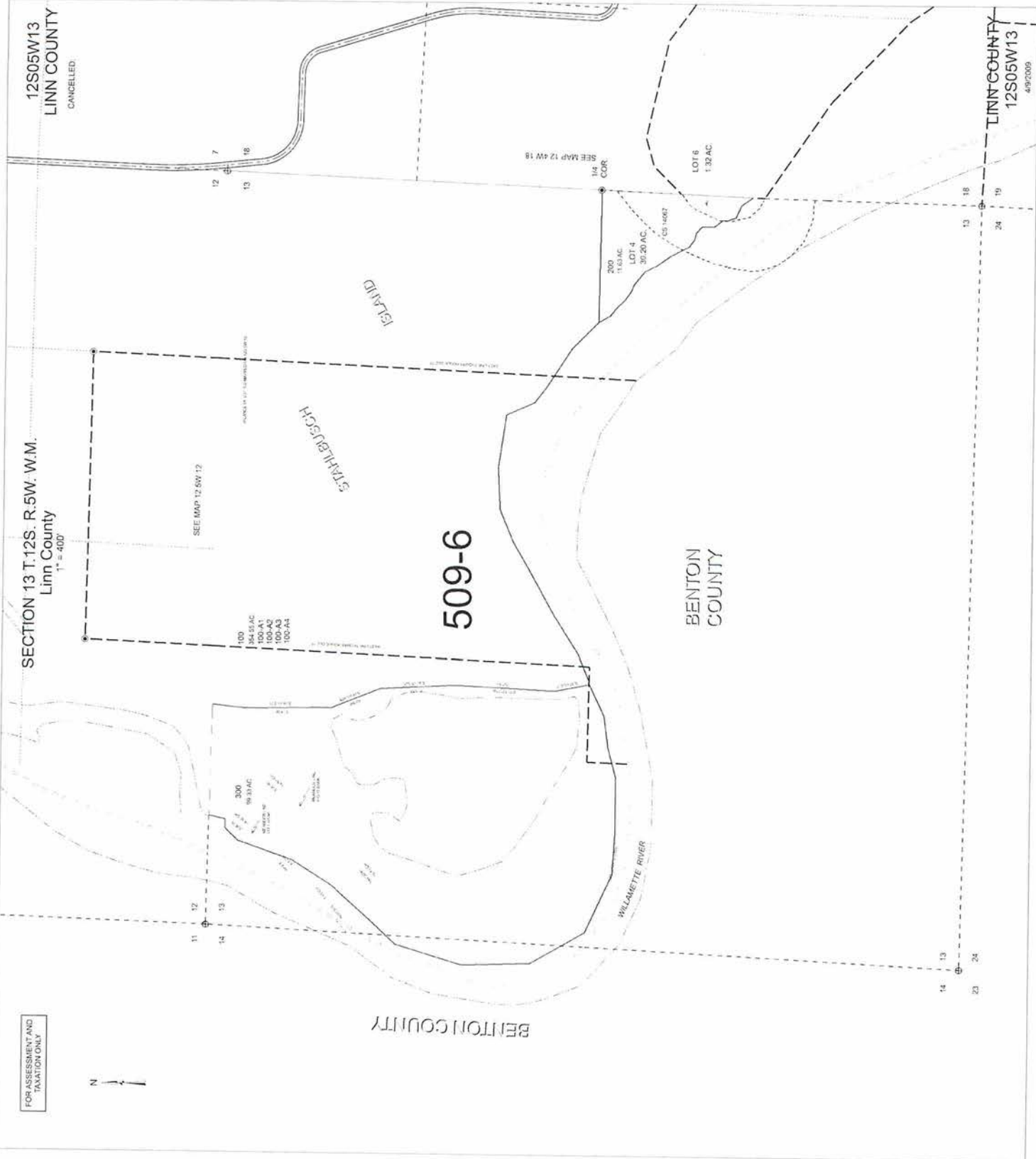
11 12 13 14

14 13 23 24

13 18 24 19

SEE MAP 12 4W 18  
1/4 COR

1/4 COR

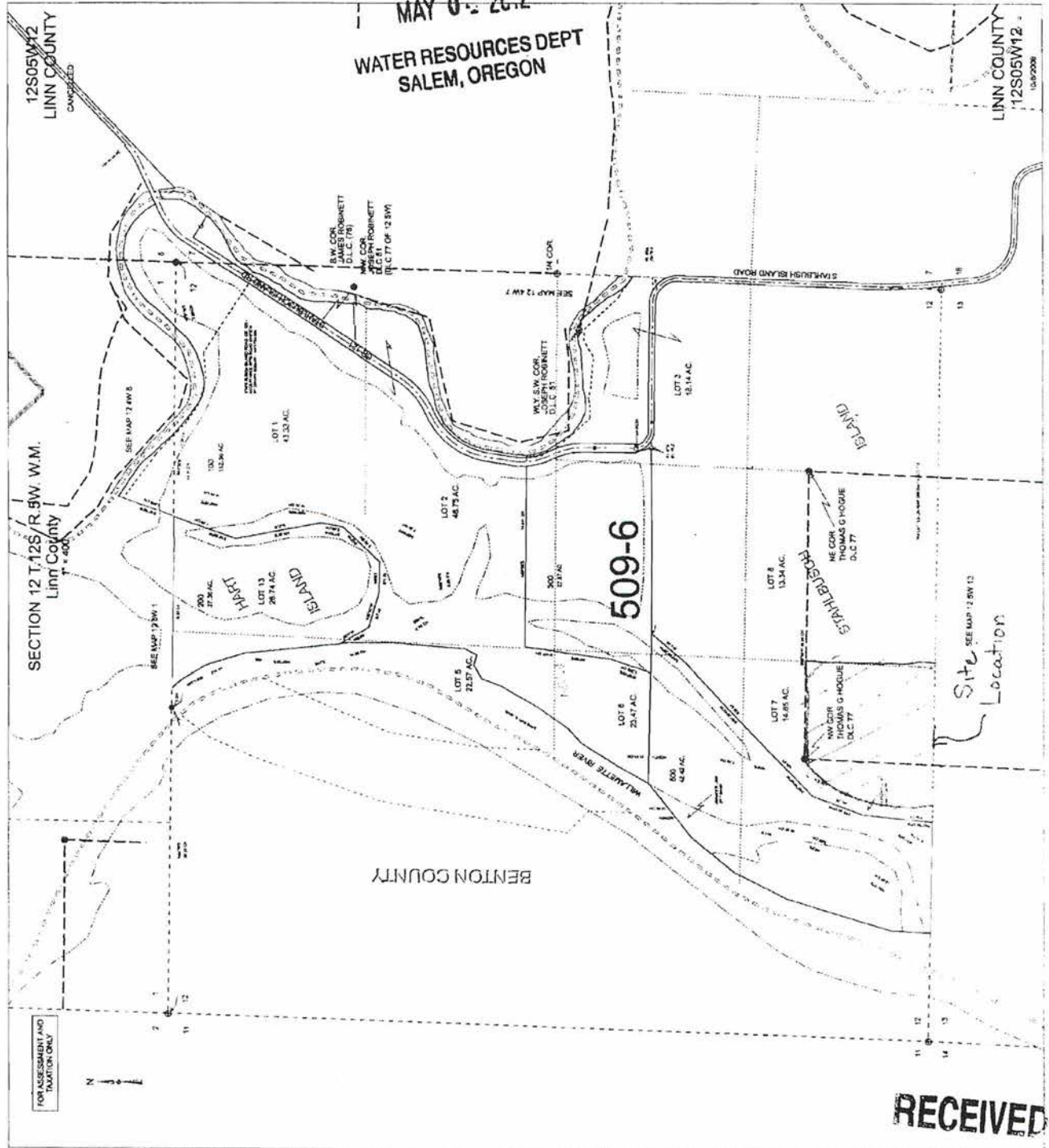






RECEIVED

MAY 0 2012  
WATER RESOURCES DEPT  
SALEM, OREGON



RECEIVED

JUN 0 6 2012

WATER RESOURCES DEPT  
SALEM OREGON

Apply 1/1/2007

677560

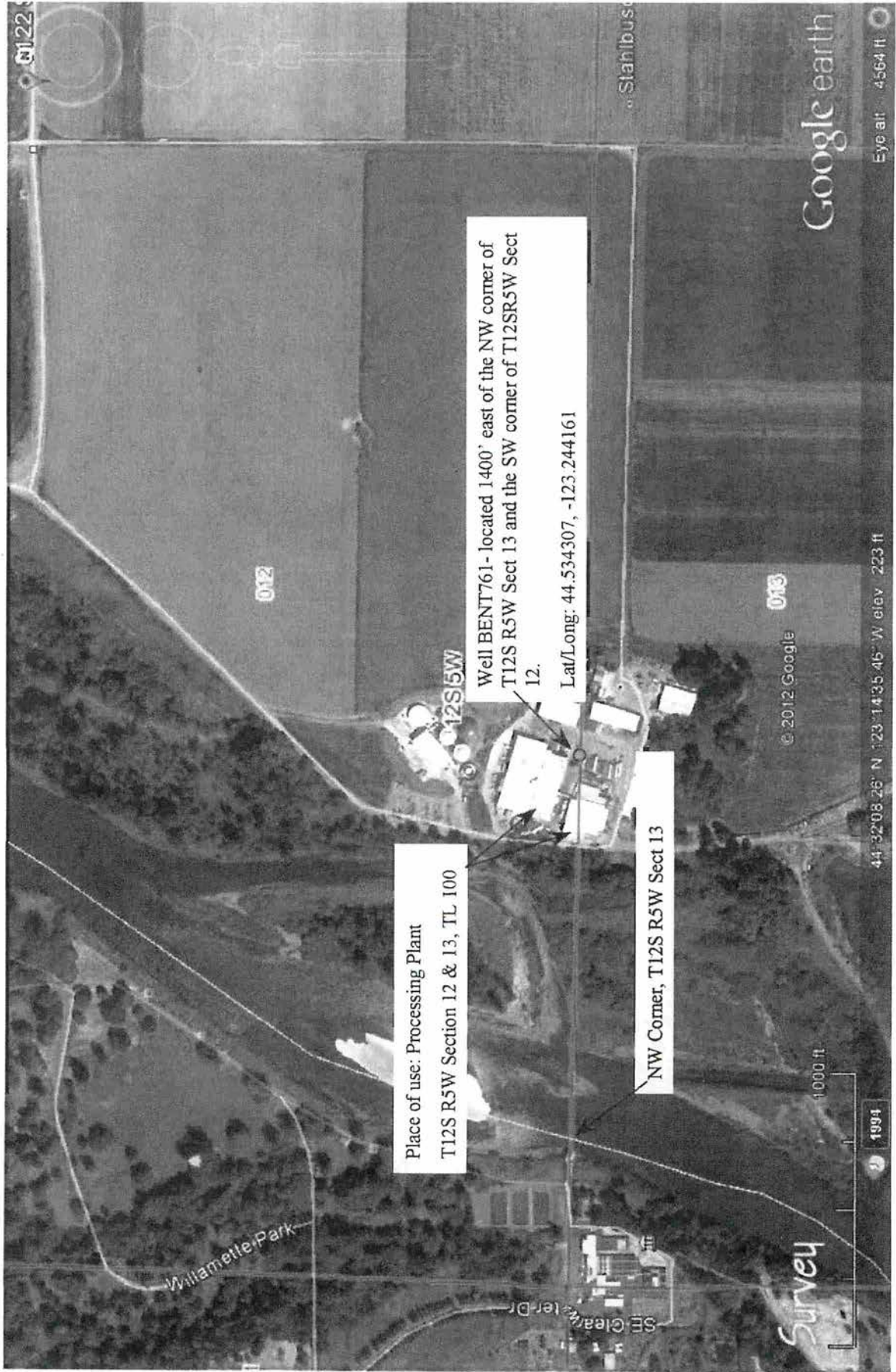
RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

WK&K Land, Ltd. Industrial Water Right Application

T12S R5W Sect 12



Place of use: Processing Plant  
T12S R5W Section 12 & 13, TL 100

Well BENT761 - located 1400' east of the NW corner of  
T12S R5W Sect 13 and the SW corner of T12SR5W Sect  
12.  
Lat/Long: 44.534307, -123.244161

NW Corner, T12S R5W Sect 13

6-175760



# 2009

## Oregon Water Resources Department October through September Water Use Recording and Reporting Form

# 2010

*Melisher - 089E101654*

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

WK&K Land, Ltd.

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

30164  
USER ID#

3122 Stahlbush Island Rd., Corvallis, OR 97333

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→ 63348 ✓ Application: S - 84470 Permit: S - 54194 Other:	Application: - Permit: - Other:	Application: - Permit: - Other:
Describe the units of measurement as AF (acres-foot), or MCF (million cubic feet), or CCF (hundred cubic feet)			
October - 2009			
November - 2009			
December - 2009			
January - 2010			
February - 2010			
March - 2010			
April - 2010			
May - 2010	4.5 AF		
June - 2010	7.9 AF		
July - 2010	24.6 AF		
August - 2010	12.5 AF		
September - 2010			
TOTAL *	49.50		
Unit of Measurement	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input checked="" type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

*Melisher*

*User 30164*

*Permit S-54194 90ac*

*Reservoirs → Albany Slough*

*13 5 24 T.L. 300*

*Benton County*

*Rpt. ID 63348*

*7105 R+W Sec 19, NWSW*

*2100' N + 1100' E from SW cor of S19*

**RECEIVED**

DEC 22 2010

WATER RESOURCES DEPT  
SALEM, OREGON

Describe the method of measurement used: date of Application . If used for irrigation, total number of acres irrigated: 65

I certify this information is true and accurate to the best of my knowledge.

12-15-10      *[Signature]*      *Tim Galloway, Dir. of Ag. Ops.*      *Stahlbush Island Farms*      *541-757-1497*

Date      Signature      Name and Title (print)      Company      Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.

