

**Oregon Water Resources Department
Water Right Services Division**

Water Right Application G-19216 in the	)	
name of CHEMEKETA COMMUNITY	)	PROPOSED FINAL ORDER
COLLEGE	)	

Summary: The Department proposes to issue an order approving Application G-19216 and a permit consistent with the attached draft permit.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410, and the Willamette Basin Program (OAR 690-502). These statutes and rules can be viewed on the following website: www.oregon.gov/OWRD/programs/policylawandrules

The Department's main website can be found at: www.oregon.gov/OWRD

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 if:

- a) 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);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission.

ORS 537.621(2); OAR 690-310-0130.

All four criteria must be met for a proposed use to be presumed to ensure the preservation of the public welfare, safety and health. When the criteria are met and the presumption is established, the Department shall further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies, and any other available information to determine whether the presumption is overcome. OAR 690-310-0140(3).

If the Department determines that the presumption is established and not overcome, the Department shall issue a Proposed Final Order recommending issuance of the permit subject to any appropriate modifications or conditions.

FINDINGS OF FACT

Application History

1. On October 28, 2021, Chemeketa Community College filed a complete application for the following water use:

 Source: WELL 1 (MARI 4092) IN JONES DITCH BASIN
 Use: COMMERCIAL USE (INCLUDING FIRE-FIGHTING TRAINING) AND IRRIGATION OF 1.4 ACRES
 Rate: 0.67 CUBIC FOOT PER SECOND (CFS), BEING 0.089 CFS, FURTHER LIMITED TO 61.0 ACRE-FEET (AF) ANNUALLY FOR COMMERCIAL USE AND 3.5 AF ANNUALLY FOR IRRIGATION, AND UP TO 0.67 CFS FOR COMMERCIAL USE FOR FIRE-FIGHTING TRAINING
 Period of Use: JANUARY 1 THROUGH DECEMBER 31 FOR COMMERCIAL USE AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION
 County: MARION COUNTY
 Place of Use: SECTION 17, TOWNSHIP 6 SOUTH, RANGE 2 WEST, W.M.
2. On July 19, 2024, the Department mailed the applicant notice of its Initial Review, determining that the appropriation of 0.67 CFS of water from Well 1 (MARI 4092) in Jones Ditch Basin, being 0.089 CFS, further limited to 61.5 AF annually, for year-round commercial use, 0.018 CFS further limited to 3.5 AF annually for irrigation of 1.4 acres from March 1 through October 31, and up to 0.67 CFS for year-round commercial use for fire-fighting training may be allowable. The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On July 23, 2024, the Department noticed the application in its weekly public notice, requesting comments and providing information for interested persons about obtaining future notices and a copy of the Proposed Final Order.
4. The Department's continuing evaluation reveals that the following corrections to the Initial Review are necessary to accurately reflect the application for a Permit. The annual amount of water requested for commercial use is identified on the application as 61.0 AF. The Initial Review Summary of Preliminary Determinations should be corrected to state:
 - a. The appropriation of 0.67 CFS of water from Well 1 (MARI 4092) in Jones Ditch Basin, being 0.089 CFS, further limited to 61.0 AF annually, for year-round commercial use, 0.018 CFS further limited to 3.5 AF annually for irrigation of 1.4 acres from March 1 through October 31, and up to 0.67 CFS for year-round commercial use for fire-fighting training may be allowable.
5. On September 10, 2024, the applicant requested to place the application on a 180-day administrative hold. This hold expired on March 9, 2025.
6. On March 20, 2025, the applicant provided a March static water level measurement for MARI 4092 to assist the Department's groundwater section in establishing a reference groundwater level.
7. On April 4, 2025, the groundwater section provided an updated permit condition incorporating a reference level for MARI 4092, which is Permit Specific Condition #3 on the attached draft permit.

Presumption Criterion (a) - Consistency with Basin Program

8. Commercial (including fire-fighting training) and irrigation uses are allowed under the Willamette Basin Program (OAR 690-502-0160(2)). ORS 537.621(3)(b); OAR 690-310-0150(2)(b).
9. The proposed groundwater use is not within a designated critical groundwater area. ORS 537.621(3)(b); OAR 690-310-0150(2)(b).

