



## Water Right Application Initial Review

April 25, 2025

ROSS F. PARATORE II  
KRISTY PARATORE  
6920 CORVALLIS RD  
INDEPENDENCE OR 97351

Reference: Application G-19374

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an application may be approved, the Water Resources Department (Department) must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Department has made the following preliminary determinations:

### **Preliminary Determinations under Oregon Administrative Rule (OAR) 690-310-0080:**

1. Application G-19374 proposes the appropriation of 0.31 cubic foot per second (CFS) of water from Well 1 (POLK 52078) in Willamette River Basin, further limited to 61.5 acre-feet (AF) annually for irrigation of 24.6 acres from March 1 through October 31, and 61.5 AF annually for agricultural for nursery operations from November 1 through February 28/29 of each year.
2. The application identified “agricultural for nursery operations” as a proposed use, which has been interpreted by the Department as a request for agriculture use.
3. The proposed use is not prohibited by law or rule except where otherwise noted below.
4. Irrigation and agriculture use from groundwater are allowed under the Willamette Basin Program (OAR 690-502-0160(2)); however, the Department has determined that Well 1 (POLK 52078) will produce groundwater from unconfined alluvium within a quarter mile of the banks of a surface water source and is presumed to be hydraulically connected to the surface water. Under OAR 690-502-0240 such hydraulically connected groundwater shall be classified the same as the surface

**Please note:** Applications are evaluated using the rules in effect at the time the application is accepted as complete. To view the rules relevant for this application, please visit: <https://secure.sos.state.or.us/oard/displayCompilations> and navigate to Chapter 690 (Water Resources Department).

water source. Agriculture use is a classified use under OAR 690-502-0050(1)(b). Irrigation use is **not** a classified use under this rule.

However, OAR 690-502-0240 also states that notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to surface water within a quarter mile of a stream provided that surface water impacts are mitigated through storage releases.

5. The application proposes to mitigate surface water impacts of the proposed use through stored water releases from the U.S. Bureau of Reclamation Willamette Basin Project Reservoirs during the irrigation season. A copy of the fully executed contract has been submitted to the Department.
6. The proposed groundwater use is not within a designated critical groundwater area. OAR 690-310-0080(1)(a).
7. An assessment of groundwater availability has been completed by the Department. A copy of this assessment is in the file and can be viewed on the Department's website. Groundwater for the proposed use is not over-appropriated. OAR 690-310-0080(1)(b); OAR 690-300-0010(57).
8. The Department has determined that the proposed groundwater use will have the potential for substantial interference (PSI) with the Willamette River. OAR 690-009-0040. Therefore, in accordance with OAR 690-300-0010(57)(a) and OAR 690-400-0010(11)(a)(B), surface water availability must be considered. During the period of use requested, surface water is available (at an 80% exceedance probability) from January 1 through December 31 of each year. OAR 690-310-0080(1)(b); OAR 690-300-0010(57); OAR 690-410-0070.
9. If properly conditioned (and if authorized), the proposed use of groundwater will not injure other water rights.
10. The proposed use is not located within or above any state or federal scenic waterway.
11. Because this application will have an impact on surface water flows where sensitive, threatened, or endangered (STE) fish species may be present, this application will be reviewed by the Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality. This review may cause your application to be limited, conditioned, or denied. Depending on the proposed use, you may be required to mitigate for potential impacts identified in the review. See the **Division 33 Review** section below for more information.
12. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.

### Summary of Preliminary Determinations

**The appropriation of 0.31 CFS of water from Well 1 (POLK 52078) in Willamette River Basin, further limited to 61.5 AF annually for irrigation of 24.6 acres from March 1 through October 31, and 61.5 AF annually for agriculture use from November 1 through February 28/29 of each year may be allowable.**

#### **Public Comment:**

Public interest issues and/or public comments will be addressed as the Department prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

#### **Division 33 Review:**

The Department's Division 33 administrative rules (OAR 690-033) establish additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to STE fish species. This Initial Review does not address the potential impact that your proposed use may have on these species.

You may be required to mitigate for potential impacts identified in the Division 33 review process. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water within the impacted reach through purchasing or transferring an existing water right. Following the Initial Review, you will be notified if mitigation is required due to impacts to STE fish species.

If you choose to pursue mitigation, you will likely need to place your application on administrative hold in order to explore options. There will be an additional fee of \$790 required with any mitigation proposal submitted.

#### **At this time, you must decide whether to proceed or to withdraw the application.**

- **To Proceed** - If you choose to proceed with the application, you do not have to notify the Department. The application will 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.
- **To Withdraw** - You may withdraw the application and receive a refund (minus a \$310 processing fee). You must notify the Department **in writing** by **May 9, 2025**. For your convenience you may use the enclosed "STOP PROCESSING" form.

