



# 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**

CHRISTOPHER REARDON  
9580 SE 282<sup>ND</sup> AVE  
BORING, OR 97009

September 5, 2008

Reference: File G-17056

Dear Mr. Reardon:

**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 the use of 78.0 gallons per minute, which is 0.17 cubic foot per second (CFS) of water from Well 2 for year-round supplemental nursery use on 6.94 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. As you are aware, the proposed place of use has an underlying ground water right, Permit G-12682 (Application G-13935). Further review of the proposed source of water under this application (Well 2) and the authorized point of appropriation under Permit G-12682 (Well 1), indicate that Well 2 will develop water from the same ground water source as that of Well 1. Because these wells develop water from the same groundwater source, Well 2 may not be used as a supplemental source to Well 1.

However, Well 2 may be used to make up a deficiency in rate on lands covered under Permit G-12682. Permit G-12682 allowed 1/40 CFS per acre, which is 0.17 CFS for 6.94 acres proposed by Application G-17056. Based on standard rate limitations of 0.15 CFS per acre, the maximum amount of water allowed for 6.94 acres is 1.04 CFS. Although

there is a 0.87 CFS deficiency in rate (1.04 CFS - 0.17 CFS), Application G-17056 only requested 0.17 CFS. **Therefore, the Department shall consider 0.17 CFS of water from Well 2 for year-round nursery use on 6.94 acres for the purpose of making up a deficiency in rate.**

4. 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 Well 2 in Johnson Creek Basin for nursery use, to make up a deficiency in rate, is classified.
5. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and 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.

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 Initial Determinations**

**The use of 0.17 CFS of water from Well 2 in Johnson Creek Basin for nursery use, to make up a deficiency in rate, on 6.94 acres is allowable year-round.**

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process where public interest factors will be evaluated.

#### **Additional Information Required**

The map submitted does not meet the requirements of OAR 690-310-0050(4)(a), which requires that tax lots be shown on the application map. Please provide a map that shows the tax lots that encompass the place of use as well as the point of diversion.

**Please submit this information no later than October 5, 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.

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.

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 19, 2008**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

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. 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.

3. 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.
4. (1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
  - (a) An average water level decline of three or more feet per year for five consecutive years; or
  - (b) A total water level decline of fifteen or more feet; or
  - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
  - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
  - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
  - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.
  - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
  - (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when

any of the declines cited in section (1) are evidenced by the well measurement required in this section.

5. The well shall produce ground water only from the Deep Troutdale ground water reservoir between at least 200 feet and 500 feet below land surface.
6. All wells on this permit shall be continuously cased and continuously sealed to a depth of at least 200 feet below land surface.
7. Prior to appropriating water from wells under this permit, the permittee shall ensure that all wells have an Oregon Water Resources Department (Department) well identification number or well tag number. If a well does not have an identification or tag number, the permittee shall apply for one from the Department. The well identification or tag number shall be attached to the well and shall be used as a reference number for any correspondence regarding the well including any water use, water level, or pump test reports.

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 503-986-0808 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: Brook Geffen, 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 that reads "Brook Geffen" with a horizontal flourish extending to the right.

Brook Geffen  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17056, WAB 2-NA, POU 2-NA, GW-NA

# APPLICATION FACT SHEET

Application File Number: G-17056

Applicant: CHRISTOPHER REARDON

County: CLACKAMAS

Watermaster: 20

Priority Date: MAY 20, 2008

Source: WELL 2 IN JOHNSON CR BASIN

Use: NURSERY USE ON 6.94 ACRES

Quantity: 0.17 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 18B JOHNSON CR MISC

Well Location(s): NWSW, SECTION 30, T1S, R4E, W.M.; NORTH 30 DEGREES 9 MINUTES 8 SECONDS EAST, 2136 FEET FROM SW CORNER, SECTION 30

Place of Use:

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  3.25 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  3.69 ACRES  
SECTION 30  
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 19, 2008**

**PUBLIC NOTICE DATE: Tuesday, September 9, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, October 9, 2008**

# Mailing List for IR Copies

Application #G-17056

IR Date: September 5, 2008

## Original mailed to applicant:

CHRISTOPHER REARDON , 9580 SE 282ND, BORING, OR 97003

## Copies sent to:

1. WRD - File # G-17056
2. WRD - Water Availability: Ken Stahr

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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## IR, Map, and Fact Sheet Copies sent to:

3. WRD -Watermaster # 20
4. Department of Agriculture

## Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

5. J. H. Greenman, CWRE #056, HRS, INC, 15 SE 82<sup>nd</sup> Drive, Gladstone, OR 97027

Caseworker: Brook Geffen

COPYSH.T.IR

**REMINDER:** Copy all IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)