



# 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

WAYNE ROCKY AND JANA WEBB  
PO BOX 1550  
THE DALLES, OR 97058

December 19, 2008

Reference: File G-17091

Dear Mr. & Mrs. Webb:

### **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 requested the use of 0.35 cubic foot per second (CFS) of water from Well 1 (WASC 51632) in Gooseberry Creek Basin, for primary irrigation use on 27.6 acres and 0.12 CFS of water for supplemental irrigation use on 9.5 acres from March 1 through October 31 of each year.

The application also requested to store 1.0 acre foot (AF) of ground water from Well 1 (WASC 51632) in a reservoir for multi-purpose use, and the use of 0.02 CFS of water for pond maintenance year round.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (WASC 51632) in Gooseberry Creek Basin for irrigation use, pond maintenance, multiple purpose, and storage of ground water is allowable under the Hood 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 have the potential for substantial interference with the Columbia River. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered.

Surface water is available year round.

5. OAR 690-033-0120(2) prohibits the diversion of water from April 15 through September 30 of each year.
6. The standard allowable rate of water necessary for pond maintenance is 0.01 CFS for each acre foot of stored water. Your application requested 0.02 CFS for maintenance of a pond to be constructed under Application G-17091, which proposes to store up to 1.0 acre-foot of water. If the application is approved, the rate allowed will be limited to 0.01 CFS.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

### **Summary of Initial Determinations**

**Because not all items above are favorable, the use of 0.45 CFS, being no more than 0.35 CFS for irrigation use on 27.6 acres, and 0.12 CFS for supplemental irrigation use on 9.5 acres, from Well 1 (WASC 51632) in Gooseberry Creek Basin is not allowable, and it appears unlikely that you will be issued a permit for irrigation. At this time, you must decide whether to proceed or to withdraw your application as described below.**

**The storage of 1.0 AF of ground water from Well 1 (WASC 51632) in a reservoir for multi-purpose use is allowable year-round.**

**The use of 0.01 CFS from Well 1 (WASC 51632) in Gooseberry Creek Basin for pond maintenance is allowable October 1 through April 14.**

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 #6** above, your application will likely be limited accordingly.

### **Additional Information Required:**

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following items:

- Please provide the dam height of the proposed reservoir and total number of acres to be inundated by the reservoir.
- Please provide the location of the reservoir by reference to a recognized public land survey corner.

**Please submit this information no later than January 19, 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 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.

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, January 2, 2009**. 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 at each point of appropriation. The permittee shall maintain the meter(s) in good working order. The permittee 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(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
2.
  - A. The Director may require the permittee to install a staff gage or other suitable measuring device(s) as approved by the Department. If the Director notifies the permittee to install a measuring device(s), the permittee shall install such devices within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. The Director may provide an opportunity for the permittee to submit alternative measurement procedures for review and approval.
3. The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of 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 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 restricted use shall continue until the water level rises above the decline level which triggered the action or 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 causing substantial interference with senior water rights. The water user shall not 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. 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.

4. 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.

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 503-986-0853 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: Michele McAleer, 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 "Michele R. McAleer". The signature is written in a cursive style.

Michele McAleer  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17091  
WAB 4-Columbia River  
POU 4-Columbia River  
GW

# APPLICATION FACT SHEET

Application File Number: G-17091

Applicant: WAYNE ROCKY AND JANA WEBB

County: WASCO

Watermaster: 3

Priority Date: August 8, 2008

Source: WELL 1 (WASC 51632) IN GOOSEBERRY CREEK BASIN

Use: IRRIGATION USE ON 27.6 ACRES; POND MAINTENANCE; STORAGE OF 1.0 ACRE FOOT; SUPPLEMENTAL IRRIGATION USE ON 9.5 ACRES AND MULTIPLE PURPOSE

Quantity: 0.45 CUBIC FOOT PER SECOND (CFS), BEING 0.35 CFS FOR IRRIGATION USE ON 27.6 ACRES, 0.12 CFS FOR SUPPLEMENTAL IRRIGATION USE ON 9.5 ACRES, 0.02 CFS FOR POND MAINTENANCE, AND MULTIPLE PURPOSE STORAGE OF 1.0 ACRE FOOT

Basin Name & Number: Hood, #4

Stream Index Reference: Volume 1 COLUMBIA R & MISC

Well Location: SWNE, SECTION 20, T2N, R13E, W.M.; 100 FEET NORTH AND 1905 FEET WEST FROM E1/4 CORNER, SECTION 20

Pond Location: SENE, SECTION 20, T2N, R13E

Place of Use:

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  10.1 ACRES IRRIGATION  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  STORAGE AND POND MAINTENANCE  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  5.0 ACRES SUPPLEMENTAL IRRIGATION  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  6.7 ACRES IRRIGATION  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  STORAGE AND POND MAINTENANCE  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  4.5 ACRES SUPPLEMENTAL IRRIGATION  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  4.0 ACRES IRRIGATION  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  0.8 ACRE IRRIGATION  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  6.0 ACRES IRRIGATION  
SECTION 20  
TOWNSHIP 2 NORTH, RANGE 13 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 2, 2009**

**PUBLIC NOTICE DATE: Tuesday, December 23, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, January 22, 2009**

# Mailing List for IR Copies

Application #G-17091

IR Date : December 19, 2008

## Original mailed to applicant:

WAYNE ROCKY AND JANA WEBB , PO BOX 1550, THE DALLES, OR 97058

## Copies sent to:

1. WRD - File # G-17091
2. WRD - Water Availability: Ken Stahr

## IR, Map, and Fact Sheet Copies sent via e-mail to:

3. WRD - Watermaster # 3
4. ODFW
5. DEQ

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

6. WRD - Regional Manager: NCR
7. Department of Agriculture
8. Columbia River Intertribal Fish Commission, Julie Carter,  
729 NE Oregon St, Ste 200, Portland OR 97232
9. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
10. NW Power Planning Council, Fish & Wildlife Division, Karl Weist  
851 SW Sixth Ave, Ste 1020, Portland OR 97204
11. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson  
PO Box 638, 73239 Confederated Way, Pendleton, OR 97801
12. National Marine Fisheries Service, Spencer Hovekamp  
3502 Hwy 30, La Grande, OR 97850

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

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

13. Larry Toll, Tenneson Engineering, 409 Lincoln St, The Dalles, OR 97058

Caseworker: Michele McAleer

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