



Oregon

Theodore R. Kulongoski, 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

**CERTIFIED MAIL
Return Receipt Requested**

KEVIN AND CARRIE DUYCK
37995 NW HARRINGTON RD
CORNELIUS, OR 97113

August 29, 2008

Reference: File G-17027

Dear Mr. and Mrs. Duyck:

**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 a water use permit 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 to use 1.48 cubic feet per second (CFS), from a well in Bledsoe Creek Basin for nursery uses year-round, wildlife from October 1 through January 1, irrigation use on 68.6 acres and supplemental irrigation use on 50.0 acres from March 1 through October 31.
2. The proposed uses are not prohibited by law or rule except where otherwise noted below.
3. The use of water from a well in Bledsoe Creek Basin for wildlife and irrigation use is allowable under the Willamette Basin Program.

Uses included in nursery use are fully included in irrigation and agriculture uses, both of which are allowed by OAR 690-502, the Willamette Basin Program. Therefore, the use of water from a well in Bledsoe Creek Basin for nursery use is classified.

4. Ground water will not likely be available in the amounts requested without injury to prior rights and/or within the capacity of the resource.

The Department has determined, based upon OAR 690-009, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

5. The proposed supplemental use shall be limited to match that of the primary water right. The Tualatin River Decree allows the use of water for irrigation from May 1 through September 30. If the application is approved, the season allowed will be May 1 through September 30.
6. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 1.48 CFS of water from a well in Bledsoe Creek Basin for nursery uses, wildlife, irrigation use on 68.6 acres and supplemental irrigation use on 50.0 acres is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Required:

Additional information is required to process your application. Please provide the following:

- The Department has determined additional fees are needed to continue processing your application. The Department must receive exam fees in the amount of \$200.00. Please include your application number on your check made out to the Oregon Water Resources Department. Your exam requirements consisted of:

Base fee	\$500.00
Up to 1 st CFS.....	\$200.00
Additional CFS.....	\$100.00
Three additional uses.....	<u>\$600.00</u>
Total Exam Fee Required.....	\$1,400.00
Total Exam Fee Paid.....	\$1,200.00

Although it is unlikely that a permit will be issued, if the Department’s findings change, additional information will be required:

- The Department is unable to determine any conflicts with other water rights at this time due to the map not meeting requirements. The number of acres to be used for each use in each quarter-quarter section must be clearly indicated on the map and identified by shading or hatching. The application map does not show the location or number of acres for nursery use, primary irrigation and supplemental

irrigation. The map shows the total number of acres within each quarter-quarter section but does not differentiate between nursery use, primary irrigation and supplemental irrigation. Please provide a map that shows the number of acres to be used in each quarter-quarter section for nursery use, primary irrigation and supplemental irrigation by hatchuring.

- The map submitted with your application shows 7 acres in the SWNE, Section 4, Township 1 North, Range 3 West, W.M., whereas your application shows that you are applying for 8.6 acres. Please submit information to clarify intended acreage. If the map is incorrect, you will need to submit an updated map. If you do not submit clarification on this matter, we will rely on acreage shown on your map.

Please submit this information no later than Thursday, October 2, 2008. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a proposed final order recommending denial of the application.

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 \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, September 12, 2008**. 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, shall keep a complete record of the amount of water used 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.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

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 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 503-986-0815 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: Joel Plahn, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Plahn". The signature is fluid and cursive, written over a white background.

Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17027
GW

APPLICATION FACT SHEET

Application File Number: G-17027

Applicant: KEVIN AND CARRIE DUYCK

County: WASHINGTON

Watermaster: 18

Priority Date: MARCH 26, 2008

Source: A WELL IN BLEDSOE CREEK BASIN

Use: NURSERY USES, WILDLIFE, IRRIGATION USE ON 68.6 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 50.0 ACRES

Quantity: 1.48 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 20A E FK DAIRY CR MISC

Well Location(s): NWNW, SECTION 4, T1N, R3W, W.M.; 920 FEET SOUTH AND 660 FEET EAST FROM NW CORNER, SECTION 4

Place of Use:

NW ¼	NE ¼	NURSERY & WILDLIFE
NW ¼	NE ¼	0.8 ACRE IRRIGATION
NW ¼	NE ¼	2.6 ACRES SUPPLEMENTAL IRRIGATION
SW ¼	NE ¼	NURSERY & WILDLIFE
SW ¼	NE ¼	7.0 ACRES SUPPLEMENTAL IRRIGATION
NE ¼	NW ¼	NURSERY & WILDLIFE
NE ¼	NW ¼	5.6 ACRES IRRIGATION
NE ¼	NW ¼	5.0 ACRES SUPPLEMENTAL IRRIGATION
NW ¼	NW ¼	NURSERY & WILDLIFE
NW ¼	NW ¼	15.1 ACRES IRRIGATION
NW ¼	NW ¼	0.7 ACRE SUPPLEMENTAL IRRIGATION
SW ¼	NW ¼	NURSERY & WILDLIFE
SW ¼	NW ¼	33.3 ACRES IRRIGATION
SW ¼	NW ¼	2.0 ACRES SUPPLEMENTAL IRRIGATION
SE ¼	NW ¼	NURSERY & WILDLIFE
SE ¼	NW ¼	5.9 ACRES IRRIGATION
SE ¼	NW ¼	3.8 ACRES SUPPLEMENTAL IRRIGATION
NW ¼	SW ¼	NURSERY & WILDLIFE
NW ¼	SW ¼	0.4 ACRE IRRIGATION

SECTION 4

NE ¼	NE ¼	NURSERY & WILDLIFE
NE ¼	NE ¼	6.6 ACRES IRRIGATION

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.6 ACRES SUPPLEMENTAL IRRIGATION
SE $\frac{1}{4}$ NE $\frac{1}{4}$ NURSERY & WILDLIFE
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.5 ACRES IRRIGATION
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21.7 ACRES SUPPLEMENTAL IRRIGATION
SECTION 5
TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 12, 2008

PUBLIC NOTICE DATE: Tuesday, September 2, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, October 2, 2008

Mailing List for IR Copies

Application #G-17027

IR Date: August 29, 2008

Original mailed to applicant:

KEVIN AND CARRIE DUYCK , 37995 NW HARRINGTON RD, CORNELIUS, OR 97113

Copies sent to:

1. WRD - File # G-17027
2. WRD - Water Availability: Ken Stahr

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 18
4. Department of Agriculture

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

5. Dick Verboart

Caseworker: Joel Plahn

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