# Mailing List for FO Copies

Application #G-17560

---

## Original mailed to applicant with claim of beneficial use form:

WK & K LAND LTD  
3122 SE STAHLBUSH ISLAND RD ✓  
CORVALLIS OR 97333

## Copies sent to:

1. WRD - File # G-17560 ✓
2. WRD - Ken Stahr ✓

<b>Copies Mailed</b>
By <u>Connie D...</u> (SUPPORT STAFF)
on: <u>2/7/2013</u> (DATE)

## FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 2 ✓

CASEWORKER : Jeana Eastman

**Oregon Water Resources Department  
Water Rights Services Division**

Water Rights Application  
Number G-17560

**Final Order**

*Appeal Rights*

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

*Application History*

On June 6, 2012, WK & K Land Ltd submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on November 13, 2012. The protest period closed December 28, 2012, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

**Order**

Application G-17560 therefore is approved as proposed by the Proposed Final Order, and Permit G-17004 is issued as limited by the conditions proposed by the Proposed Final Order.

**DATED February 7, 2013**



---

E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director  
Water Resources Department



*This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.*

*If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.*

*Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WK & K LAND LTD  
3122 SE STAHLBUSH ISLAND RD  
CORVALLIS, OR 97333

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17560

SOURCE OF WATER: A WELL (BENT 761) IN WILLAMETTE RIVER BASIN

PURPOSE OR USE: INDUSTRIAL/MANUFACTURING USES

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH JUNE 1

DATE OF PRIORITY: JUNE 6, 2012

WELL LOCATION: SE ¼ SW ¼, SECTION 12, T12S, R5W, W.M.; 1400 FEET EAST FROM SW CORNER, SECTION 12

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE ¼ SW ¼  
SECTION 12

NE ¼ NW ¼  
SECTION 13

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

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 appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.

- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided



by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

#### STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.



By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued February 7, 2013

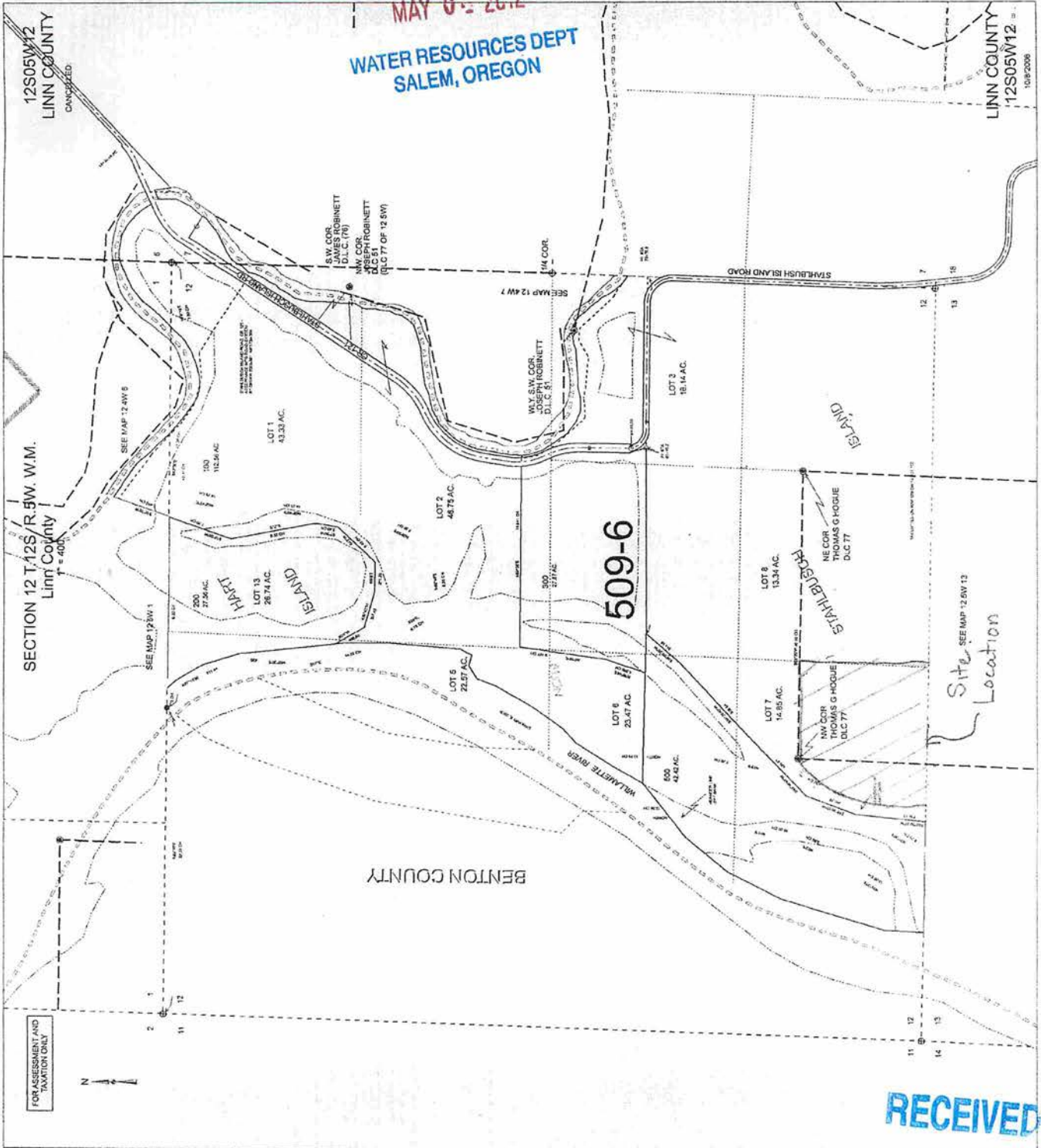


E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director

RECEIVED

MAY 0 2 2012

WATER RESOURCES DEPT  
SALEM, OREGON



RECEIVED

JUN 0 6 2012

WATER RESOURCES DEPT  
SALEM OREGON

6-7560

Approved  
11/1/2001



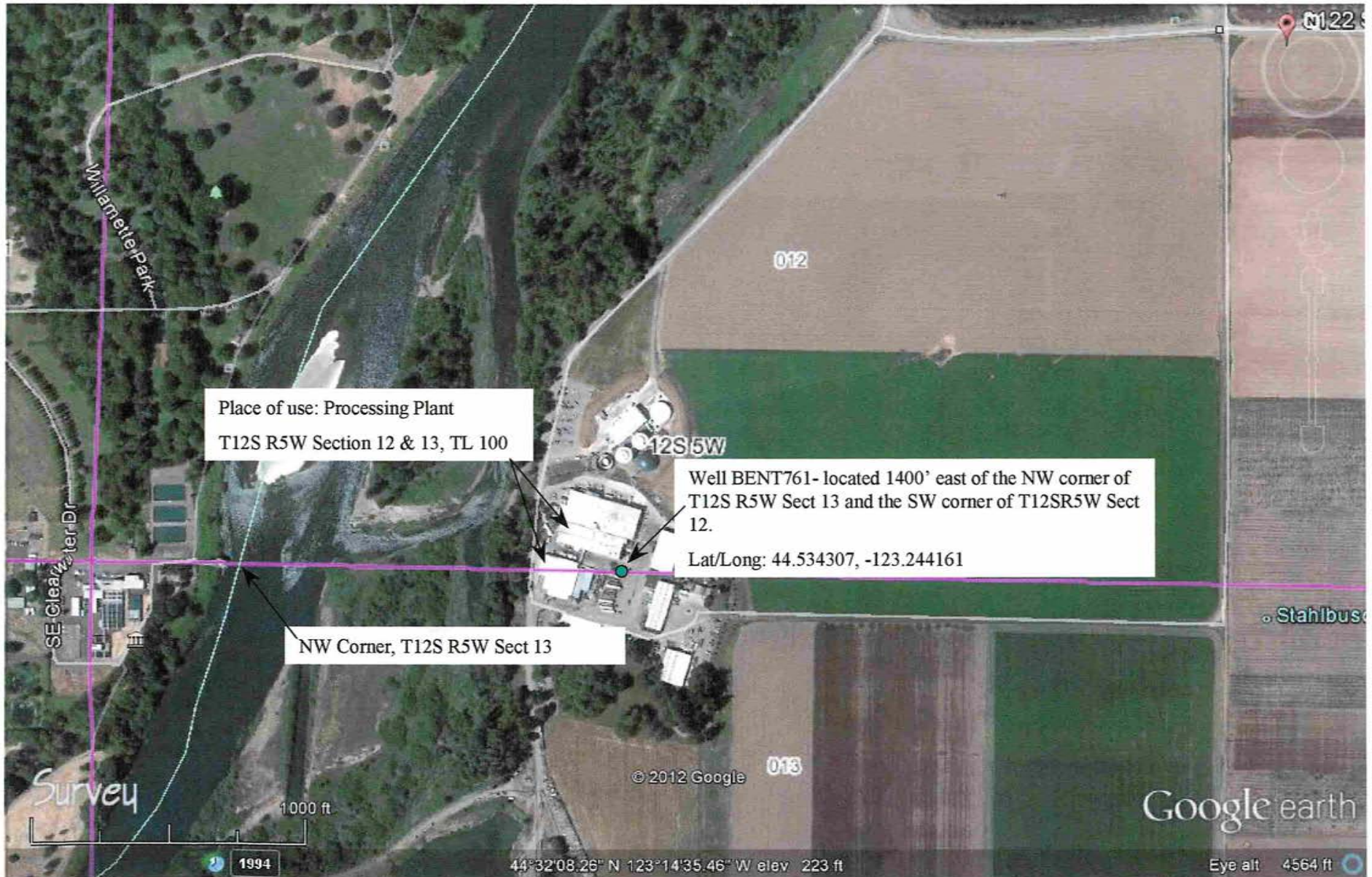
RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

WK&K Land, Ltd. Industrial Water Right Application

T12S R5W Sect 12







# PFO CHECKLIST

App 17560  
1-bent 761

- Application was filed prior to 10/23/99  No  Yes (If Yes, add A date requirement)
- IR requested additional information  No  Yes \_\_\_\_\_
- Have conflicts been addressed?  NA  No  Yes \_\_\_\_\_
- PN Date 11/25/12 Comment deadline 10/25/12 Comments received?  No  Yes \_\_\_\_\_
- SWW  NA  above  within \_\_\_\_\_ If GW and interference, copy form for Stahr.
- DIV 9  NA  will likely be available...  will not likely be available...  will, if properly conditioned...  
well \_\_\_\_\_ has PSI with will r (1/4 mi, > 25%)
- GW conditions 7b, 7c
- Conditions wm: 0; odfv: only 10/1-6/1; deg: 0
- Small  $\leq 0.1$  CFS,  $\leq 9.2$  AF  Medium  $> 0.1$  CFS but  $< 0.5$  CFS,  $> 9.2$  AF but  $< 100$  AF  Large  $\geq 0.5$  CFS,  $\geq 100$  AF
- SW availability  NA  80%  50% 100%
- Allowed Use/Rate/Season wm, 0.75 cfs, 10/1-6/1 Limit \_\_\_\_\_ Duty \_\_\_\_\_
- DIV 33  NA  No  above Bonneville, and  not allowed 4/15 - 9/30  below Bonneville  statewide
- Prior to permit, applicant must submit  NA  fees  evidence of well repair  LU  easement  plans/specs  storage contract
- Changes from IR determinations \_\_\_\_\_

- Copy to  NWR  ER  WM # 2  CWRE  \_\_\_\_\_  
 NCR  SWR  agent  affected landowner(s)

Fees	Base Fee	Water Amount (Q)	
	\$300 / \$500	1 <sup>st</sup> CFS/AF	_____
	\$700 / \$1000	_____ Addl @ _____	+ _____
	_____ +	_____ =	_____
	(base)	(Q)	(total exam fee)

EXAM FEE REQUIRED	<u>1250</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>-1250</u>	RECORDING FEE PAID	<u>-400</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

Name: Jeana Eastman Date: 10/29/12 Peer Reviewer: [Signature]

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.





## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

### The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgment the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

## Jeana Eastman

---

**From:** Michael Mattick  
**Sent:** Monday, September 24, 2012 8:50 AM  
**To:** Jeana Eastman  
**Subject:** G-17560 review attached  
**Attachments:** G-17560.doc

Hi Jeana,  
It Looks good to me.  
Thanks,  
MM

Michael J. Mattick ph 541 682-3620  
Watermaster, District 2  
125 East 8th Avenue  
Eugene, OR 97401-2926

my email: [matticmj@wrd.state.or.us](mailto:matticmj@wrd.state.or.us)  
Agency Web Site: [www.wrd.state.or.us](http://www.wrd.state.or.us)



# ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the  
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: G 17560 Applicant's Name: WK & K Land STD

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species?  
[690-33-330(1)]

NO  YES Species: Chinook Salmon Status:  Sensitive  Threatened  Endangered

If YES, continue to question (2). If NO, you may comment by completing the public interest review sheet on the back of this page.

2) Stage or value at risk (check all that apply):  Spawning,  Incubation  Rearing  Passage  Habitat Value

3) Will the proposed use result in a **LOSS** in the essential habitat of **THREATENED OR ENDANGERED SPECIES** or a **NET LOSS** in the essential habitat of a **SENSITIVE SPECIES**?  NO  YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(b)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(a)]

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?  
 NO; skip to question 6.  YES

Which conditions are recommended? (select from Menu of Conditions) Limit use of well to October 1 to June 1

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?  NO  YES [690-33-330(4)]

If YES, please explain: Due to the potential for substantial interference with the Willamette River, there is a potential loss of habitat for rearing Chinook salmon.

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions) b51a October 1 to June 1

7) Your recommendation under OAR 690-033-0330 (2):  Approval with conditions  
 Approval without conditions  
 Denial

ODFW Representative signature: Karen M Hans Date: 10/17/2012

WRD Contact: Caseworker: Jeanna Eastman Water Rights Division, 503-986-0900 / Fax 503-986-0901

# ODFW PUBLIC INTEREST REVIEW SHEET

Application #: G 17560 Applicant's Name: WK & K Land LTD

---

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO (Sign form and return)

YES Species: Chinook salmon, Pacific lamprey, cutthroat trout

Other:

Stage or value at risk (check all that apply):  Spawning,  Incubation  Rearing  Passage  Habitat Value

2) Will the proposed use result in a loss of habitat?  NO  YES

3) Can conditions be applied to mitigate the impact to the loss of habitat?  NO  YES

Which conditions are recommended? (select from Menu of Conditions) Limit use of well to October 1 to June 1

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?  NO  YES

If YES, please explain: Due to the potential for substantial interference with the Willamette River, there is a potential loss of habitat for rearing Chinook salmon and other native fish species in the Willamette River.