Presumption Criterion (b) - Water Availability

10. 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. In addition, the Department has determined that the proposed groundwater use will not have the potential for substantial interference (PSI) with surface water. OAR 690-009-0040. Therefore, water is available for the proposed use. ORS 537.621(3)(c); OAR 690-310-0150(2)(c); OAR 690-300-0010(57).

Presumption Criterion (c) - Injury Determination

11. If properly conditioned (and if authorized), the proposed use of groundwater will not injure other water rights. ORS 537.621(3)(d); OAR 690-310-0150(2)(e).

Presumption Criterion (d) - Whether the Use Complies with Rules of the Commission

12. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded. ORS 537.621(3)(b); OAR 690-310-0150(2)(b).
13. The proposed use is not located within or above a state scenic waterway, as designated under ORS 390.826. OAR 690-310-0260.

Presumption that a Proposed Use will Ensure the Preservation of the Public Welfare, Safety and Health under ORS 537.525

Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.621(2); OAR 690-310-0150(2)(g).

Further Evaluation of the Proposed Use

14. One comment submitted by the agent on behalf of the applicant was received by the close of the comment period. OAR 690-310-0140(3)(a).
15. In summary, the commenter expressed concern that a reference level for MARI 4092 would be set after final order issuance and identified that the applicant intended to place the application on administrative hold to allow time to provide the Department with a March static water level measurement. This measurement was received by the Department and is incorporated into the draft permit as described in Findings of Fact #6 and #7.
16. Information available in Department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the proposed use would not ensure the preservation of the public welfare, safety and health under ORS 537.525. OAR 690-310-0140(3).

Other Criteria and Requirements

17. The amount of water requested for commercial use, 0.089 CFS, further limited to 61.0 AF annually, and the amount of water requested for commercial use including fire-fighting training, 0.67 CFS, is necessary for the proposed use. The amount of water requested for irrigation is in excess of the standard rate. The amount of water for irrigation is limited to 0.018 CFS, further limited to 3.5 AF annually, in the attached draft permit. ORS 537.621(3)(c); OAR 690-310-0150(2)(d).
18. The applicant proposed measures to prevent waste, measure the amount of water appropriated, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream and to prevent damage to public uses of any affected surface waters. These measures are included in Sections 6 and 8 of the application. OAR 690-310-0150(2)(j).
19. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

CONCLUSION OF LAW

1. The proposed use, as conditioned, would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

NOTE: 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.

PROPOSED ORDER

The Department recommends approval of Application G-19216 and issuance of a permit consistent with the attached draft permit.

DATED September 23, 2025



Raymond Eliot Crafton
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than **November 7, 2025**.

As provided in ORS 537.621(7), ORS 536.050(1)(j), and OAR 690-002-0025 — 0035, protests must be in writing and 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, a protest fee of \$720 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$1,425 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.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), 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 **November 7, 2025**. 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 \$405. If a hearing is scheduled, an additional fee of \$1,020 must be submitted along with a petition for party status.

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 timely file a protest or timely request a hearing, 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. OAR 137-003-0670.

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.

Notice To Active Duty Servicemembers: Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

-
- If you have any questions about statements contained in this document, please contact Amanda Mather at Amanda.L.Mather@water.oregon.gov or 971-718-7937.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at Will.D.Davidson@water.oregon.gov or 503-507-2749.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to: Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CHEMEKETA COMMUNITY COLLEGE
4000 LANCASTER DR NE
SALEM OR 97309

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

APPLICATION FILE NUMBER: G-19216

SOURCE OF WATER: WELL 1 (MARI 4092) IN JONES DITCH BASIN

PURPOSE OR USE: COMMERCIAL USE (INCLUDING FIRE-FIGHTING TRAINING) AND IRRIGATION OF 1.4 ACRES

MAXIMUM RATE: 0.67 CUBIC FOOT PER SECOND (CFS), BEING 0.089 CFS FURTHER LIMITED TO 61.0 ACRE-FEET (AF) ANNUALLY FOR COMMERCIAL USE, 0.018 CFS FURTHER LIMITED TO 3.5 AF ANNUALLY FOR IRRIGATION, AND UP TO 0.67 CFS FOR COMMERCIAL USE FOR FIRE-FIGHTING TRAINING

