



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

September 12, 2008

H.W. AND JUDITH (PACHY) BURNS
63131 RHEA CREEK RD
IONE, OR 97843

Reference: File G-17021

Dear Mr. and Mrs. Burns:

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 3.0 cubic feet per second (CFS) of water from Well1 and Well 2 in Rhea Creek Basin for irrigation use on 161.0 acres and supplemental irrigation use on 125.6 acres from March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 and Well 2 in Rhea Creek Basin for irrigation use and supplemental irrigation use is allowable under the Umatilla Basin Program.
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.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 3.0 CFS of water from Well 1 and Well 2 in Rhea Creek Basin for irrigation use on 161.0 acres and supplemental irrigation use on 125.6 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.

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 26, 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.

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 503-986-0816 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: Kerry Kavanagh, 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 "K Kavanagh". The signature is fluid and cursive, with the first letter of "K" being large and stylized.

Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17021
WAB 7-30710418
POU 7-
GW no psi

APPLICATION FACT SHEET

Application File Number: G-17021

Applicant: H.W. AND JUDITH (PACHY) BURNS

County: Morrow

Watermaster: 21

Priority Date: March 10, 2008

Source: WELL 1 AND WELL 2 IN RHEA CREEK BASIN

Use: IRRIGATION USE ON 161.0 ACRES; SUPPLEMENTAL IRRIGATION USE ON 125.6 ACRES

Quantity: 3.0 CUBIC FEET PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 4A RHEA CR & MISC

Well Locations:

WELL 1 - NESE, SECTION 14, T2S, R24E, W.M.;1900 FEET NORTH AND 750 FEET WEST FROM SE CORNER, SECTION 14

WELL 2 -NWNW, SECTION 24, T2S, R24E, W.M.;1200 FEET SOUTH AND 820 FEET EAST FROM NW CORNER, SECTION 24

Place of Use: **Primary** **Supplemental**

NE ¼ SW ¼	0.1 ACRE	9.8 ACRES
SE ¼ SW ¼	0.8 ACRE	1.4 ACRES
NW ¼ SE ¼		7.0 ACRES
SW ¼ SE ¼		24.5 ACRES
SE ¼ SE ¼		0.4 ACRE

SECTION 11

NE ¼ SW ¼	19.4 ACRES	
NW ¼ SW ¼	1.8 ACRES	1.1 ACRES
SW ¼ SW ¼	8.6 ACRES	11.0 ACRES
SE ¼ SW ¼	18.6 ACRES	
NE ¼ SE ¼	14.9 ACRES	
NW ¼ SE ¼	28.3 ACRES	
SW ¼ SE ¼	9.4 ACRES	

SECTION 13

Place of Use (cont):	<u>Primary</u>	<u>Supplemental</u>
NE ¼ NE ¼		9.1 ACRES
NW ¼ NE ¼		15.7 ACRES
SE ¼ NE ¼	0.7 ACRE	13.8 ACRES
NE ¼ SE ¼	14.2 ACRES	10.1 ACRES
NW ¼ SE ¼	5.8 ACRES	
SW ¼ SE ¼	26.6 ACRES	
SE ¼ SE ¼	5.2 ACRES	13.9 ACRES
SECTION 14		
NW ¼ NW ¼	6.6 ACRES	7.8 ACRES
SECTION 24		
TOWNSHIP 2 SOUTH, RANGE 24 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-17021

IR Date: September 12, 2008

Original mailed to applicant:

H.W. AND JUDITH (PACHY) BURNS
63131 RHEA CREEK RD
IONE, OR 97843

Copies sent to:

1. WRD - File # G-17021
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies

3. WRD - Watermaster #21
4. WRD - Regional Manager: NC

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

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

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

Caseworker: Kerry Kavanagh

\\COPYSHT.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.)