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions) b51a October 1 to June 1

6) Your recommendation:  Approval with conditions  
 Approval without conditions  
 Denial

ODFW Representative signature: Karen M Hans Date: 10/17/2012

WRD Contact: Caseworker: Jeanna Eastman Water Rights Division, 503-986-0900 / Fax 503-986-0901



## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

### The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgment the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- bly** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.



## Jeana Eastman

---

**From:** Karen Hans <karen.m.hans@state.or.us>  
**Sent:** Wednesday, October 17, 2012 1:07 PM  
**To:** jeana.m.eastman@state.or.us  
**Subject:** G 17560  
**Attachments:** G 17560 ODFW Review WK&K.doc

Hello Jeana,

Attached please find my review for G 17560 WK & K Land LTD.

Please contact me if you have any questions or need more information.

Karen M Hans  
Salmon Trout Enhancement Program Biologist  
Oregon Department of Fish and Wildlife  
7118 NE Vandenberg Ave  
Corvallis OR 97330  
541 757 5251

"Fish Need Water"

# DEQ DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the  
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: G 17560      Applicant's Name: WK & K LAND LTD - Tina Galloway

---

1) Is there a connection to a 303(d) listed water quality limited water body?  NO    YES

Explain: The proposed POD (Well # Bent 761) is located ~900 feet east of the East Channel of the Willamette River located at river mile ~134. This section of the Willamette River is on the 303d list for mercury year round, fecal coliform during the fall, winter and spring, and temperature in the summer.

2) What is the potential for this use to impact a water quality limited water body:    HIGH       MEDIUM       LOW

Explain: A review of current listed water quality parameters for the Middle Willamette Sub-basin was consulted. Based on the modeling performed by J. Hackett, the potential for withdrawals from Bent 761 to generate adverse water quality impact in the East Channel of the Willamette River or the shallow unconfined alluvial aquifer are unlikely and should not be a hindrance to issuing a Final Order.

3) If the answer to question (2) is HIGH or MEDIUM, will the proposed use still result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species?  NO    YES

If YES, how?

4) Can conditions be applied to mitigate the impact of the use?  NO    YES

Which conditions are recommended?    (select from Menu of Conditions)

5) If conditions cannot be identified to offset impacts, would the proposed use affect the Habitat of Sensitive, Threatened, or Endangered Fish Species?       NO    YES

If YES, please explain:

6) If a permit is issued, are there any conditions you would like to see included in the permit?

7) Your recommendation under OAR 690-033-0330 (2):    Approval with conditions  
    Approval without conditions  
    Denial

DEQ Representative signature:              Date:

WRD Contact:      **Caseworker:** Jeana Eastman   Water Rights Division, 503-986-0900 / Fax 503-986-0901

## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

### The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgment the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.



## Jeana Eastman

---

**From:** ARENDT Jack <ARENDT.Jack@deq.state.or.us>  
**Sent:** Wednesday, October 03, 2012 4:10 PM  
**To:** WRIGHT Pamela  
**Cc:** EASTMAN Jeana M  
**Subject:** RE: OWRD: WR Application G 17560 (Ground Water) has been submitted for your District or Region. [DEQ]  
**Attachments:** DEQ\_Division33\_Review\_G-17560.doc

Hi Pamela and Jeana,

Based on my Division 33 Review (see attached), adverse water quality impacts to surface or groundwater due to the requested increase in pumping rates are unlikely.

Let me know if you have questions or need further assistance.

Thanks,

Jack Arendt, RG, CWRE | Hydrogeologist  
Oregon Department of Environmental Quality Western Region | Regional Environmental Solutions | 503.378.5320  
<http://www.oregon.gov/DEQ/>

Is it necessary to print this e-mail?

-----Original Message-----

From: WRIGHT Pamela  
Sent: Thursday, September 27, 2012 2:05 PM  
To: ARENDT Jack  
Cc: EASTMAN Jeana M  
Subject: FW: OWRD: WR Application G 17560 (Ground Water) has been submitted for your District or Region. [DEQ]  
Importance: High

Dear Jack,  
Dave Belyea asked me to forward this to you.

Jeana,  
I'm sorry for this getting bounced around. I'll remember who the contact is for groundwater water rights next time.

Pamela Wright  
DEQ Willamette Basin Coordinator  
541-686-7719

---

From: Jeana Eastman [jeana.m.eastman@state.or.us]  
Sent: Monday, September 24, 2012 7:36 AM  
To: WRIGHT Pamela  
Subject: FW: OWRD: WR Application G 17560 (Ground Water) has been submitted for your District or Region. [DEQ]

Hi Pamela -

Per Nancy Gramlich's 9/21/12 email re: who reviews applications in Benton/Linn Counties, I'm forwarding this email on to you.

Thanks,

Jeana Eastman  
Water Rights Caseworker  
voice 503.986.0859

Oregon Water Resources Dept  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
front desk 503.986.0900  
fax 503.986.0901  
<http://oregon.gov/OWRD>

Messages to and from this e-mail address may be available to the public under Oregon law.

From: [automated\\_email@wr.state.or.us](mailto:automated_email@wr.state.or.us) [[mailto:automated\\_email@wr.state.or.us](mailto:automated_email@wr.state.or.us)]  
Sent: Friday, September 21, 2012 6:00 PM  
To: GRAMLICH Nancy  
Subject: OWRD: WR Application G 17560 (Ground Water) has been submitted for your District or Region. [DEQ]  
Importance: High

DEQ review request for proposed water right application G 17560 Oregon Water Resources Department - Automated e-mail notice

Application Stakeholder(s): W K AND K LAND LTD, GALLOWAY, TINA

Application Type: Ground Water  
Notice Number: 1

Diversion Location:  
County

Benton

TRSQQ

12.00S 5.00W 12 SESW

Source

A WELL

Tributary To

WILLAMETTE RIVER

To view the OWRD Web page for G 17560 please click the link below.

[http://apps.wrd.state.or.us/apps/wr/wrinfo/wr\\_query.aspx?SearchType=App&app\\_nbr\\_start=17560&app\\_char=G](http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_query.aspx?SearchType=App&app_nbr_start=17560&app_char=G)  
<[http://apps.wrd.state.or.us/apps/wr/wrinfo/wr\\_query.aspx?SearchType=App&app\\_nbr\\_start=17560&app\\_char=G%20](http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_query.aspx?SearchType=App&app_nbr_start=17560&app_char=G%20)>

To view the Pending Reviews for your district or region and obtain Review Forms, click the following link.

[http://apps.wrd.state.or.us/apps/wr/external\\_review/deq\\_review.aspx?directory\\_id=122849](http://apps.wrd.state.or.us/apps/wr/external_review/deq_review.aspx?directory_id=122849)

If you have questions about this review request please contact Caseworker: EASTMAN, JEANA M. at 503-986-0859 or [jeana.m.eastman@wr.state.or.us](mailto:jeana.m.eastman@wr.state.or.us) <<mailto:jeana.m.eastman@wr.state.or.us>>

Please complete your review within 30 days from the date of this email. You may email your completed review form directly to the caseworker.

To view the application form, application map and applicable review form, please click the "View all scanned documents" option on the OWRD Web page for this application. If you would like to look at the water availability, please choose 50% exceedance for R applications and 80% exceedance for S and G applications. After the water availability report is generated, look at the last watershed ID# (WID) in the first table entitled "Water Availability Table" - water is available during the month's with a YES indicated.

Watermaster - Please look at the water availability - if there is no WID, please complete a water availability report.

ODFW and DEQ - if there is no WID, please assume that water is available year round for the purposes of completion of your review.  
WRD will take into account when water is actually available when processing the application.  
This message has been generated automatically by an unmonitored email account.  
Please do not "reply" to this message. Thank you.



# IR CHECKLIST

Requested Use/Rate/Season im, 350 gpm = 0.78 cfs, yr

Allowed Use/Rate/Season " " 9/1-6/30 Limit - Duty -

DIV 9  NA  will likely be available...  will not likely be available...  will, if properly conditioned...

classify as surface water well \_\_\_\_\_ has PSI with will r (14 mi, > 25%)

(include basin map if true) well \_\_\_\_\_ is within  1N 3E 20, 21, 28, 29  GWLA  CGWA \_\_\_\_\_

GW conditions 7b, 7c

Conditions \_\_\_\_\_

Small  $\leq 0.1$  CFS,  $\leq 9.2$  AF  Medium  $> 0.1$  CFS but  $< 0.5$  CFS,  $> 9.2$  AF but  $< 100$  AF  Large  $\geq 0.5$  CFS,  $\geq 100$  AF

use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water  
use Large for: Tenmile Lake, NU or other temp control, gov. entities, and HC exceptions; Large-7g, Large-7i for 7g/7i  
use Large-TFM if GW in: South Salem Hills, or 10+ acres in Stage Gulch CGWA

ORS 538 prohibits use  No  Yes (stop processing and return app and fees)

Use is  allowed  not allowed  limited  OAR  Compact im only 9/1-6/30

Stream is withdrawn  NA  No  Yes, allows use/season \_\_\_\_\_

SW availability  NA  80%  50% yr WID: 2-30200321

Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)

DIV 33  NA  No  above Bonneville,  and not allowed 4/15 - 9/30  
 below Bonneville  
 statewide

SWW  NA  above  within \_\_\_\_\_ (If GW and interference, copy form for Stahr.)

Use is within a high priority area for streamflow restoration  NA  No  Yes

POU conflict  NA  No  No, different sources  No, make up a deficiency in rate  No, existing not at max. rate  
 Yes \_\_\_\_\_

Use is supplemental, checked for primary rights  NA  Yes limits \_\_\_\_\_

App w/in a District boundary per [http://weaver.wrd.state.or.us/apps/wr\\_dev/](http://weaver.wrd.state.or.us/apps/wr_dev/)  No  Yes, cc: \_\_\_\_\_

Land use  approved  not approved  being pursued  not being pursued  county notified  NA

MU or QM  NA  will complete construction within 20 years  
 Fujii reviewed recommendations \_\_\_\_\_

Storage contract  NA  BOR  Doug Co  Corp of Eng  needed  obtained \_\_\_\_\_

POD is within North Umpqua settlement reach and the spreadsheet was updated  NA  Yes

Forms  NA  HC except  spring description other \_\_\_\_\_

Authorized agent specified  NA  needed  Yes time galloway

Copy to  SWR  WM # 2  a.l.o.  NW Planning Council  
 ER  agent  DOA  CRIFC  
 NCR  CWRE  CTUIR  US Fish & Wildlife

DOA Food Safety Division (bottled water)  city \_\_\_\_\_ (w/in 5-mile muni wells)

\*em app, agent

<input checked="" type="checkbox"/> Fees	<u>0.78</u> CFS	Base	<u>1000</u>
	_____ AF	Up to 1 CFS	<u>250</u>
	<u>in</u>	_____ Add'l CFS @ _____	_____
	<u>1 well</u>	Up to 20 AF	_____
		_____ Add'l AF @ _____	_____
		_____ Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use @ _____	_____ + _____
		Exam Fee Required =	<u>1250</u>
		Exam Fee Paid	<u>1250</u>
		Still Owed	<u>0</u>

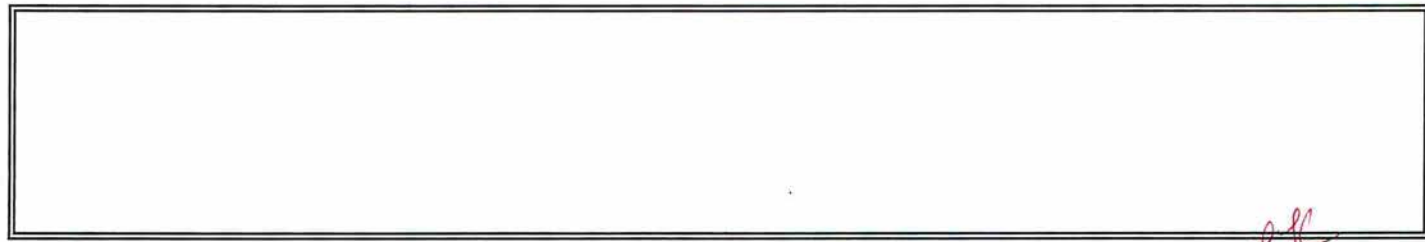
App/map meet min. req  Yes  No  ALO info  map  legal \_\_\_\_\_  
(If not, send IR certified)

Req'd before PFO  NA  LU approve/pursue  ALO info  fees

Req'd before permit  NA  evidence of well repair  LU  easement  plans/specs  storage contract

Letter format  good  limited  bad  bad w/ rate reduction opportunity  bad w/ HC opportunity

Scanned images exist for application form and map



Name: jeana eastman Date: 9/11/12 Peer Reviewer: Kary KRC

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

# Point of Diversion Characteristics

Right:	App: G 17560 *
Name:	W K AND K LAND LTD

**TRSQQ: 12.00S-05.00W-12-SESW** [Digital Map of TRSQQ](#)

County: Benton

Basin: Willamette

WM District: 2

WM Region: NW

Withdrawn Area:

WAB: WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174  
(30200321)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted

Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited:



WATER RESOURCES DEPARTMENT

DIVISION 502

WILLAMETTE BASIN PROGRAM

690-502-0240 Groundwater-Surface Water Hydraulic Connection

These rules are in addition to the requirements of OAR chapter 690, division 009. **Groundwater in unconfined alluvium within 1/4 mile of the banks of a stream or surface water source is presumed to be in hydraulic connection with the surface water source**, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. **This hydraulically connected groundwater shall be classified the same as the surface source.**

This section shall not apply to those groundwater uses exempted by ORS 537.545.

Notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.

690-502-0050 Main Stem Willamette River Subbasin

The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-0060 through 690-502-0150:

(1) Surface water classification:

**(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;**

## Water Availability Analysis

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174  
WILLAMETTE BASIN

Water Availability as of 9/11/2012

Watershed ID #: 30200321  
Date: 9/11/2012

Exceedance Level: 80%  
Time: 7:29 AM

### Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	WILLAMETTE R> COLUMBIA R - AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	182	WILLAMETTE R> COLUMBIA R - AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	183	WILLAMETTE R> COLUMBIA R - AB MILL CR AT GAGE 14191000	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	30200321	WILLAMETTE R> COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

### Limiting Watersheds

Monthly Streamflows in Cubic Feet per Second  
Storage at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	7,020.00
FEB	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	5,610.00
MAR	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	4,730.00
APR	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	3,790.00
MAY	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	4,190.00
JUN	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	2,820.00
JUL	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	928.00
AUG	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	270.00
SEP	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	330.00
OCT	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	880.00
NOV	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	2,110.00
DEC	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	6,060.00
ANN	30200321	WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174	Yes	5,000,000.00

### Detailed Reports for Watershed ID #181

WILLAMETTE R > COLUMBIA R - AT MOUTH  
WILLAMETTE BASIN

Water Availability as of 9/11/2012

Watershed ID #: 181  
Date: 9/11/2012

Exceedance Level: 80%  
Time: 7:29 AM

### Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second  
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	27,500.00	2,600.00	24,900.00	0.00	1,500.00	23,400.00
FEB	30,000.00	7,880.00	22,100.00	0.00	1,500.00	20,600.00
MAR	28,500.00	7,450.00	21,000.00	0.00	1,500.00	19,500.00
APR	25,400.00	7,080.00	18,300.00	0.00	1,500.00	16,800.00
MAY	20,700.00	4,330.00	16,400.00	0.00	1,500.00	14,900.00
JUN	11,000.00	2,310.00	8,690.00	0.00	1,500.00	7,190.00
JUL	6,280.00	2,250.00	4,030.00	0.00	1,500.00	2,530.00
AUG	4,890.00	2,020.00	2,870.00	0.00	1,500.00	1,370.00
SEP	4,930.00	1,650.00	3,280.00	0.00	1,500.00	1,780.00
OCT	5,990.00	620.00	5,370.00	0.00	1,500.00	3,870.00
NOV	12,700.00	906.00	11,800.00	0.00	1,500.00	10,300.00
DEC	24,800.00	1,250.00	23,500.00	0.00	1,500.00	22,000.00
ANN	19,700,000.00	2,410,000.00	17,300,000.00	0.00	1,090,000.00	16,200,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,930.00	0.00	358.00	99.50	9.32	23.80	128.00	49.10	2,600.00
FEB	7,210.00	0.00	358.00	99.50	9.32	23.80	129.00	49.10	7,880.00
MAR	6,770.00	6.43	358.00	99.50	9.32	23.80	130.00	52.20	7,450.00
APR	6,370.00	42.60	358.00	99.50	9.32	23.80	124.00	52.20	7,080.00
MAY	3,430.00	291.00	355.00	99.50	9.17	23.80	91.00	30.20	4,330.00
JUN	442.00	584.00	1,040.00	99.50	9.01	23.80	80.60	29.40	2,310.00
JUL	14.00	990.00	1,040.00	94.20	9.00	23.80	49.90	26.60	2,250.00
AUG	2.04	778.00	1,040.00	94.20	9.00	22.40	48.20	26.50	2,020.00
SEP	0.77	383.00	1,040.00	99.40	9.00	22.40	63.80	26.80	1,650.00
OCT	0.54	27.60	351.00	99.50	9.01	22.40	66.90	43.10	620.00
NOV	262.00	0.00	358.00	99.50	9.31	23.80	107.00	46.00	906.00
DEC	585.00	0.00	358.00	99.50	9.32	23.80	129.00	49.10	1,250.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF181A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

### Detailed Reports for Watershed ID #182

WILLAMETTE R > COLUMBIA R - AB MOLALLA R  
WILLAMETTE BASIN

Water Availability as of 9/11/2012

Watershed ID #: 182  
Date: 9/11/2012

Exceedance Level: 80%  
Time: 7:29 AM

### Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	21,400.00	2,160.00	19,200.00	0.00	1,500.00	17,700.00
FEB	23,200.00	7,340.00	15,900.00	0.00	1,500.00	14,400.00
MAR	22,400.00	7,120.00	15,300.00	0.00	1,500.00	13,800.00
APR	19,900.00	6,780.00	13,100.00	0.00	1,500.00	11,600.00
MAY	16,600.00	4,100.00	12,500.00	0.00	1,500.00	11,000.00
JUN	8,740.00	1,820.00	6,920.00	0.00	1,500.00	5,420.00
JUL	4,980.00	1,640.00	3,340.00	0.00	1,500.00	1,840.00
AUG	3,830.00	1,490.00	2,340.00	0.00	1,500.00	844.00
SEP	3,890.00	1,240.00	2,650.00	0.00	1,500.00	1,150.00
OCT	4,850.00	618.00	4,230.00	0.00	1,500.00	2,730.00
NOV	10,200.00	753.00	9,450.00	0.00	1,500.00	7,950.00
DEC	19,300.00	830.00	18,500.00	0.00	1,500.00	17,000.00
ANN	15,200,000.00	2,150,000.00	13,100,000.00	0.00	1,090,000.00	12,000,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,530.00	0.00	409.00	84.80	7.96	18.00	78.70	30.70	2,160.00
FEB	6,710.00	0.00	409.00	84.80	7.96	18.00	78.70	30.70	7,340.00
MAR	6,490.00	4.39	409.00	84.80	7.96	18.00	80.70	30.80	7,120.00
APR	6,120.00	29.20	409.00	84.80	7.96	18.00	77.30	30.80	6,780.00
MAY	3,300.00	200.00	406.00	84.80	7.96	18.00	65.60	14.20	4,100.00
JUN	421.00	401.00	813.00	84.80	7.96	18.00	63.50	14.00	1,820.00
JUL	3.92	672.00	809.00	79.50	7.95	18.00	35.60	11.20	1,640.00
AUG	2.00	526.00	809.00	79.40	7.95	16.60	34.20	11.10	1,490.00
SEP	0.71	260.00	812.00	84.70	7.96	16.60	49.70	11.40	1,240.00
OCT	0.36	18.80	409.00	84.80	7.96	16.60	53.10	27.70	618.00
NOV	127.00	0.00	409.00	84.80	7.96	18.00	76.10	29.30	753.00
DEC	200.00	0.00	409.00	84.80	7.96	18.00	78.70	30.70	830.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second



No reservations were found for this watershed.

**Detailed Report of Instream Flow Requirements**

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF182A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

**Detailed Reports for Watershed ID #183**

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000  
WILLAMETTE BASIN

Water Availability as of 9/11/2012

Watershed ID #: 183  
Date: 9/11/2012

Exceedance Level: 80%  
Time: 7:29 AM

**Water Availability Calculation**

Monthly Streamflows in Cubic Feet per Second  
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	18,400.00	2,190.00	16,200.00	0.00	1,300.00	14,900.00
FEB	20,100.00	7,380.00	12,700.00	0.00	1,300.00	11,400.00
MAR	19,600.00	7,170.00	12,400.00	0.00	1,300.00	11,100.00
APR	18,000.00	6,820.00	11,200.00	0.00	1,300.00	9,880.00
MAY	15,500.00	4,110.00	11,400.00	0.00	1,300.00	10,100.00
JUN	8,310.00	1,620.00	6,690.00	0.00	1,300.00	5,390.00
JUL	4,710.00	1,360.00	3,350.00	0.00	1,300.00	2,050.00
AUG	3,620.00	1,260.00	2,360.00	0.00	1,300.00	1,060.00
SEP	3,680.00	1,090.00	2,590.00	0.00	1,300.00	1,290.00
OCT	4,650.00	698.00	3,950.00	0.00	1,300.00	2,650.00
NOV	9,400.00	807.00	8,590.00	0.00	1,300.00	7,290.00
DEC	16,700.00	861.00	15,800.00	0.00	1,300.00	14,500.00
ANN	13,500,000.00	2,110,000.00	11,400,000.00	0.00	942,000.00	10,400,000.00

**Detailed Report of Consumptive Uses and Storage**

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,500.00	0.00	564.00	58.30	3.53	12.70	24.00	26.40	2,190.00
FEB	6,690.00	0.00	564.00	58.30	3.53	12.70	24.00	26.40	7,380.00
MAR	6,470.00	3.10	564.00	58.30	3.53	12.70	25.10	26.40	7,170.00
APR	6,110.00	19.50	564.00	58.30	3.53	12.70	22.50	26.40	6,820.00
MAY	3,300.00	141.00	560.00	58.30	3.53	12.70	21.40	11.60	4,110.00
JUN	420.00	285.00	803.00	58.30	3.53	12.70	21.40	11.60	1,620.00
JUL	3.87	476.00	800.00	54.70	3.53	12.70	4.99	8.88	1,360.00
AUG	1.98	370.00	800.00	54.70	3.53	12.70	4.98	8.80	1,260.00
SEP	0.68	183.00	802.00	58.20	3.53	12.70	19.00	8.98	1,090.00
OCT	0.28	13.30	564.00	58.30	3.53	12.70	21.30	25.30	698.00
NOV	120.00	0.00	564.00	58.30	3.53	12.70	22.90	26.40	807.00
DEC	172.00	0.00	564.00	58.30	3.53	12.70	24.00	26.40	861.00

**Detailed Report of Reservations for Storage and Consumptive Uses**

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

**Detailed Report of Instream Flow Requirements**

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF183A	APPLICATION	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00
Maximum		1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00

**Detailed Reports for Watershed ID #30200321**

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174  
WILLAMETTE BASIN

Water Availability as of 9/11/2012

Watershed ID #: 30200321  
Date: 9/11/2012

Exceedance Level: 80%  
Time: 7:29 AM

### Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second  
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	10,100.00	1,330.00	8,770.00	0.00	1,750.00	7,020.00
FEB	11,600.00	4,240.00	7,360.00	0.00	1,750.00	5,610.00
MAR	11,000.00	4,520.00	6,480.00	0.00	1,750.00	4,730.00
APR	9,760.00	4,220.00	5,540.00	0.00	1,750.00	3,790.00
MAY	8,430.00	2,490.00	5,940.00	0.00	1,750.00	4,190.00
JUN	5,360.00	790.00	4,570.00	0.00	1,750.00	2,820.00
JUL	3,270.00	592.00	2,680.00	0.00	1,750.00	928.00
AUG	2,560.00	540.00	2,020.00	0.00	1,750.00	270.00
SEP	2,540.00	460.00	2,080.00	0.00	1,750.00	330.00
OCT	2,860.00	230.00	2,630.00	0.00	1,750.00	880.00
NOV	4,170.00	314.00	3,860.00	0.00	1,750.00	2,110.00
DEC	8,150.00	336.00	7,810.00	0.00	1,750.00	6,060.00
ANN	7,460,000.00	1,200,000.00	6,260,000.00	0.00	1,270,000.00	5,000,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,110.00	0.00	155.00	44.80	0.02	5.88	13.40	4.43	1,330.00
FEB	4,020.00	0.00	155.00	44.80	0.02	5.88	13.40	4.43	4,240.00
MAR	4,300.00	1.48	155.00	44.80	0.02	5.88	14.50	4.43	4,520.00
APR	3,990.00	9.10	155.00	44.80	0.02	5.88	14.50	4.43	4,220.00
MAY	2,200.00	68.10	155.00	44.80	0.02	5.88	13.40	4.43	2,490.00
JUN	283.00	138.00	300.00	44.80	0.02	5.88	13.40	4.43	790.00
JUL	3.56	235.00	300.00	42.20	0.01	5.88	1.28	4.23	592.00
AUG	1.42	185.00	300.00	42.10	0.01	5.87	1.28	4.15	540.00
SEP	0.63	91.40	300.00	44.80	0.01	5.88	13.30	4.34	460.00
OCT	0.12	6.54	155.00	44.80	0.02	5.88	13.30	4.43	230.00
NOV	92.20	0.00	155.00	44.80	0.02	5.88	12.30	4.43	314.00
DEC	113.00	0.00	155.00	44.80	0.02	5.88	13.40	4.43	336.00

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF184A	APPLICATION	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00
Maximum		1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00

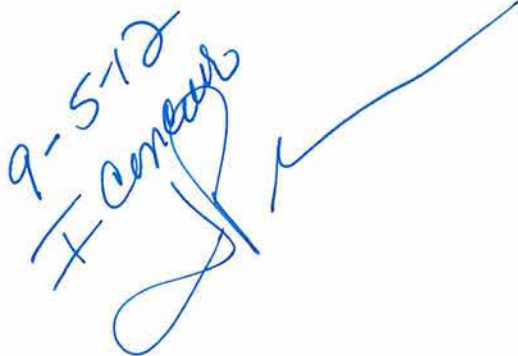
# MEMO

**To:** Juno Pandian, Well Construction and Compliance Section Manager  
**From:** Kristopher Byrd, Well Construction Program Coordinator  
**Subject:** Review of Water Right Application G-17560  
**Date:** September 4, 2012

The attached application was forwarded to the Well Construction and Compliance Section by Water Rights. Josh Hackett reviewed the application. Please see Josh's review and the Well Log.

Based on a review of the Well Report, Well #1 (Bent 761) seems to protect the groundwater resource.

The construction of Well #1 may not satisfy hydraulic connection issues.