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31 FOR COMMERCIAL USE (INCLUDING FIRE-FIGHTING TRAINING) AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 28, 2021

AUTHORIZED POINT OF APPROPRIATION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1 (MARI 4092)	6 S	2 W	WM	17	NW SE	880 FEET SOUTH AND 135 FEET EAST FROM C1/4 CORNER, SECTION 17

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

AUTHORIZED PLACE OF USE:

COMMERCIAL USE				
Twp	Rng	Mer	Sec	Q-Q
6 S	2 W	WM	17	NE SW
6 S	2 W	WM	17	SE SW
6 S	2 W	WM	17	NW SE
6 S	2 W	WM	17	SW SE

IRRIGATION USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	17	NE SW	0.9
6 S	2 W	WM	17	SE SW	0.2
6 S	2 W	WM	17	NW SE	0.3

PERMIT SPECIFIC CONDITIONS

1. 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.
2. **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.
3. **Groundwater Level Measurement, Reporting, and Shut-Off Condition:**

For each well on this authorization, beginning on the permit signature date for existing wells or in the year well construction is completed for new wells, and each year thereafter, the permit holder must report a static water-level measurement ("measurement") taken in March. The measurement is required whether the well is used or not. If pumping is to commence following completion of the well and prior to the next March, then a measurement must be made at least one week following well completion and before pumping commences.

Measurements must be properly reported within 30 days of measurement using forms specified by the Department. A measurement will be properly reported if the submission includes all required information as listed in the document attached. Measurements must be made with equipment that is accurate to the standards specified in Oregon Administrative Rule (OAR) 690-217-0045.

Measurements must be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed land surveyor, licensed well constructor, pump installer licensed by the Construction Contractors Board, or Department staff. The Department is not responsible for regular measurement of the static water level, but Department staff may measure the well during the normal course of groundwater level monitoring or to confirm the submitted measurement(s).

For each well on this permit, the Department has established a reference groundwater level using the best available data (see table below). In case the permit is amended or the subsequent

certificate is transferred, the Department may establish a new reference level for any new or additional wells under new permits or certificates issued under this right. The reference level for a new or additional well should reflect the highest static water level in that well or, if that measurement occurred after the time represented by the original reference level, then the water level that would have been measured in that well, if the well existed and was measured at the time represented by the original reference level.

The Department established the following reference levels for the following wells on this permit:

POA Number	Well Name	Well Log ID	Water Level Depth (feet below land surface)	Measurement Date (if applicable)
1	Well 1	MARI 4092	33.35	3/3/2025

All water use authorized under this permit must immediately stop if any of the following occur:

- A. Any annual high elevation static groundwater level in any well on this permit declines 25 or more feet below the reference level for that well, or
- B. Groundwater levels are not measured and properly reported as specified above for any completed well that is authorized on the permit for two consecutive years, or
- C. Hydraulic interference contributes to a decline of 25 or more feet in any neighboring well with senior priority, at any time during the year.

The Department will determine when any of the above conditions have occurred and may order the permit holder to stop all water use under this permit. The permit holder is also responsible for stopping all water use if they become aware that any of the conditions have occurred, even without notice from the Department. Following such a stop, water use under this permit will not be allowed and may only resume once the permit holder receives notice from the Department. If the permit holder fails to stop use, then the Department may take control of the controlling works of any wells authorized under this permit and may reduce the amount of groundwater pumped until the unlawful use is eliminated.

The permit holder acknowledges that one or more of the conditions requiring stoppage of use may occur prior to any use of any well on this permit.

The Department may allow the permit holder to pause annual water level measurement and reporting requirements from some of the permitted wells if measurements from those wells are redundant with other data being collected by the Department. The permit holder must receive written notification of such an allowance before stopping measurements. If this happens, the Department may reinstate the measurement requirements at any time.

4. Groundwater production shall be only from the alluvial groundwater reservoir.

5. 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.

STANDARD CONDITIONS

1. 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.
2. If substantial interference with surface water or 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.
3. The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.
4. 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.
5. 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.
6. 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.

DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. 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.
2. 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.

3. Complete 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.
4. Within one year after complete application of water to the proposed use, 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

Raymond Eliot Crafton
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department