



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

August 13, 2004

STEVE HANSON
110 HICKORY NW
ALBANY, OR 97321

Reference: File G-16178

Dear Applicant:

**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 proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from a well in Frazier Creek Basin for irrigation use on 94.6 acres and for maintenance of an unnamed reservoir, constructed under application R-85921, is classified for irrigation, recreation, fish life and wildlife from September 1 through June 30 under OAR 690-502-0050(1)(e), the Willamette Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely Frazier Creek. Therefore limitations to the surface water source must be applied to this application also.
4. Surface water from Frazier Creek is available year round.

5. The Department has also determined, based upon available data, that the use of groundwater in the amount of 0.61 cubic foot per second for irrigation use on 94.6 acres and pond maintenance if properly conditioned, will not injure existing rights or the groundwater resource.
6. Because the use of water for irrigation is not allowed during the entire irrigation season of March 1 through October 31, the proposed use for irrigation cannot be allowed.
7. The Department has also determined that the well does not meet minimum well construction standards. Prior to permit issuance, the well must be repaired. Please refer to the **ADDITIONAL INFORMATION REQUIRED** section below for specific information.

Summary of Initial Determinations

Because items #2 and #6 above are unfavorable, the use of water from a well in Frazier Creek Basin for irrigation use on 96.4 acres is not allowable, and it appears unlikely that you will be issued a permit for the use of ground water from this well for irrigation.

The use of 0.61 cubic foot per second (cfs) from a well in Frazier Creek Basin for maintenance of a reservoir, constructed under Application R-85921, may be allowed year round, contingent upon the well meeting current minimum well construction standards.

ADDITIONAL INFORMATION REQUIRED:

Because the Department has determined that construction of the well does not meet current minimum well construction standards, a permit cannot be issued until the well has been properly constructed per current minimum well construction standards or information is provided showing the well is in compliance with current minimum well construction standards.

For questions or assistance dealing with the Department's determination of the well's compliance with the current minimum well construction standards, you may contact Kris Byrd of the Department's Enforcement Section at (503) 986-0851.

Please submit this information no later than Thursday, September 16, 2004. 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.

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If we do not receive the items requested above or a request for an administrative hold from processing by this date, we may reject your application consistent with ORS 537.153 or ORS 537.621. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

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 \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, August 27, 2004**. 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 meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director

may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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. The priority date for this application is January 27, 2004.

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.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-986-0801. Feel free to call me at 503-986-0816 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Sincerely,



Kerry Lefever
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16178
wab 2-30200321
pou 2-30200321
gw a

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-16178

Applicant: STEVE HANSON

County: Benton

Watermaster: 16

Priority Date: January 27, 2004

Source: A WELL IN FRAZIER CREEK BASIN

Use: IRRIGATION USE ON 94.6 ACRES AND MAINTENANCE OF AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-85921

Quantity: 0.61 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.; 2400 FEET EAST FROM NW CORNER, SECTION 18

Reservoir Location: SWSE, SECTION 7, T11S, R4W, W.M.; 320 FEET NORTH AND 2750 FEET EAST FROM NW CORNER, SECTION 18

Place of Use: NESW 8.3 ACRES IRRIGATION, POND MAINTENANCE; SWSW 10.1 ACRES IRRIGATION, POND MAINTENANCE; SESW 30.0 ACRES IRRIGATION, SECTION 7; NENE POND MAINTENANCE; NENW 30.6 ACRES IRRIGATION, POND MAINTENANCE; NWNW 15.6 ACRES IRRIGATION; NWSE POND MAINTENANCE; SWSE POND MAINTENANCE, SECTION 18, TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 27, 2004

PUBLIC NOTICE DATE: Tuesday, August 17, 2004

30 DAY COMMENT DEADLINE DATE: Thursday, September 16, 2004