



# 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**

KYLE L. AND HOLLY J. DUNNING  
4635 NE ELLIOTT CIRCLE  
CORVALLIS, OR 97330

November 14, 2008

Reference: File G-16901

Dear Mr. and Mrs. Dunning:

**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 0.56 cubic foot per second (CFS) of water from Well 1 in Frazier Creek Basin for irrigation use on 175.3 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 application materials submitted are insufficient to complete the public interest review for a ground water application under OAR 690-09. Specifically, the application lacks detailed information describing well development which is required for each well: well diameter, type and size of casing, number of feet of casing, intervals casing is perforated (in feet), seal depth, estimated depth to water, estimated depth to water-bearing stratum, type of access port or measuring device, and total well depth. No well log was submitted. Without a well log, or other detailed information which describes the well development, there is no way to determine if there is a health threat or a threat to the ground water resource. Please refer to the **Additional Information Required** section below for details.

4. The use of water from Well 1 in Frazier Creek Basin for irrigation use is allowable under the Willamette Basin Program. However, this determination may change once we are in receipt of the well information and are able to complete the public interest review.
5. Although the application materials are insufficient to complete the ground water review, the Ground Water Section has determined that the proposed ground water use will not likely be available in the amount requested within the capacity of the resource.
6. We are unable to determine if Well 1 meets the minimum well construction standards. Once we are in receipt of well information, we will be able to determine if Well 1 meets the minimum well construction standards.

### Summary of Allowable Water Use

**Because not all items above are favorable, the use of 0.56 CFS of water from Well 1 in Frazier Creek Basin for irrigation use on 175.3 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:

Although it is unlikely that a permit will be issued, if the Department's findings change, additional information will be required. Those items are:

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map that shows the location of the well by reference to a recognized public land survey corner. Although the map submitted does reference the SE corner of Donation Land Claim (DLC) 40, the actual reference corner is not labeled on the map.
- Documentation that describes the proposed well development for the proposed well: well diameter, type and size of casing, number of feet of casing, intervals casing is perforated (in feet), seal depth, estimated depth to water, estimated depth to water-bearing stratum, type of access port or measuring device, and total well depth. You may view nearby well logs, or discuss the construction of the well with a licensed driller and/or a licensed geoscience professional. (See Item 3B on application form - copy attached.)

**Please submit this information no later than Thursday, December 18, 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, November 28, 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. Following submittal of information requested in order for the Department to complete the public interest review for a ground water application under OAR 690-09, additional ground water conditions may be required.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

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 503-986-0816 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,



Kerry Kavanagh  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16901  
WAB 2-30200321  
POU 2-30200321  
GW

# APPLICATION FACT SHEET

Application File Number: G-16901

Applicant: KYLE L. AND HOLLY J. DUNNING

County: Benton

Watermaster: 16

Priority Date: JUNE 29, 2007

Source: WELL 1 IN FRAZIER CREEK BASIN

Use: IRRIGATION USE ON 175.3 ACRES

Quantity: 0.56 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 5 W FORK BOWERS SLOUGH & MI

Well Location: NENW, SECTION 18, T11S, R4W, W.M.; 1510 FEET NORTH AND 1501 FEET EAST FROM SE CORNER, DLC 40

Place of Use:

NW ¼ NE ¼	1.2 ACRES
SW ¼ NE ¼	0.3 ACRE
NE ¼ NW ¼	8.7 ACRES
NW ¼ NW ¼	17.0 ACRES
SW ¼ NW ¼	7.4 ACRES
SE ¼ NW ¼	2.4 ACRES

## SECTION 18

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

NE ¼ NE ¼	3.8 ACRES
NW ¼ NE ¼	7.1 ACRES
SW ¼ NE ¼	32.9 ACRES
SE ¼ NE ¼	37.1 ACRES
SE ¼ NW ¼	8.8 ACRES
NE ¼ SW ¼	6.5 ACRES
NE ¼ SE ¼	12.9 ACRES
NW ¼ SE ¼	29.2 ACRES

## SECTION 13

TOWNSHIP 11 SOUTH, RANGE 5 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 28, 2008**

**PUBLIC NOTICE DATE: Tuesday, November 18, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, December 18, 2008**

# Mailing List for IR Copies

Application #G-16901

IR Date: November 14, 2008

## Original mailed to applicant:

KYLE L. AND HOLLY J. DUNNING  
4635 NE ELLIOT CIRCLE  
CORVALLIS, OR 97330

## Copies sent to:

1. WRD - File # G-16901
2. WRD - Water Availability: Ken Stahr
3. WRD - Marc Norton, GW Section
4. WRD - Kris Byrd, Enforcement Section

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

## IR, Map, and Fact Sheet Copies VIA EMAIL:

5. WRD - Watermaster # 16
6. ODFW: Karen Hans
7. DEQ: Nancy Gramlich

## IR, Map, and Fact Sheet Copies sent to:

8. Department of Agriculture

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

9. Parsons, Tyler B., CWRE #217, 1915 SE Stone CT, Corvallis, OR 97333
10. Steve Hanson, 110 Hickory NW, Albany, OR 97321
11. Jack Burrell, K & D Engineering, 276 NW Hickory Street, P.O. Box 725, Albany, OR 97321

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.)