



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

ROGER EDIGER
54229 HWY 26
MOUNT VERNON, OR 97865

August 1, 2008

Reference: File G-17015

Dear Mr. Ediger:

**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 1.0 cubic foot per second (CFS) from a well in the McClellan Creek Basin for irrigation use on 20.93 acres and supplemental irrigation use on 50.0 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 a well in McClellan Creek Basin for irrigation use is allowable under the John Day 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 proposed supplemental use shall be limited to match that of the primary water rights Certificate 24864, 25337 and 25726, which allow the use of water for irrigation from April 1 through September 30. If the application is approved, the season allowed for supplemental irrigation will be April 1 through September 30.

6. The proposed use is located above the John Day Scenic Waterway, as designated under ORS 390.826.
7. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. Your application requested 1.0 CFS for 70.93 acres. If the application is approved, the rate allowed will be limited to 0.89 CFS, being 0.26 CFS for primary irrigation and 0.63 CFS for supplemental irrigation.

Summary of Initial Determinations

The use of 0.89 CFS, being 0.26 CFS for irrigation use on 20.93 acres from March 1 through October 31 and 0.63 CFS for supplemental irrigation use on 50.0 acres from April 1 through September 30 from a well in McClellan Creek Basin may be allowed.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process where public interest factors will be evaluated. However, due to **#5 and 7** above, your application will likely be limited accordingly.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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, August 15, 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. 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

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. 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. The well(s) shall produce ground water only from the bedrock ground water reservoir.
- 4. Ground water production shall not be shallower than 100 feet below land surface.
- 5. 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,



Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17015
GW

APPLICATION FACT SHEET

Application File Number: G-17015

Applicant: ROGER EDIGER

County: GRANT

Watermaster: 4

Priority Date: MARCH 3, 2008

Source: A WELL IN MCCLELLAN CREEK BASIN

Use: IRRIGATION USE ON 20.93 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 50.0 ACRES

Quantity: 1.0 CUBIC FOOT PER SECOND

Basin Name & Number: John Day, #6

Stream Index Reference: Volume 1 JOHN DAY AB KIMBERLY MISC

Well Location(s): SWNW, SECTION 36, T13S, R29E, W.M.; 2160 FEET SOUTH AND 500 FEET EAST FROM NW CORNER, SECTION 36

Place of Use:

	IRRIGATION	SUPPLEMENTAL IRRIGATION
NW ¼ NW ¼	1.9 ACRES	4.0 ACRES
SW ¼ NW ¼	6.2 ACRES	14.0 ACRES
SE ¼ NW ¼		12.8 ACRES
NE ¼ SW ¼		13.0 ACRES
NW ¼ SW ¼	4.6 ACRES	1.9 ACRES
SW ¼ SW ¼	7.3 ACRES	0.1 ACRE
SE ¼ SW ¼	0.2 ACRE	4.2 ACRES

SECTION 25

NE ¼ NW ¼ 0.03 ACRE

NW ¼ NW ¼ 0.7 ACRE

SECTION 36

TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 15, 2008

PUBLIC NOTICE DATE: Tuesday, August 5, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, September 4, 2008

Mailing List for IR Copies

Application #G-17015

IR Date : August 1, 2008

Original mailed to applicant:

ROGER EDIGER, 54229 HWY 26, MOUNT VERNON, OR 97865

Copies sent to:

1. WRD - File # G-17015
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR): NC
4. WRD - Watermaster # 4
5. Department of Agriculture

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

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

Caseworker: Joel Plahn

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