



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

RAY AND PAULA BENZEL
80650 WAMIC MARKET RD
WAMIC, OR 97063

September 12, 2008

Reference: File G-17064

Dear Mr. and Mrs. Benzel:

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 175.0 gallons per minute, which is 0.39 cubic foot per second (CFS), from Well 1 (WASC 51413) in Threemile Creek Basin for supplemental irrigation use on 168.8 acres from March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (WASC 51413) in Threemile Creek Basin for supplemental irrigation use is allowable under the Deschutes Basin Program.
4. 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.

5. The application proposed supplemental irrigation of 40.0 acres in the NE 1/4 of the NE 1/4 of Section 13, Township 4S, Range 12E. However, the Department's records show only 31.2 primary acres in the NE 1/4 of the NE 1/4. Therefore, the difference, being 8.8 acres will be considered primary under this application.
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 0.39 CFS from Well 1 (WASC 51413) in Threemile Creek Basin for irrigation use on 8.8 acres and supplemental irrigation use on 160.0 acres is allowable during the full period requested, March 1 through October 31.

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
One additional use.....	\$200.00
Total Exam Fee Required.....	\$900.00
Total Exam Fee Paid.....	\$700.00

- On the enclosed copy of your application map, please show the number of acres to be used for irrigation use and supplemental irrigation use in the NE 1/4 of the NE 1/4 of Section 13, Township 4S, Range 12E by hatchuring.

Please submit this information no later than Thursday, October 16, 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.

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.

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 26, 2008**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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 at each point of appropriation. The permittee shall maintain the meter(s) in good working order. The permittee 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(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
2. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall report one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the

Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

- 3. 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). A tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID, the permittee shall apply for one from the Department and attach it to the well within 60 days of the date the permit is issued. 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.
- 4. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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".

Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17064
GW

APPLICATION FACT SHEET

Application File Number: G-17064

Applicant: RAY AND PAULA BENZEL

County: WASCO

Watermaster: 3

Priority Date: JUNE 5, 2008

Source: WELL 1 (WASC 51413) IN THREEMILE CREEK BASIN

Use: SUPPLEMENTAL IRRIGATION USE ON 168.8 ACRES

Quantity: 0.39 CUBIC FOOT PER SECOND

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 3 THREEMILE CR & MISC

Well Location(s): NENW, SECTION 13, T4S, R12E, W.M.; 15 FEET SOUTH AND 2775 FEET WEST FROM NE CORNER, SECTION 13

Place of Use:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 19.6 ACRES
SECTION 12

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 37.5 ACRES
SECTION 13

TOWNSHIP 4 SOUTH, RANGE 12 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 26, 2008

PUBLIC NOTICE DATE: Tuesday, September 16, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, October 16, 2008

Mailing List for IR Copies

Application #G-17064

IR Date: September 12, 2008

Original mailed to applicant:

RAY AND PAULA BENZEL , 80650 WAMIC MARKET RD, WAMIC, OR 97063

Copies sent to:

1. WRD - File # G-17064
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: NC
4. WRD - Watermaster # 3
5. Department of Agriculture
6. State Parks

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

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

Toll, Larry, CWRE #132

Tenneson Engineering Corp, 409 Lincoln Street, The Dalles OR 97058

Caseworker: Joel Plahn

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

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