



Water Right Application Initial Review

June 13, 2025

MITCHELL AG INVESTMENTS, LLC
DAVID BROWN
9935 SW COMMERCE CIRCLE
WILSONVILLE OR 97070

Reference: Application G-19353

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-19353 proposes the appropriation of 0.528 cubic foot per second (CFS) of water from Well 1 (WASC 52949) in Threemile Creek Basin, further limited to 63.0 acre-feet (AF) annually for primary irrigation of 42.25 acres and 92.0 AF for supplemental irrigation of 92.36 acres, from April 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Irrigation is allowed under the Hood Basin Program (OAR 690-504-0000(1)).
4. The proposed groundwater use is not within a designated critical groundwater area. OAR 690-310-0080(1)(a).
5. 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

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).

proposed use is over-appropriated. Therefore, **groundwater is not available for the proposed use.** OAR 690-310-0080(1)(b); OAR 690-300-0010(57).

6. The Department has determined that **the proposed use would not be within the capacity of available sources.**
7. The Department has determined that the proposed groundwater use will not have the potential for substantial interference (PSI) with surface water. OAR 690-310-0080(1)(b); OAR 690-009-0040.
8. If properly conditioned (and if authorized), the proposed use of groundwater will not injure other water rights.
9. The proposed use is not located within or above any state or federal scenic waterway.
10. The proposed place of use for supplemental irrigation is identified on the application as 92.34 acres; however, the submitted application map shows 92.36 acres proposed for supplemental irrigation. The Department will proceed with processing the application using the mapped 92.36 acres unless requested otherwise by the applicant.
11. The Department considers primary irrigation and supplemental irrigation as separate uses; however, the exam fees submitted with this application only included payment for one use. The total exam fees necessary to process your application is \$2,390. The Department received a total of \$2,590 when you submitted your application (which included exam fees for one use and the permit recording fee). This is sufficient to provide the exam fees for two uses; however, any permit that might be issued under this application will require payment of the remaining portion of permit recording fees. This fee is not due at this time.
12. The entire area proposed for supplemental irrigation is currently covered by existing rights from the same source, evidenced by Certificates 79869, 93615 and 93616, which conflict with this application. Although it is unlikely a permit will be issued, any permit that may be issued under this application will exclude the proposed supplemental irrigation unless the conflict is resolved by another means, such as voluntary cancellation of these certificates.
13. 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 0.528 CFS of water from Well 1 (WASC 52949) in Threemile Creek Basin, further limited to 63.0 AF annually for primary irrigation of 42.25 acres and 92.0 AF for supplemental irrigation of 92.36 acres, from April 1 through October 31 of each year is not 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.

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 **June 27, 2025**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Although it is unlikely that a permit will be issued, if the Department's findings change and 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.

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 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-19353
WAB: No PSI
Proposed to Deny

APPLICATION FACT SHEET

Application File Number: G-19353

Applicant: MITCHELL AG INVESTMENTS, LLC AND DAVID BROWN

County: WASCO

Watermaster: ROBERT L. WOOD, #3, NCR

Priority Date: FEBRUARY 28, 2023

Source: WELL 1 (WASC 52949) IN THREEMILE CREEK BASIN

Use: PRIMARY IRRIGATION OF 42.25 ACRES AND SUPPLEMENTAL IRRIGATION OF 92.36 ACRES

Quantity: 0.528 CUBIC FOOT PER SECOND, FURTHER LIMITED TO 63.0 ACRE-FEET (AF)
ANNUALLY FOR PRIMARY IRRIGATION AND 92.0 AF FOR SUPPLEMENTAL IRRIGATION

Period of Use: APRIL 1 THROUGH OCTOBER 31

Basin Name & Number: HOOD, #4

WAB: THREEMILE CR > COLUMBIA R - AT MOUTH

Well Location(s):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	13 E	WM	33	NW NW	900 FEET SOUTH AND 310 FEET EAST FROM NW CORNER, SECTION 33

Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	28	SW SW	17.85
1 N	13 E	WM	29	SE SE	9.07
1 N	13 E	WM	32	NE NE	3.81
1 N	13 E	WM	33	NW NW	11.52

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	28	SE NW	18.9
1 N	13 E	WM	28	NE SW	19.72
1 N	13 E	WM	28	SW SW	12.42
1 N	13 E	WM	28	SE SW	27.82
1 N	13 E	WM	33	NE NW	4.66
1 N	13 E	WM	33	NW NW	8.84

PUBLIC NOTICE DATE: June 17, 2025

14 DAY STOP PROCESSING DEADLINE DATE: June 27, 2025

30 DAY COMMENT DEADLINE DATE: July 17, 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

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

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

Applicant notification to withdraw Water Right Application **G-19353**.

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:

June 27, 2025

- Return the notice to:

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