



# 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**

SESTER FARMS INC  
ATTN: GORDON SESTER  
33205 SE OXBOW DR  
GRESHAM, OR 97080

December 5, 2008

Reference: File G-16704

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 application requests 500.0 gallons per minute of water, which is 1.11 cubic feet per second (CFS), from Well 1 (MULT 3476), Well 2, Well 3 (MULT 67819), Well 4, Well 5, Well 6, Well 7, and Well 8 for nursery use and irrigation use on 90.6 acres from March 1 through October 31, and agriculture use from November 1 through the end of February.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (MULT 3476), Well 2, Well 3 (MULT 67819), Well 4, Well 5, Well 6, Well 7, and Well 8 in North Fork Beaver Creek Basin for irrigation use is allowable under the Sandy Basin Program.

The use of water from Well 1 (MULT 3476), Well 2, Well 3 (MULT 67819), Well 4, Well 5, Well 6, Well 7, and Well 8 in North Fork Beaver Creek Basin for nursery use and agricultural use is **not allowable** under OAR 690-503-0050(1), the Sandy 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 use is located above the Sandy River Scenic Waterway, as designated under Oregon Administrative Rule 390.826.

6. Domestic use of up to 15,000 gallons per day from a well is exempt from permitting requirements. The Department will therefore *not consider* domestic use to be a part of your application unless you notify us in writing that you are interested in receiving a permit for domestic use. Any permit issued, including permits for exempt uses, will be subject to metering requirements, rate limitations, and any other conditions contained in the permit.
7. The Department has determined that 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 1.11 CFS from Well 1 (MULT 3476), Well 2, Well 3 (MULT 67819), Well 4, Well 5, Well 6, Well 7, and Well 8 in North Fork Beaver Creek Basin for irrigation use on 90.6 acres is allowable March 1 through October 31.**

**The use of 1.11 CFS from Well 1 (MULT 3476), Well 2, Well 3 (MULT 67819), Well 4, Well 5, Well 6, Well 7, and Well 8 in North Fork Beaver Creek Basin for nursery use and agricultural use is not allowable at any time of the year.**

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 #3 above, your application will likely be limited accordingly.

### **Additional Information Required:**

Additional information is required to process your application. Please provide the following:

- The legal description submitted with the application materials included portions of sections 8, 9, and 16. However, the Department will need a legal description which includes *all* lands where water will be used, where the wells are located, and any lands crossed by a conveyance system.

A legal description is a description of a specific parcel of real estate which often uses one of the following methods; government survey metes and bounds, aliquot parts, subdivision block and lot numbers, or a combination of these. It is often found on a deed, land sales contract, or title insurance policy. OAR 690-310-00040(1)(a)(I) requires the legal description of the property from which the water is to be diverted, any property crossed by the proposed ditch, canal or other work, and any property on which the water is to be used as depicted on the map.

- The table on the map describes 36.0 acres in the NESW, Section 8, Township 1, South, Range 4 East, W.M. However the map shows hatchuring in the NESE Section 8.

In addition, the table on the map describes 19.6 acres in the SWNW, Section 16, Township 1 South, Range 4 East, W.M. However the map shows hatchuring in the NWNW Section 16.

Please submit a map that addresses these discrepancies.

- The map submitted with your application appears to be in error with reference to NESE Section 8. Your lease allows irrigation of 9.13 acres in the NESE Section 8, however you have applied for 36.0 acres.
- The Tax Lot and Road represented in the NWSE appear to be incorrect. When referenced to the county assessors map the Tax Lots shown in the NWSE appear to be located in the NESE.
- Please clarify the intended acreage and Tax Lots for Section 8.
- A completed Land Use Information Form or a receipt signed and dated by a Multnomah County official for the property described as Tax Lots 200, 300, 400, 500, 600, 700, and 800, Section 8, Township 1 South, Range 4 East, W.M. The application demonstrates land-use approval has been obtained for the property you lease, but the approval status for the property you do not own, Tax Lots 200, 300, 400, 500, 600, 700, and 800, is unclear.
- OAR 690-310-050(4)(b) requires that the application map submitted to the Department show the location of pipelines, ditches or other means of transporting water for the proposed use. Please indicate the location of the *main line* proposed under this application.