9-5-12  
F. Conroy  




## INTEROFFICE MEMORANDUM

TO: Kris Byrd, Well Construction and Compliance Section

FROM: Jeana Eastman, Water Rights Section

DATE: 8/27/12

RE: G-17560, WK&K- request for determination of compliance with well construction standards

---

---

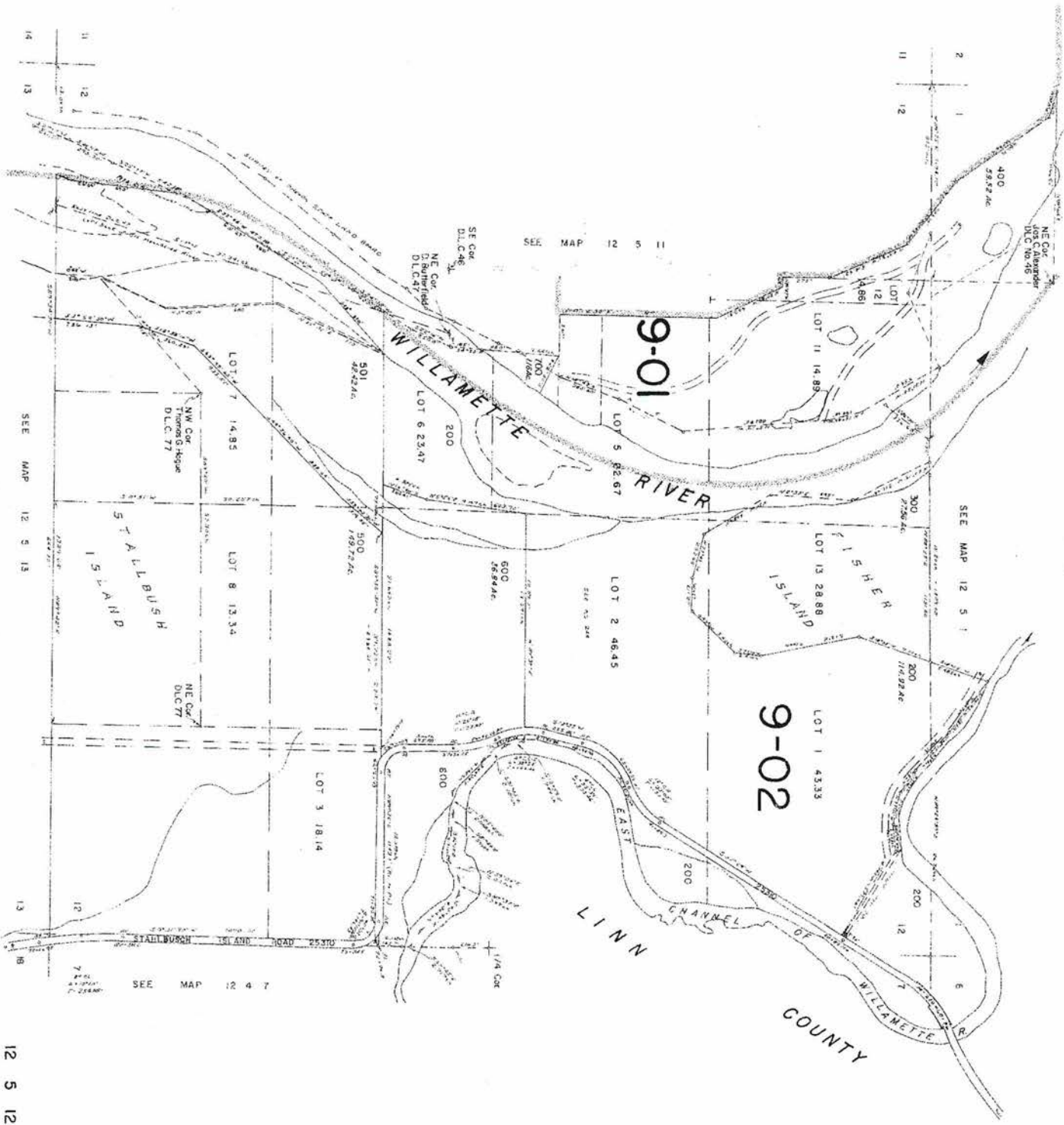
Please review Well 1 (BENT 761), make a determination regarding well construction compliance, and route your review to me.

Thanks.

SECTION 12 T.12S. R.5W. W.M.  
 BENTON COUNTY

1" = 400'

12 5 12  
 REV. 10-21-94  
 CANC  
 100



12 5 12

12 5 13  
& INDEX

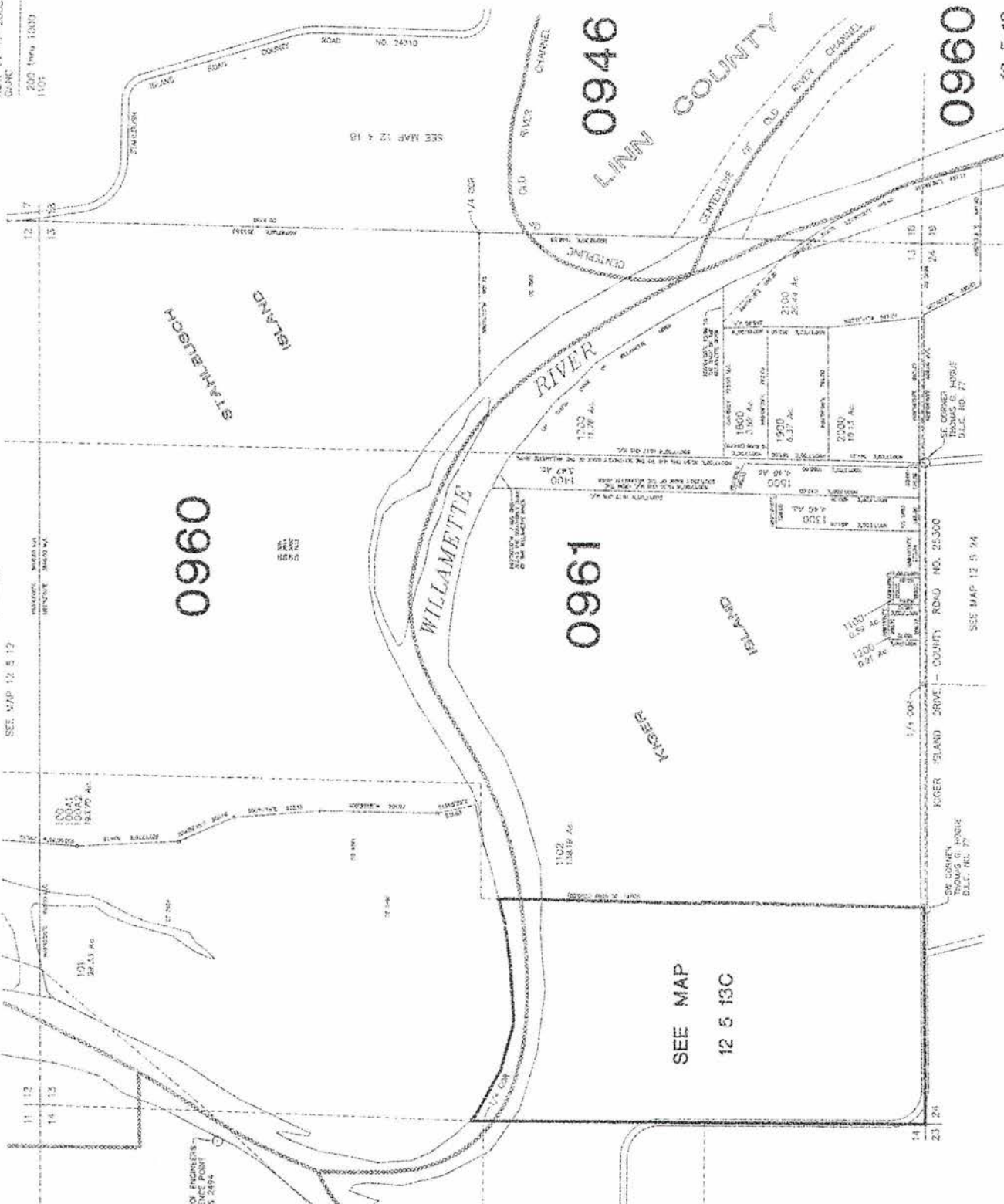
REV. 07-17-2003  
CJ-ANC  
200 thru 1000  
107

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSES ONLY

SECTION 13 T12S R5W W.M.  
BENTON COUNTY

1" = 500'

SEE MAP 12 5 12



SEE MAP 12 5 14

SEE MAP  
12 5 13C

0960

0946

0961

12 5 13  
& INDEX



# Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # 6-17560

ROUTED TO: Water Rights

TOWNSHIP/  
RANGE-SECTION: 125/5W-12

CONDITIONS ATTACHED?: [] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:

see conditions on p 2.

Reviewer: J. Hackett





PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date July 31, 2012

FROM: Ground Water/Hydrology Section J. Hackett  
Reviewer's Name

SUBJECT: Application G- 17560 Supersedes review of \_\_\_\_\_  
Date of Review(s)

**PUBLIC INTEREST PRESUMPTION; GROUNDWATER**

**OAR 690-310-130 (1)** *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

**A. GENERAL INFORMATION:** Applicant's Name: WK&K Land, Ltd. County: Benton

A1. Applicant(s) seek(s) 0.78 cfs from 1 well(s) in the Willamette Basin,  
 \_\_\_\_\_ subbasin Quad Map: Riverside

A2. Proposed use Industrial Seasonality: Year-Round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	BENT 761	1	alluvium	0.78	12S/5W-12 SE-SW	1400'E fr SW cor S 12
2						
3						
4						
5						

\* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	218	22	18	8/23/1991	35	0-18	+1 to 33		22.5-33.5	120	0	B

Use data from application for proposed wells.

A4. **Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

A5.  **Provisions of the Willamette** \_\_\_\_\_ Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water  **are**, or  **are not**, activated by this application. (Not all basin rules contain such provisions.)

Comments: The applicant's well produces from an unconfined aquifer and is located less than 1/4 mile from the Willamette River, so it is classified as surface water.

A6.  **Well(s) #** \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, tap(s) an aquifer limited by an administrative restriction.

Name of administrative area: \_\_\_\_\_  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_





**C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**

C1. **690-09-040 (1):** Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	alluvium	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Basis for aquifer confinement evaluation:** The applicant's well produces from coarse-grained sediments that are not overlain by any confining units.

C2. **690-09-040 (2) (3):** Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Willamette River	200	200	1000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1	2	East Channel Willamette River	200	200	4700	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Basis for aquifer hydraulic connection evaluation:** Water levels in the alluvial aquifer are coincident with the elevations of nearby stream reaches. This indicates a hydraulic connection between the groundwater and surface water systems.

**Water Availability Basin the well(s) are located within:** 30200321: WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174

C3a. **690-09-040 (4):** Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked  box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
1	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MF184A	1750	<input type="checkbox"/>	2540	<input type="checkbox"/>	>25%	<input checked="" type="checkbox"/>
1	2	<input type="checkbox"/>	<input type="checkbox"/>	N/A		<input type="checkbox"/>	2540	<input type="checkbox"/>	<25%	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>



C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

**Comments:** Modeling in similar circumstances suggests that due to the proximity of the applicant's well to the Willamette River, and because the well produces from a highly permeable aquifer, pumping impacts to the Willamette River will be > 25% of the pumping rate after 30 days of pumping.

Modeling in similar circumstances also suggests that because the East Channel of the Willamette River is likely to contain some fine-grained sediments, pumping impacts to it will be < 25% of the pumping rate after 30 days of pumping.

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													





**D. WELL CONSTRUCTION, OAR 690-200**

D1. Well #: \_\_\_\_\_ Logid: \_\_\_\_\_

D2. **THE WELL does not meet current well construction standards based upon:**

- a.  review of the well log;
- b.  field inspection by \_\_\_\_\_;
- c.  report of CWRE \_\_\_\_\_;
- d.  other: (specify) \_\_\_\_\_

D3. **THE WELL construction deficiency:**

- a.  constitutes a health threat under Division 200 rules;
- b.  commingles water from more than one ground water reservoir;
- c.  permits the loss of artesian head;
- d.  permits the de-watering of one or more ground water reservoirs;
- e.  other: (specify) \_\_\_\_\_

D4. **THE WELL construction deficiency is described as follows:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D5. **THE WELL** a.  was, or  was not constructed according to the standards in effect at the time of original construction or most recent modification.

b.  I don't know if it met standards at the time of construction.

