



# 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**

February 13, 2009

EAGLE FERN CAMP  
ATTENTION: TIM JANNSSEN  
37700 SE CAMP RD  
ESTACADA, OR 97023

Reference: File G-17141

Dear Mr. Jannsen:

**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 the use of 30 gallons per minute, or 0.07 cubic foot per second (CFS), from Well 1 in Eagle Creek Basin for year-round commercial use and irrigation use on 1.5 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 Well 1 in Eagle Creek Basin for commercial use and irrigation use is allowable under the Willamette 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 Clackamas Scenic Waterway, as designated under ORS 390.826.

6. The standard allowable rate for irrigation use from surface water is 1/80 cubic foot per second (CFS) per acre. Your application requested 0.07 CFS for irrigation use on 1.5 acres. If the application is approved, the rate allowed for irrigation on 1.5 acres will be limited to 0.02 CFS.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

### **Summary of Initial Determinations**

**The use of 0.07 CFS from Well 1 in Eagle Creek Basin, not to exceed 0.07 CFS for year-round commercial use and not to exceed 0.02 CFS for irrigation use on 1.5 acres from March 1 through October 31, is allowable during the full period requested.**

Because of these favorable determinations, the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

### **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:

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(c). The number of acres to be used for each use in each quarter-quarter section must be clearly indicated on the map and identified by shading or hatching. On the enclosed copy of your application map, please show the number of acres to be used in each quarter-quarter section by shading or hatching.

**Please submit this information no later than Thursday, March 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.

### **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.

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, February 27, 2009**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. If the Director notifies the permittee to install a totalizing flow meter or other measuring device, the permittee shall install such device 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. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
  - B. 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. 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.
  3. 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**

**Reference Water Level Determination**

Following the first year of water use, the user shall report one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional water levels after the reference level has been determined. 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.

4. The well shall be continuously cased and continuously sealed to a minimum depth of 200.0 feet below land surface. The well may not be completed in such a manner to allow ground water to be developed from no shallower than 200.0 feet below land surface. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a

rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

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-17141  
WAB 2-96 - no psi  
POU 2-96 - no psi  
GW no psi

# APPLICATION FACT SHEET

Application File Number: G-17141

Applicant: EAGLE FERN CAMP; ATTENTION: TIM JANNSEN

County: CLACKAMAS

Watermaster: 20

Priority Date: NOVEMBER 14, 2008

Source: WELL 1 IN EAGLE CREEK BASIN

Use: COMMERCIAL USE; IRRIGATION USE ON 1.5 ACRES

Quantity: 0.07 CUBIC FOOT PER SECOND (CFS), NOT TO EXCEED 0.07 CFS FOR COMMERCIAL USE AND NOT TO EXCEED 0.02 CFS FOR IRRIGATION USE ON 1.5 ACRES

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 23 EAGLE CR

Well Location: SESE, SECTION 14, T3S, R4E, W.M.; 1000 FEET NORTH AND 1250 FEET WEST FROM SE CORNER, SECTION 14

Place of Use:

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  COMMERCIAL USE  
SECTION 13

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  1.5 ACRES IRRIGATION AND COMMERCIAL USE  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  COMMERCIAL USE  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  COMMERCIAL USE  
SECTION 14  
TOWNSHIP 3 SOUTH, RANGE 4 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 27, 2009**

**PUBLIC NOTICE DATE: Tuesday, February 17, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, March 19, 2009**

# Mailing List for IR Copies

Application #G-17141

IR Date: February 13, 2009

## Original mailed to applicant:

EAGLE FERN CAMP  
ATTENTION: TIM JANNSEN  
37700 SE CAMP RD  
ESTACADA, OR 97023

## Copies sent to:

1. WRD - File # G-17141
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 20
4. State Parks

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

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.)