**If a permit is issued, it will likely include the following conditions:**

1. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
2. 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 not be valid, unless the Department authorizes the change in writing.
3. **Water Use Measurement, Recording, and Reporting:**
  - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual 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.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

**4. Well Identification Tag:**

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.

5. The use of water under this right is subject to the terms and conditions of contract No. 239E102212, or a satisfactory replacement, between the U.S. Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

The water source identified in the application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's website at [www.oregon.gov/ODA](http://www.oregon.gov/ODA) to learn more about the plans and how they may affect the proposed water use.

**For Further Information:**

Feel free to contact me at Lucinda.R.Vranizan@water.oregon.gov or 971-375-2256 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0900. When corresponding by mail, please use this address: Lucinda Vranizan, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

*Lucinda Vranizan*

Lucinda Vranizan  
Water Right Application Specialist  
Oregon Water Resources Department

Enclosures: Application Process Description  
Stop Processing Request Form

G-19374  
WAB: 183  
Proposed to Approve

# APPLICATION FACT SHEET

Application File Number: G-19374

Applicant: ROSS F. PARATORE II AND KRISTY PARATORE

County: POLK

Watermaster: JOEL M. PLAHN, #22, NWR

Priority Date: JUNE 15, 2023

Source: WELL 1 (POLK 52078) IN WILLAMETTE RIVER BASIN

Use: IRRIGATION OF 24.6 ACRES AND AGRICULTURAL FOR NURSERY OPERATIONS ON 24.6 ACRES

Quantity: 0.31 CUBIC FOOT PER SECOND, FURTHER LIMITED TO 61.5 ACRE-FEET (AF) ANNUALLY FOR IRRIGATION AND 61.5 AF ANNUALLY FOR AGRICULTURAL FOR NURSERY OPERATIONS

Period of Use: IRRIGATION USE FROM MARCH 1 THROUGH OCTOBER 31, AND AGRICULTURAL FOR NURSERY OPERATIONS FROM NOVEMBER 1 THROUGH FEBRUARY 28/29

Basin Name & Number: WILLAMETTE, #2

WAB: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Well Location(s):

POA Name	Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 1 (POLK 52078)	8 S	4 W	WM	33	SW NE	1560 FEET NORTH AND 875 FEET WEST FROM SE CORNER, DLC 46

Place of Use:

IRRIGATION USE					
Twtp	Rng	Mer	Sec	Q-Q	Acres
8 S	4 W	WM	33	SW NE	1.9
8 S	4 W	WM	33	SW NW	4.1
8 S	4 W	WM	33	SE NW	11.4
8 S	4 W	WM	33	NE SW	4.6
8 S	4 W	WM	33	NW SW	1.4
8 S	4 W	WM	33	NW SE	1.2

NURSERY USE					
Twtp	Rng	Mer	Sec	Q-Q	Acres
8 S	4 W	WM	33	SW NE	1.9
8 S	4 W	WM	33	SW NW	4.1
8 S	4 W	WM	33	SE NW	11.4
8 S	4 W	WM	33	NE SW	4.6
8 S	4 W	WM	33	NW SW	1.4
8 S	4 W	WM	33	NW SE	1.2

**PUBLIC NOTICE DATE: April 29, 2025**

**14 DAY STOP PROCESSING DEADLINE DATE: May 9, 2025**

**30 DAY COMMENT DEADLINE DATE: May 29, 2025**

## **APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our website at: [www.oregon.gov/owrd](http://www.oregon.gov/owrd)

### **1. Pre-application considerations**

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0900.

### **2. Application filing**

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

### **3. Initial Review (IR)**

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.

### **4. Proposed Final Order (PFO)**

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

### **5. Final Order (FO)**

- If no protest is filed, Final Order is issued.

#### ***The protest process***

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- Proposed Order;
- period of time to file exceptions; or
- possible hearing by Water Resources Commission.
- Final Order is issued.

### **Permit holder responsibilities**

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.

## STOP PROCESSING REQUEST FORM

### FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

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- Stop processing deadline is within 14 days of Initial Review.

Applicant notification to withdraw Water Right Application **G-19374**.

After reviewing the Initial Review for my application, I request that processing be stopped, and fees be refunded (minus a \$310 processing fee). I understand that without a valid permit, I may not legally use the water as requested in my application.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Under ORS 537.150(5) and 537.620(5), timely submission of this request authorizes that the water right application process be stopped, and all filing fees (except \$310 processing fee) be returned.

- This notice must be received by the Water Resources Department no later than:

**May 9, 2025**

- Return the notice to:

OWRD, Water Right Services Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A  
Salem, OR 97301-1266

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