D6.  **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

D7.  Well construction deficiency has been corrected by the following actions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, 200\_\_\_\_\_  
(Enforcement Section Signature)

D8.  **Route to Water Rights Section (attach well reconstruction logs to this page).**

**Water Availability Tables**

**WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174  
WILLAMETTE BASIN**

Water Availability as of 7/31/2012

Watershed ID #: 30200321

Exceedance Level:

80%

Date: 7/31/2012

Time: 2:10 PM

**Water Availability Calculation**

Monthly Streamflows in Cubic Feet per Second  
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	10,100.00	1,330.00	8,770.00	0.00	1,750.00	7,020.00
FEB	11,600.00	4,240.00	7,360.00	0.00	1,750.00	5,610.00
MAR	11,000.00	4,520.00	6,480.00	0.00	1,750.00	4,730.00
APR	9,760.00	4,220.00	5,540.00	0.00	1,750.00	3,790.00
MAY	8,430.00	2,490.00	5,940.00	0.00	1,750.00	4,190.00
JUN	5,360.00	790.00	4,570.00	0.00	1,750.00	2,820.00
JUL	3,270.00	592.00	2,680.00	0.00	1,750.00	928.00
AUG	2,560.00	540.00	2,020.00	0.00	1,750.00	270.00
SEP	2,540.00	460.00	2,080.00	0.00	1,750.00	330.00
OCT	2,860.00	230.00	2,630.00	0.00	1,750.00	880.00
NOV	4,170.00	314.00	3,860.00	0.00	1,750.00	2,110.00
DEC	8,150.00	336.00	7,810.00	0.00	1,750.00	6,060.00
ANN	7,460,000.00	1,200,000.00	6,260,000.00	0.00	1,270,000.00	5,000,000.00

**Detailed Report of Instream Flow Requirements**  
Instream Flow Requirements in Cubic Feet per Second

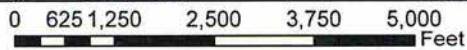
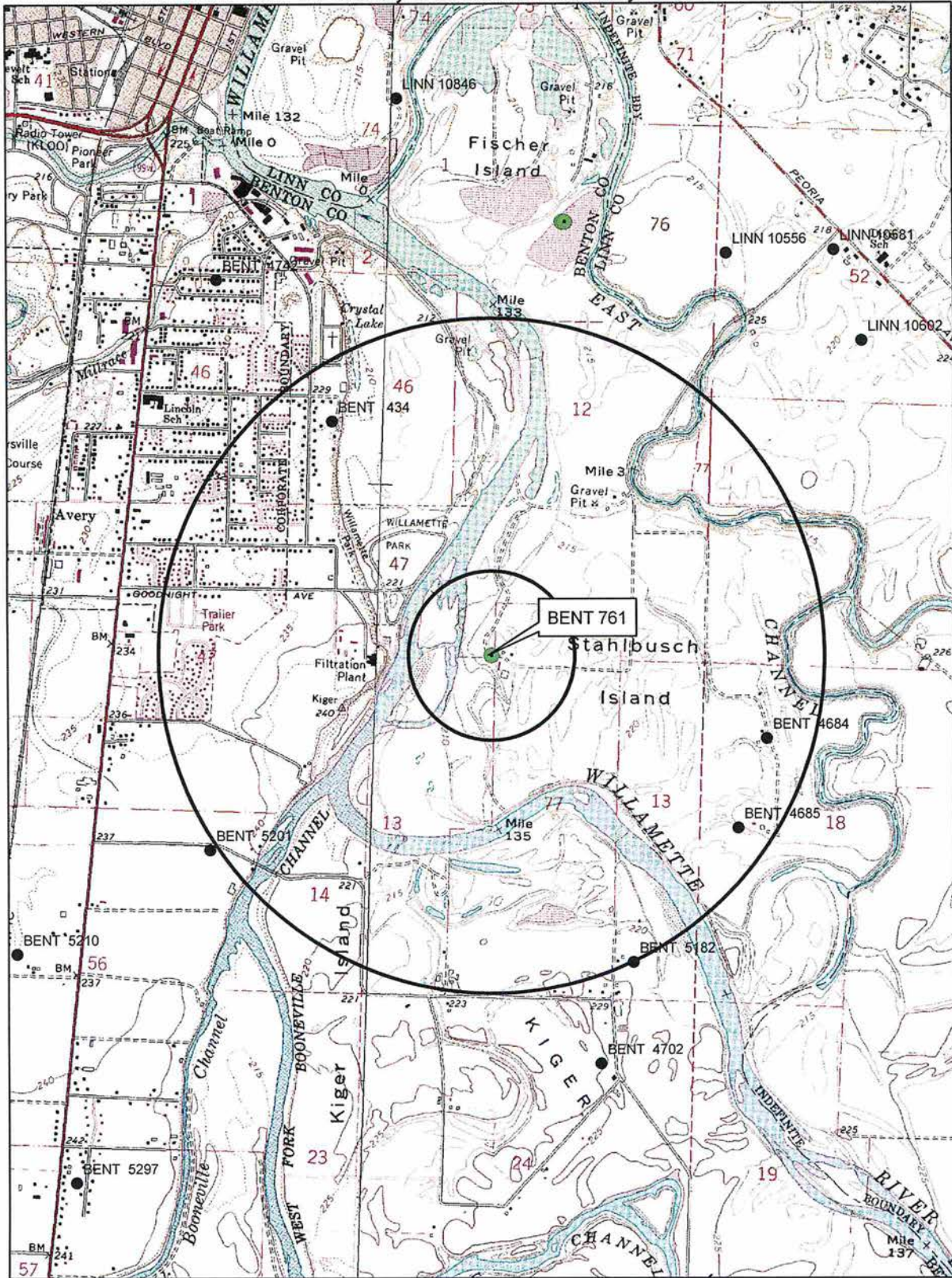
Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF184A	APPLICATION	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00
<b>Maximum</b>		<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>	<b>1,750.00</b>



Well Location Map

# G-17560, WK&K Land, Ltd.

1:24,000 scale





# Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Application 612560 County ~~Lincoln~~ benton Priority Date 6/6/2012

Township 123 Range 5 W Section 12

Amount 350 gpm Use ind/mfg WM Dist # 2

Applicant Name WK & K, LTD

Receipt No. 105920

Caseworker Assigned  Jeana Eastman  Kerry Kavanagh

Applicant/Organization Name, Mailing Address, and Telephone Number.

All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) *NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Expedited Secondary(E2).*

If for stored water not under contract, is the source valid / Permit or Certificate issued Y / N List Permit or Certificate number \_\_\_\_\_

The proposed source is or is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

Property ownership indicated.

If applicant does not own all the land, the affected landowner=s name and mailing address must be listed.

If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

Well Development (pg. 4 & 5) or a well log report.

Proposed use of water. If supplemental, list primary acreage. (*Irrigation and Suppl Irrigation together, is 2 uses*)

Supplemental data sheets enclosed if needed ?

Form M (Municipal or Quasi-Municipal)

Spring Description Sheet

Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

Period of use

- Water management section (Please estimate if the water system has not been designed).
- Resource Protection Section (*N/A for Groundwater*)
- Project schedule (If system is already completed, indicate "existing").
- Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir for all standard reservoir applications
- A map prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet and having a dam height of more than 10 feet
- You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.
- A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*
- The map must meet all the minimum requirements of OAR 690-310-0050.

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- Place of use, 1/4, 1/4=s and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
- Location of each diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
- Reference corner on map
- North Directional Symbol

Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture

Other \_\_\_\_\_

Fees: Amount of water requested 350 gpm

Base Fee \$ <u>1000<sup>00</sup></u>	Total Exam Fees \$ <u>1250<sup>00</sup></u>
1st CFS/AF <u>250<sup>00</sup></u>	Permit Recording Fees \$ <u>400<sup>00</sup></u>
____ Addtnl CFS/ AF @ _____ = _____	Mitigation Fee \$ _____
____ Addtnl POD/POA @ _____ = _____	Total Paid \$ <u>1650<sup>00</sup></u>
____ Addtnl Use @ _____ = _____	Amount Due \$ _____
	Amount Returned \$ _____

Reviewed by: [Signature] Date: 6/16/12



**Oregon Water Resources Department  
Water Rights Services Division**

Water Rights Application  
Number G-17560

**Proposed Final Order**

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Application History*

On June 6, 2012, WK & K Land LTD submitted an application to the Department for the following water use permit:

- Amount of Water: 0.78 cubic foot per second (CFS)
- Use of Water: industrial/manufacturing uses
- Source of Water: a well (BENT 761) in Willamette River Basin
- Area of Proposed Use: Benton County within Section 12 and Section 13, Township 12 South, Range 5 West, W.M.

On September 21, 2012, the Department mailed the applicant notice of its Initial Review, determining that *"the use of 0.78 CFS of water from a well (BENT 761) in Willamette River Basin for year-round industrial/manufacturing uses is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided or the season is amended prior to issuance of the Proposed Final Order."* The applicant did not notify the Department to stop processing the application within 14 days of that date.

On September 25, 2012, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

On October 3, 2012, the applicant amended the season to September 1 through June 30.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- any applicable basin program
- applicable statutes, administrative rules, and case law
- the amount of water available
- the rate and duty for the proposed use
- any general basin-wide standard for flow rate and duty of water allowed

- the need for a flow rate and duty higher than the general standard
- pending senior applications and existing water rights of record
- any applicable comprehensive plan or zoning ordinance
- recommendations by other state agencies
- the Scenic Waterway requirements of ORS 390.835
- designations of any critical ground water areas
- any comments received

*Findings of Fact*

The Willamette Basin Program allows industrial/manufacturing uses.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will have the potential for substantial interference with surface water, namely Willamette River.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

For this application, the Department determined that there is the potential for substantial interference because of the following items described above: (a), (b), (e)



In accordance with OAR 690-033-0330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality (DEQ), Fish and Wildlife (ODFW), and Agriculture. WRD and ODFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The period of use shall be limited to October 1 through June 1.

Because the proposed use of ground water has the potential for substantial interference with surface water, an assessment of surface water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this calculation is in the file. This calculation determined that surface water is available for further appropriation (at an 80 percent exceedance probability) during the full season requested.

Senior water rights exist on a well (BENT 761) in Willamette River Basin, or on downstream waters.

A well (BENT 761) in Willamette River Basin is not within or above a State Scenic Waterway.

The Department finds that the amount of water requested, 0.78 CFS, is an acceptable amount.

The proposed ground water use is not within a designated critical ground water area.

#### *Conclusions of Law*

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Program.

Water is available for the proposed use.

The proposed use will not injure other water rights.



The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The application is in compliance with the State Agency Coordination Program regarding land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED November 13, 2012

*E. Timothy Wallin*

E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **December 28, 2012**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the

identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;

- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

#### Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **December 28, 2012**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.



After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

*This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.*

*If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:*

*Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*

DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTY OF BENTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WK & K LAND LTD  
3122 SE STAHLBUSH ISLAND RD  
CORVALLIS, OR 97333

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17560

SOURCE OF WATER: A WELL (BENT 761) IN WILLAMETTE RIVER BASIN

PURPOSE OR USE: INDUSTRIAL/MANUFACTURING USES

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH JUNE 1

DATE OF PRIORITY: JUNE 6, 2012

WELL LOCATION: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 12, T12S, R5W, W.M.; 1400 FEET EAST  
FROM SW CORNER, SECTION 12

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 12

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SECTION 13

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

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 appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.

- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided



by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

#### **STANDARD CONDITIONS**

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.



By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

**DRAFT - THIS IS NOT A PERMIT**

E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director



# Mailing List for PFO Copies

---

Application #G-17560

PFO Date November 13, 2012

**Original mailed to applicant:**

~~WK & K LAND LTD, 3122 SE STAHLBUSH ISLAND RD, CORVALLIS, OR 97333~~

**SENT VIA EMAIL:**

1. Applicant - [billc@stahlbush.com](mailto:billc@stahlbush.com)
2. agent - [tina@stahlbush.com](mailto:tina@stahlbush.com)
3. WM #2

Copies Mailed
By: <u>La</u>
(SUPPORT STAFF)
on: <u>11-13-12</u>
(DATE)

Copies sent to:

1. WRD - File # G-17560
- ✓ 2. Water Availability: Ken Stahr

CASEWORKER : jme



3122 Stahlbush Island Rd., Corvallis, OR 97333-2709, (541) 757-1497, FAX (541) 754-1847

October 3, 2012

Jeana Eastman  
Water Right Application Caseworker  
Oregon Water Resources Department  
725 Summer St., NE, Suite A  
Salem, OR 97301

Dear Ms. Eastman,

We are writing to request a modification of our water-use permit application, File G-17560. Based on your feedback regarding seasonal limitations, we request that the application be changed to reflect a season of September 1 through June 30.

If there is anything else we need to do, or if you have any questions, please let me know.

Thank you very much for your time.

Best regards,

A handwritten signature in black ink, appearing to read "Tina Galloway".

Tina Galloway  
Stahlbush Island Farms, Inc.

## Jeana Eastman

---

**From:** Tina <tina@stahlbush.com>  
**Sent:** Wednesday, October 03, 2012 9:16 AM  
**To:** Jeana Eastman  
**Cc:** mary@stahlbush.com  
**Subject:** Modification Request: File G-17560  
**Attachments:** Modification Request to OWRD--10 3 12.pdf

Dear Ms. Eastman,

We received the letter from you regarding our water-use permit application. Thank you for the information and analysis.

Attached you will find a letter requesting that our application be modified to reflect the seasonal limitations that you referenced.

If there is anything else we need to do to make this change, or if you have any questions, please let me know.

Thank you!

Best regards,  
Tina

### **Tina Galloway**

Stahlbush Island Farms, Inc.  
3122 Stahlbush Island Road  
Corvallis, Oregon 97333-2709  
Phone (541) 757-1497  
FAX (541) 754-1847  
[tina@stahlbush.com](mailto:tina@stahlbush.com)  
[www.stahlbush.com](http://www.stahlbush.com)



**A Real Farm. A Real Place. A Real Family.**



Like us at [www.stahlbush.com/facebook](http://www.stahlbush.com/facebook)

---

CONFIDENTIALITY NOTICE: This message and its contents are confidential and privileged, intended solely for the use of the addressee. If you are not the intended recipient, you are hereby notified that any use, dissemination, disclosure, distribution or copying of this message and/or its contents is strictly prohibited. Please contact the sender by reply e-mail and destroy the original message immediately. Thank you for your cooperation.





# Oregon

John A. Kitzhaber, MD, 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

WK & K LAND LTD  
3122 SE STAHLBUSH ISLAND RD  
CORVALLIS, OR 97333

September 21, 2012

Reference: File G-17560

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

Initial Review Determinations:

1. The application proposed the appropriation of 350 gallons per minute of water, which is 0.78 cubic foot per second (CFS), from a well (BENT 761) in Willamette River Basin for year-round industrial/manufacturing uses.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

The Department has determined, based upon Oregon Administrative Rule (OAR) 690-009, that the proposed ground water use will have the potential for substantial interference with Willamette River. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered. Surface water is available in the amount and for the full period requested.

4. The Department has determined, based upon OAR 690-009, that the well will produce ground water from an unconfined alluvium within a quarter mile of the banks of surface water and is presumed to be hydraulically connected to the surface water. Such hydraulically connected ground water is classified the same as the surface source under OAR 690-502-0240. The use of water from a well (BENT 761) in Willamette River Basin for industrial/manufacturing uses **is only allowed** September 1 through June 30 under OAR 690-502-0050(1)(c), the Willamette Basin Program.

Due to this seasonal limitation, and the original request to use water year-round, it appears unlikely that a permit will be issued. However, if you can make beneficial use of the water during the period it is allowed, September 1 through June 30, you may want to consider amending the season to September 1 through June 30. Please be aware that

amending the season to September 1 through June 30 is not a guarantee that the application will approved.

5. The application is subject to Section 4(d) of the Endangered Species Act.

#### Summary of Allowable Water Use

**Because not all items above are favorable, the use of 0.78 CFS of water from a well (BENT 761) in Willamette River Basin for year-round industrial/manufacturing uses is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided or the season is amended prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw your application as described below.**

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 your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, October 5, 2012**. For your convenience you may use the enclosed "STOP PROCESSING" form.