**Please submit this information no later than Thursday, January 8, 2009.** 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 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.

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, December 19, 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.

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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. (1) Use of water from any well, as allowed herein, shall be regulated if the well displays:
  - (a) An average water level decline of three or more feet per year for five consecutive years; or
  - (b) A total water level decline of fifteen or more feet; or
  - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
  - (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
  - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
  - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
  - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement.

The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

3. The wells shall produce ground water only from the Deep Troutdale ground water reservoir between approximately 300 feet and 500 feet below land surface.
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
5. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.
6. 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 tag), which shall be permanently attached to the well. 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.

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 503-986-0815 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

# APPLICATION FACT SHEET

Application File Number: G-16704

Applicant: SESTER FARMS INC

County: MULTNOMAH

Watermaster: 20

Priority Date: AUGUST 3, 2006

Source: WELL 1 (MULT 3476), WELL 2, WELL 3 (MULT 67819), WELL 4, WELL 5, WELL 6, WELL 7, AND WELL 8 IN NORTH FORK BEAVER CREEK BASIN

Use: AGRICULTURE USE, NURSERY USE AND IRRIGATION ON 90.6 ACRES

Quantity: 1.11 CUBIC FEET PER SECOND

Basin Name & Number: Sandy, #3

Stream Index Reference: Volume 2 BEAVER CR MISC

Well Location(s):

WELL 1: NWSE, SECTION 16, T1S, R4E, W.M.; 1070 FEET SOUTH AND 50 FEET EAST FROM C1/4 CORNER, SECTION 16

WELL 2: NESE, SECTION 16, T1S, R4E, W.M.; 1140 FEET SOUTH AND 1415 FEET EAST FROM C1/4 CORNER, SECTION 16

WELL 3: SESE, SECTION 16, T1S, R4E, W.M.; 2175 FEET SOUTH AND 1415 FEET EAST FROM C1/4 CORNER, SECTION 16

WELL 4: SWNE, SECTION 16, T1S, R4E, W.M.; 600 FEET NORTH AND 1200 FEET EAST FROM C1/4 CORNER, SECTION 16

WELL 5: NWNW, SECTION 16, T1S, R4E, W.M.; 400 FEET SOUTH AND 95 FEET EAST FROM NW CORNER, SECTION 16

WELL 6: NWNW, SECTION 16, T1S, R4E, W.M.; 95 FEET SOUTH AND 95 FEET EAST FROM NW CORNER, SECTION 16

WELL 7: SWSW, SECTION 9, T1S, R4E, W.M.; 600 FEET NORTH AND 100 FEET EAST FROM SW CORNER, SECTION 9

WELL 8: NESE, SECTION 8, T1S, R4E, W.M.; 1500 FEET NORTH AND 95 FEET WEST FROM SE CORNER, SECTION 8

Place of Use:

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  36.0 ACRES  
SECTION 8

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  15.2 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  19.8 ACRES  
SECTION 9

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  19.6 ACRES  
SECTION 16  
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 19, 2008**

**PUBLIC NOTICE DATE: Tuesday, December 9, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, January 8, 2009**

# Mailing List for IR Copies

Application #G-16704

IR Date : December 5, 2008

## Original mailed to applicant:

GORDON SESTER SESTER FARMS INC, 33205 SE OXBOW DR, GRESHAM, OR 97080

### Copies sent to:

1. WRD - File # G-16704
2. WRD - Water Availability: Ken Stahr
3. WRD - Regional Well Inspector

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

4. WRD - Regional Well Inspector
5. WRD - Watermaster # 20
6. Department of Agriculture

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

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

5. Ed Crane, CWRE # 156; 13755 SE 119<sup>th</sup> DR, Clackamas, OR 97015
6. John Winters SR 4025 SE 322<sup>ND</sup> Ave Troutdale, OR 97060
7. John Winters JR 27050 SE Jeanette Gresham, OR 97080

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

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