#### 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.

#### 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 appropriation. The permittee shall maintain the meter or measuring device in good working order.
  - B. The permittee shall keep a complete record of the amount of water diverted 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.
  - C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.



- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.



The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. 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.

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](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 503-986-0859 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Jeana Eastman  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17560  
WAB 2-30200321  
POU 2-30200321  
GW

# APPLICATION FACT SHEET

Application File Number: G-17560

Applicant: WK & K LAND LTD

County: Bent

Watermaster: 2

Priority Date: June 6, 2012

Source: A WELL (BENT 761) IN WILLAMETTE RIVER BASIN

Use: INDUSTRIAL/MANUFACTURING USES

Quantity: 0.78 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion or Well Location(s): SESW, SECTION 12, T12S, R5W, W.M.;1400 FEET EAST FROM SW CORNER, SECTION 12

Place of Use:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 12

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SECTION 13

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 5, 2012**

**PUBLIC NOTICE DATE: Tuesday, September 25, 2012**

**30 DAY COMMENT DEADLINE DATE: Thursday, October 25, 2012**

# Mailing List for IR Copies

Application #G-17560

IR Date: September 21, 2012

---

**Original mailed to applicant VIA EMAIL:**

WK & K LAND LTD, 3122 SE STAHLBUSH ISLAND RD, CORVALLIS, OR 97333

**SENT VIA EMAIL:**

1. Applicant - [billc@stahlbush.com](mailto:billc@stahlbush.com)
2. agent - [tina@stahlbush.com](mailto:tina@stahlbush.com)
3. WM #2
4. ODFW
5. DEQ

Copies Mailed By: <u>La</u> (SUPPORT STAFF) on: <u>9/21/12</u> (DATE)
---

Copies sent to:

1. WRD - File # G-17560
- ✓2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

- ✓1. Department of Agriculture
- ✓2. Kim Kratz, Director, Oregon State Habitat Office, National Marine Fisheries Service  
1201 NE Lloyd Blvd, Portland, OR 97232
- ✓3. Paul Henson, State Supervisor, USFWS  
Oregon Fish & Wildlife Office, 2600 S.E. 98th Ave, Ste 100, Portland, OR 97266



# Application for a Permit to Use Ground Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

**RECEIVED**

MAY 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME WK&K LAND, LTD		PHONE (HM) 541-757-1497	
PHONE (WK) 541-757-1497	CELL	FAX 541-754-1847	
ADDRESS 3122 SE STAHLBUSH ISLAND RD			
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL BILLC@STAHLBUSH.COM

### Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL

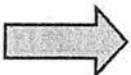
### Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME TINA GALLOWAY		PHONE 541-757-1497	FAX 541-754-1847
ADDRESS 3122 SE STAHLBUSH ISLAND RD			CELL 541-760-3127
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL TINA@STAHLBUSH.COM

Note: Attach multiple copies as needed

### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

WK&K LAND L.P. by

WILLIAM D CHAMBERS

4/24/12

Applicant Signature

*William D Chambers*

Print Name and title if applicable

Date

Applicant Signature

*President WK&K Inc  
General Partner for WK&K LAND L.P.*

Print Name and title if applicable

Date

For Department Use

App No. G-17560

Permit No.

Date

**RECEIVED**

JUN 06 2012

WATER RESOURCES DEPT  
SALEM OREGON

MAY 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

No

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

N/A

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
BENT761	Willamette River - side channel	600 ft	15'

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

We plan to use well BENT 761, drilled in 1991, to appropriate water. The well has a diameter of 12" and is cased from +14" to -35' feet. Please see attached well log.

G-17560

RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON







**SECTION 4: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Industrial	Year round	504

**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: \_\_\_\_\_ Acres                      Supplemental: \_\_\_\_\_ Acres

List the Permit or Certificate number of the underlying primary water right(s): \_\_\_\_\_

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: \_\_\_\_\_

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: \_\_\_\_\_  
If the use is **mining**, describe what is being mined and the method(s) of extraction: \_\_\_\_\_

**RECEIVED**

MAY 0 2 2012

WATER RESOURCES DEPT  
SALEM, OREGON

**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

What equipment will you use to pump water from your well(s)?

Pump (give horsepower and type): 25 HP Goulds 9RCLC 4 stage line shaft turbine

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be appropriated from the well using a 25-HP pump and delivered to the processing plant through an 4 inch schedule 10 304L stainless steel mainline for use in various food processing operations, including raw product wash, cooling equipment, blanching, and steam generation.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Not applicable

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

The amount of water requested is needed to support year-round operation of a food processing facility that consists of multiple IQF and puree lines. Water use is measured via flow meter and regularly evaluated regarding company-wide goals of water conservation. Post-processing, the water goes through primary treatment and is discharged via land application onto adjacent fields. Regular sampling of raw water, process water, and soils it is applied to, is required and completed. These sampling practices are

**RECEIVED**

JUN 0 6 2012

WATER RESOURCES DEPT  
SALEM, OREGON

intended to protect not only the product in process, but the conditions of aquatic and land species and habitats as a whole.

**SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR**

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: \_\_\_\_\_ Acreage inundated by reservoir: \_\_\_\_\_

Use(s): \_\_\_\_\_

Volume of Reservoir (acre-feet): \_\_\_\_\_ Dam height (feet, if excavated, write "zero"): \_\_\_\_\_

*Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.*

**RECEIVED**  
MAY 04 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

**SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR**

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): \_\_\_\_\_

USE OF STORED GROUND WATER	PERIOD OF USE

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: Already in place

Date construction will be completed: 5/15/2012

Date beneficial water use will begin: 5/15/2012

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

WK&K Land, Ltd. owns the property on which Stahlbush Island Farms operates its food processing facility. It is the overall goal of WK&K Land and Stahlbush Island Farms that all resources be left in better condition than they are found. Therefore, the subsequent goal is to manage water resources wisely and conserve where possible. Stahlbush Island Farms has been approved by The Food Alliance for its agricultural and processing practices.

**RECEIVED**  
JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

G-17560



# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

Applicant: WK & K Land, LTD  
First \_\_\_\_\_ Last \_\_\_\_\_

Mailing Address: 3122 SE Stahlbush Island Rd

Corvallis

City

OR

State

97333  
Zip

Daytime Phone: 541-757-1497

RECEIVED

MAY 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
12S	5W	12	NESE	100	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Water will be diverted, conveyed, and used entirely within Linn County.

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 350     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

Water is to be appropriated from the ground to be used in food processing operations, including washing raw product, being used in cooling processes, and being used for cleaning processes. Current food processing facilities employ as many as 300 workers.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

G-17560



MAY 04 2012

WATER RESOURCES DEPT  
SALEM, OREGON

### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928.310(B)(1) LCC 928310.(B)(2)  
LCC 928.310(B)(12)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: ROBERT WHEELDON Title: DIRECTOR

Signature: Robert Wheeldon Phone: 541-967-3816 Date: MAY 2, 2012

Government Entity: Linn County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

JUN 06 2012

G-17560

RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

**EXHIBIT A  
PROPERTY DESCRIPTION**

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 12 IN TOWNSHIP 12 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE NORTH 0°51'30" EAST, 1,999.44 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF GOVERNMENT LOT 3 IN SAID SECTION; THENCE SOUTH 89°36' WEST, 2,482.31 FEET ALONG THE NORTH LINE OF SAID SOUTH HALF OF GOVERNMENT LOT 3 AND ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12 TO A POINT; THENCE SOUTH 39°02'20" WEST, 314.55 FEET TO A POINT; THENCE SOUTH 44°36'40" WEST, 838.64 FEET TO A POINT; THENCE SOUTH 43°49'45" WEST, 433.51 FEET TO A POINT THENCE SOUTH 18°38'10" WEST, 360.29 FEET TO A POINT; THENCE SOUTH 3°50'30" WEST, 736.13 FEET TO A POINT; THENCE SOUTH 3°17'10" EAST, 604.12 FEET TO A POINT; THENCE SOUTH 24°05'45" EAST, 360.05 FEET TO A POINT; THENCE SOUTH 5°01'15" EAST, 523.13 FEET TO A POINT; THENCE SOUTH 0°30'15" WEST, 701.92 FEET TO A POINT; THENCE SOUTH 13°05'25" EAST, 255.93 FEET TO A POINT ON THE RIGHT BANK OF THE WILLAMETTE RIVER; THENCE FOLLOWING THE RIGHT BANK UPSTREAM SOUTH 85°59'40" EAST, 73.29 FEET TO A POINT; THENCE NORTH 54°43'20" EAST, 695.06 FEET TO A POINT; THENCE NORTH 64°55' EAST, 498.49 FEET TO A POINT; THENCE NORTH 76°51' EAST, 170.16 FEET TO A POINT; THENCE SOUTH 89°14'55" EAST, 224.80 FEET TO A POINT; THENCE SOUTH 82°18' EAST, 306.05 FEET TO A POINT ; THENCE SOUTH 39°32'10" EAST, 495.78 FEET TO A POINT; THENCE SOUTH 46°34'13" EAST, 300.07 FEET TO A POINT; THENCE LEAVING SAID RIGHT BANK ON THE MONUMENTED EAST-WEST QUARTER LINE OF SECTION 13 IN SAID TOWNSHIP AND RANGE NORTH 89°43'10" EAST, 1,069.49 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 13; THENCE NORTH 0°47'06" EAST, 2,633.44 FEET TO THE POINT OF BEGINNING, BEING ALL IN SAID SECTIONS 12 AND 13, LINN COUNTY, OREGON.

Tax Parcel Numbers: 894982 and 894990

G-17560



**Legal Description**

Real property in the County of Linn, State of Oregon, described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 12 IN TOWNSHIP 12 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE NORTH 0°51'30" EAST, 1,999.44 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF GOVERNMENT LOT 3 IN SAID SECTION;  
THENCE SOUTH 89°36' WEST, 2,482.31 FEET ALONG THE NORTH LINE OF SAID SOUTH HALF OF GOVERNMENT LOT 3 AND ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12 TO A POINT;  
THENCE SOUTH 39°02'20" WEST, 314.55 FEET TO A POINT;  
THENCE SOUTH 44°36'40" WEST, 838.64 FEET TO A POINT;  
THENCE SOUTH 43°49'45" WEST, 433.51 FEET TO A POINT;  
THENCE SOUTH 18°38'10" WEST, 360.29 FEET TO A POINT;  
THENCE SOUTH 3°50'30" WEST, 736.13 FEET TO A POINT;  
THENCE SOUTH 3°17'10" EAST, 604.12 FEET TO A POINT;  
THENCE SOUTH 24°05'45" EAST, 360.05 FEET TO A POINT;  
THENCE SOUTH 5°01'15" EAST, 523.13 FEET TO A POINT;  
THENCE SOUTH 0°30'15" WEST, 701.92 FEET TO A POINT;  
THENCE SOUTH 13°05'25" EAST, 255.93 FEET TO A POINT ON THE RIGHT BANK OF THE WILLAMETTE RIVER;  
THENCE FOLLOWING THE RIGHT BANK UPSTREAM SOUTH 85°59'40" EAST, 73.29 FEET TO A POINT;  
THENCE NORTH 54°43'20" EAST, 695.08 FEET TO A POINT;  
THENCE NORTH 64°55' EAST, 498.49 FEET TO A POINT;  
THENCE NORTH 76°51' EAST, 170.16 FEET TO A POINT;  
THENCE SOUTH 89°14'55" EAST, 224.80 FEET TO A POINT;  
THENCE SOUTH 82°18' EAST, 306.05 FEET TO A POINT;  
THENCE SOUTH 39°32'10" EAST, 495.78 FEET TO A POINT;  
THENCE SOUTH 46°34'13" EAST, 300.07 FEET TO A POINT;  
THENCE LEAVING SAID RIGHT BANK ON THE MONUMENTED EAST-WEST QUARTER LINE OF SECTION 13 IN SAID TOWNSHIP AND RANGE NORTH 89°43'10" EAST, 1,069.49 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 13;  
THENCE NORTH 0°47'08" EAST, 2,633.44 FEET TO THE POINT OF BEGINNING,  
BEING ALL IN SAID SECTIONS 12 AND 13, LINN COUNTY, OREGON.

Tax Parcel Number: 894982 and 894990

**RECEIVED**

JUN 6 6 2012

WATER RESOURCES DEPT  
SALEM, OREGON

G-17560







16

BENT  
761

AUG 30 1991

125/Sul/12 da

STATE OF OREGON  
WATER WELL REPORT  
(as required by ORS 537.765)

WATER RESOURCES DEPT  
SALEM, OREGON

(START CARD) # 76846

(1) OWNER: Well Number \_\_\_\_\_  
Name William Chambers  
Address 3122 Stahlbush Island Rd.  
City Corvallis State OR Zip 97333

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval Yes  No  Depth of Completed Well 35 ft.  
Explosives used   Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks	pounds
16"	0 18'	cement	0 18'	7	sacks
12"	18' 35'				

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel				Plastic		Welded		Threaded	
				□	□	□	□	□	□	□	□		
Casing: 12"	+14"	33'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		06"		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 33'06"

(7) PERFORATIONS/SCREENS:

Perforations Method Acetylene torch  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
22'06"	33'6"	3/8"	100	12"		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		x12"				<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min 120 gpm Drawdown 0' Drill stem at \_\_\_\_\_ Time 1 hr.

Temperature of water 54 Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL & legal description:  
County Benton Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 12 S N or S Range W E or W, WM.  
Section 12 NE SE W  
Tax Lot 0100 Lot \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address):  
SAME

(10) STATIC WATER LEVEL:  
18' ft. below land surface. Date 8-23-91  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found 22'

From	To	Estimated Flow Rate	SWL
22'	32'	120 gpm	18'

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To	SWL
Top soil	0	4	
Brown sandy clay & gravel	4	16	
Brown sand & gravel	16	22	
Washed brown sand & gravel	22	32	18
Blue clay	32	35	

RECEIVED RECEIVED  
MAY 01 2012 JUN 06 2012  
WATER RESOURCES DEPT SALEM, OREGON WATER RESOURCES DEPT SALEM, OREGON

Date started 8-20-91 Completed 8-23-91


(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.  
Signed \_\_\_\_\_ Date \_\_\_\_\_ WWC Number \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.  
Signed W. Chambers Date 8-26-91 WWC Number 1378

G-17560



3122 Stahlbush Island Rd., Corvallis, OR 97333-2709, (541) 757-1497, (541) 754-1847 FAX

**TO:** Jerry Sauter, Water Rights Program Analyst  
**FROM:** Tina Galloway   
**DATE:** June 5, 2012  
**RE:** **Water Right Application**

---

**RECEIVED**

**JUN 6 2012**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Hi,

We recently submitted an application to use water to the Water Resources Department. However, it was returned to us asking for additional detail on our map and our legal description. We are re-sending the application and fee, along with the requested supplemental information. This is all enclosed.

Please let me know if there is anything else that you need.

Thank you!

Gr-17560



# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: remarks

RECEIVED

MAY 04 2012

WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

### Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$1650  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other \_\_\_\_\_

GL-17560



RECEIVED

MAY 03 2012

WATER RESOURCES DEPT  
SALEM, OREGON

## Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

### NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district.
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

### NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the

applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

G-17560

RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM OREGON



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
www.wrd.state.or.us

May 4, 2012

RECEIVED

JUN 06 2012

WK&K Land, LTD  
Attn: Tina Galloway  
3122 SE Stahlbush Island Rd.  
Corvallis, Oregon 97333

WATER RESOURCES DEPT  
SALEM, OREGON

Dear Tina Galloway:

The Water Resources Department has received your application to use water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact Customer Service at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Cc: OWRD Fiscal

G-17560







# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
www.wrd.state.or.us

May 4, 2012

WK&K Land, LTD  
Attn: Tina Galloway  
3122 SE Stahlbush Island Rd.  
Corvallis, Oregon 97333

**RECEIVED**  
**JUN 6 6 2012**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

Dear Tina Galloway:

The Water Resources Department has received your application to use water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact Customer Service at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Cc: OWRD Fiscal

Gr-17560



# Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

The map must meet all the minimum requirements of OAR 690-310-0050.

Location of **each** diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.

Fees: Amount of water requested 350 gpm

Base Fee \$ 1000

1st CFS/AF \$ 250

\_\_\_ Addtnl CFS/ AF @ \_\_\_ = \_\_\_

\_\_\_ Addtnl POD/POA @ \_\_\_ = \_\_\_

\_\_\_ Addtnl Use @ \_\_\_ = \_\_\_

Total Exam Fees \$ 1250

Permit Recording Fees \$ 450

Total Paid \$ 1650

Amount Due \$ \_\_\_\_\_

Amount Returned \$ 1650

Reviewed by: Dorothy P.

Date : May 4, 2012

Groups\wr\Customer Service Group\templates\standard app checklist

8/8/2011 jks

G-17560

RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM, OREGON

# Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Application \_\_\_\_\_ County Linn Priority Date \_\_\_\_\_

Township 125 Range 5W Section 12

Amount 350 gpm Use Industrial WM Dist # 2

Applicant Name WK + K, LTD

Receipt No. \_\_\_\_\_

Caseworker Assigned  Jeana Eastman  Kerry Kavanagh

Applicant/Organization Name, Mailing Address, and Telephone Number.

All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) *NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Expedited Secondary(E2).*

If for stored water not under contract, is the source valid / Permit or Certificate issued Y / N List Permit or Certificate number \_\_\_\_\_

The proposed source is or is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

Property ownership indicated.

If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

Well Development (pg. 4 & 5) or a well log report.

Proposed use of water. If supplemental, list primary acreage. (*Irrigation and Suppl Irrigation together, is 2 uses*)

Supplemental data sheets enclosed if needed ?

Form M (Municipal or Quasi-Municipal)

Spring Description Sheet

Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

Period of use

G-7560

RECEIVED

JUN 06 2012

WATER RESOURCES DEPT  
SALEM OREGON



- Water management section (Please estimate if the water system has not been designed).
- Resource Protection Section (N/A for Groundwater)
- Project schedule (If system is already completed, indicate "existing").
- Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir for all standard reservoir applications
- A map prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet and having a dam height of more than 10 feet

You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*

The map must meet all the minimum requirements of OAR 690-310-0050.

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- Place of use, 1/4, 1/4-s and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
- Location of **each** diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
- Reference corner on map
- North Directional Symbol
- Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture

Other \_\_\_\_\_

Fees: Amount of water requested 350 gpm

Base Fee \$ <u>1,000</u>	Total Exam Fees \$ <u>1,250</u>
1st CFS/AF <u>250</u>	Permit Recording Fees \$ <u>400</u>
____ Addtnl CFS/ AF @ _____ = _____	Mitigation Fee \$ _____
____ Addtnl POD/POA @ _____ = _____	Total Paid \$ <u>1,650</u>
____ Addtnl Use @ _____ = _____	Amount Due \$ _____
	Amount Returned \$ _____

Reviewed by: ROP Date: 5/4/12

005 3 0 1411



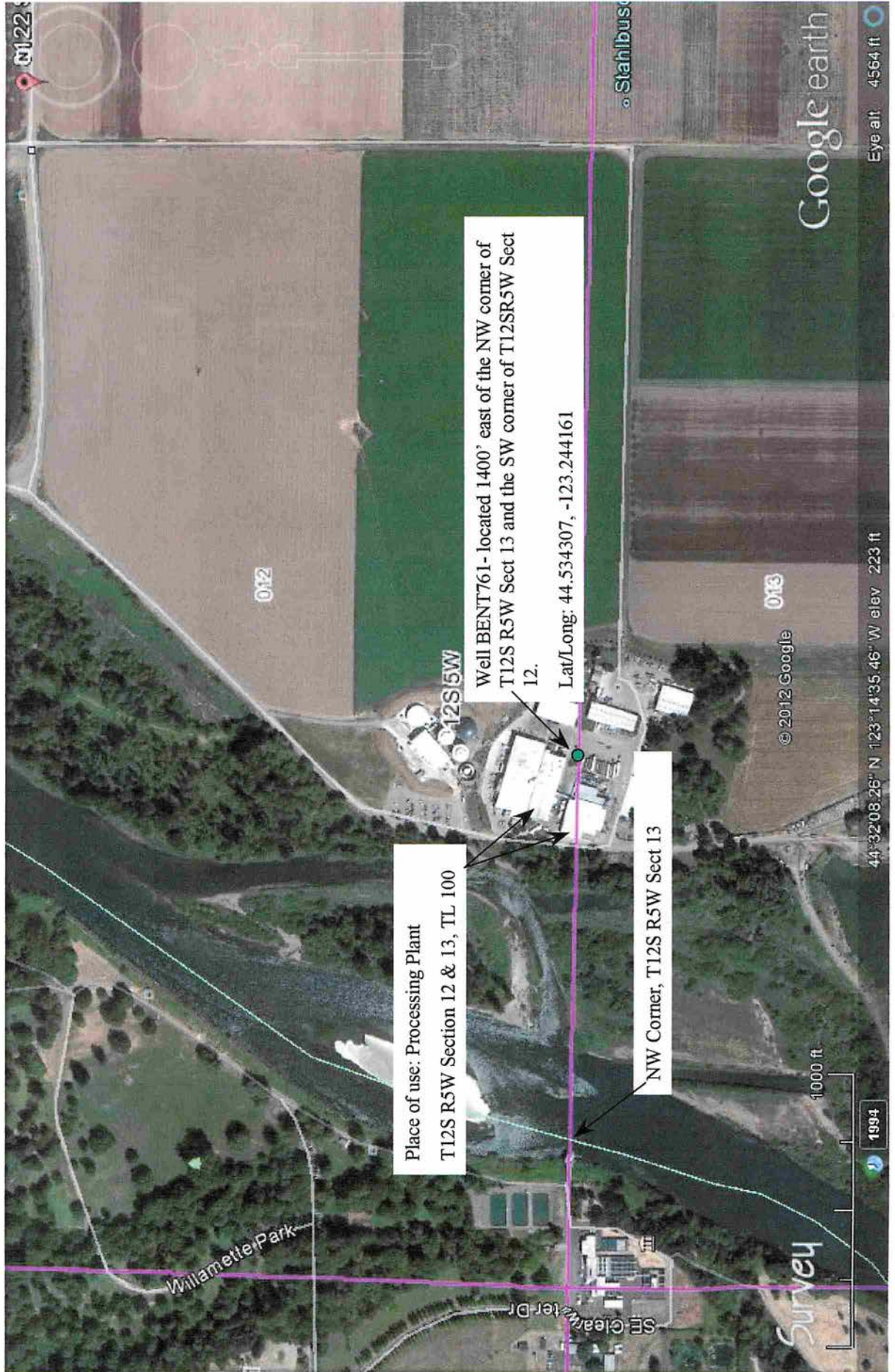
RECEIVED

JUN 6 2012

WATER RESOURCES DEPT  
SALEM, OREGON

WK&K Land, Ltd. Industrial Water Right Application

T12S R5W Sect 12



0957-120



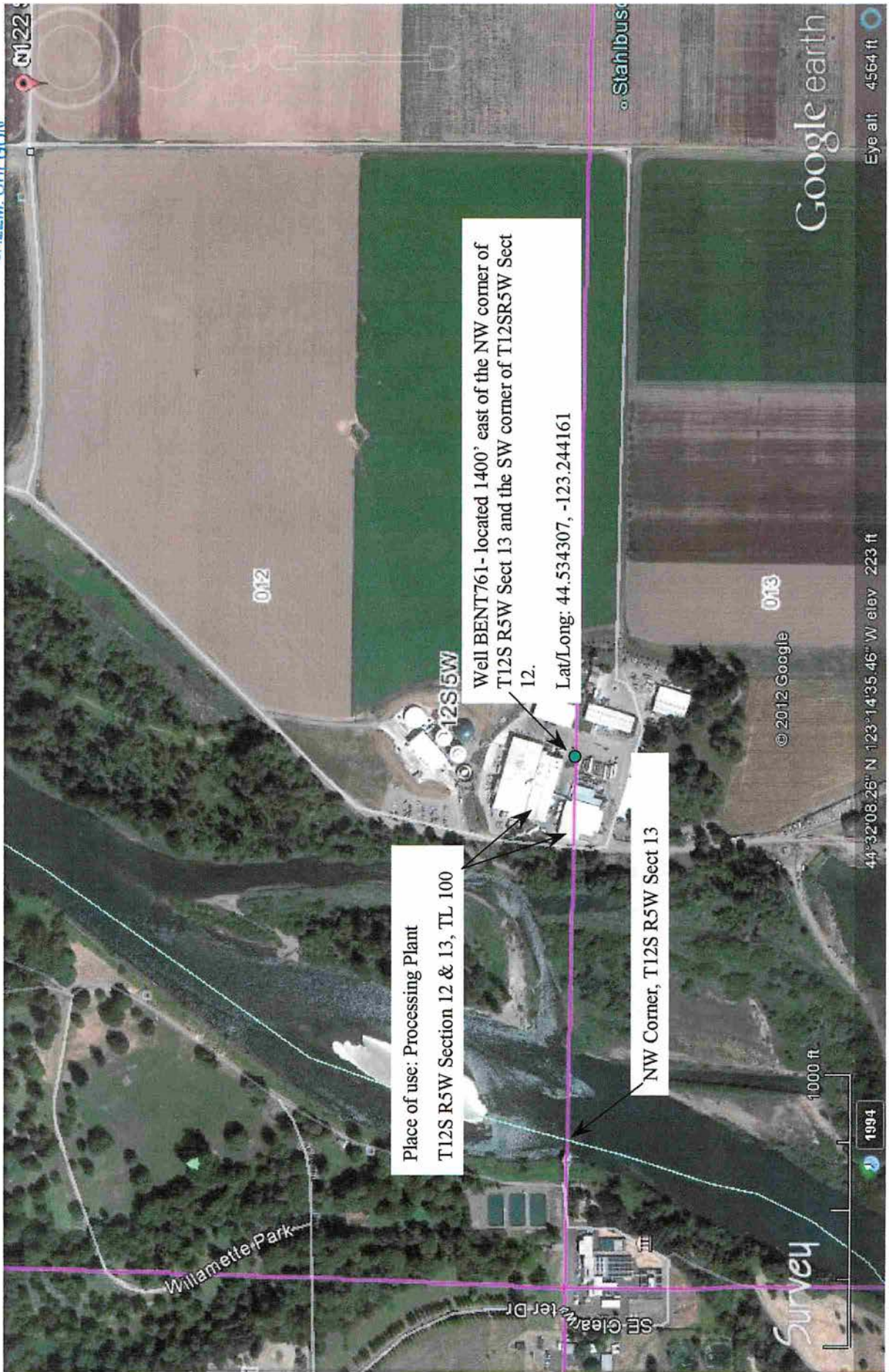
RECEIVED

JUN 6 2012

WATER RESOURCES DEPT  
SALEM, OREGON

WK&K Land, Ltd. Industrial Water Right Application

T12S R5W Sect 12



09571-19



WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT #

105920

INVOICE #

RECEIVED FROM:

Stahlbush Island Farms

APPLICATION

G17560

BY:

PERMIT

TRANSFER

CASH:

CHECK:#

OTHER: (IDENTIFY)

70291

TOTAL REC'D

\$ 1650.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

46111

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

1250.00

0204

\$

400.00

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

105920

DATED:

6/6/12

BY:

OR

070291

Vendor OWRD Check Date 5/2/2012 Check Number 070291

<u>Ref Nbr</u>	<u>Inv Nbr</u>	<u>Inv Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Disc Taken</u>	<u>Net Check Amt</u>
156835	050212	5/2/2012	1,650.00	1,650.00	0.00	1,650.00

**RECEIVED**

**JUN 06 2012**

**WATER RESOURCES DEPT  
SALEM, OREGON**

STAHLBUSH ISLAND FARMS, INC.