



# 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

PHILLIP AND LORISSA SINGHOSE  
PO BOX 55  
RILEY, OR 97758

March 6, 2009

Reference: File G-17086

Dear Mr. and Mrs. Singhose:

### **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 7.70 cubic feet per second (CFS) of water from Well 3 (HARN 755), Well 13 (HARN 756), Well 15, and Well 16 in the Silver Creek Basin for irrigation use on 616.3 acres from March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 3 (HARN 755), Well 13 (HARN 756), Well 15, and Well 16 in the Silver Creek Basin for irrigation use is allowable under the Malheur Lake 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 Department has determined that Well 3 (HARN 755) does not meet current minimum well construction standards. Prior to the issuance of a permit, evidence demonstrating compliance with well construction standards must be submitted to the Department, and the Department's Enforcement Section must approve the well construction. In repairing the well(s), you should work closely with the Department and/or a licensed well constructor to ensure that repairs are carried out in a manner that will not violate well construction or other rules. You are encouraged to contact Kris Byrd of the Department's Enforcement Section at 503-986-0851 to determine how to proceed.

Please also note that regardless of the outcome of this application, you will need to work with the Department to either repair or abandon the well(s) to comply with the minimum standards for the construction, conversion, alteration, maintenance, and abandonment of water supply wells in order to protect the state's ground water supply (OAR 690-200).

6. According to Departmental records, there are two underlying ground water rights, Permit G-5255 (Application G-6728) and Permit G-15158 (Application G-15168) which cover portions of the lands proposed under this application. Permit G-5255 covers 1.4 acres in NWNE and 1.4 acres in NENE, Section 13, Township 24 South, Range 27 East, W.M., and Permit G-15158 covers 5.1 acres in SWSE and 4.4 acres in SESE, Section 12, and 6.0 acres in NWNE Section 13, Township 24 South, Range 27 East, W.M.. *A copy of each permit and associated map is enclosed.*

Further review of the proposed source of water under this application and the authorized points of appropriation under Permits G-5255 and G-15158 indicate that Well 13 (HARN 755) under this application is the same well as described in Permits G-5255 and G-15158, identified as the "Sander Well". In addition, the Department has determined that the proposed ground water from all wells under this application will appropriate ground water from the same source. Because Permits G-5255 and G-15158 allow the maximum rate of 1/80 CFS per acre of water for each respective area of overlap with the lands under this application, and because the wells under this application will produce ground water from the same source, the use of 0.23 CFS (1/80 CFS \* 18.3 acres) for 18.3 acres from the proposed wells is not allowable.

If you would like this application to include the 18.3 acres, you may resolve the conflict by completing a form authorizing cancellation of the existing rights, or transferring the existing rights. If the Department issues a permit and you *have not* resolved the conflict, the new permit will not include the 18.3 acres. *Please see tabulation of overlapping areas on the Application Fact Sheet.*

7. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. If the application is approved, the rate allowed will be limited to 7.48 CFS for 598.0 acres (616.3 acres proposed less 18.3 acres not allowed as described in # 6 above).

### Summary of Initial Determinations

**The use of 7.48 CFS from Well 3 (HARN 755), Well 13 (HARN 756), Well 15, and Well 16 in Silver Creek Basin for irrigation use on 598.0 acres is allowable during the full period requested, March 1 through October 31, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 3 (HARN 755).**

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 **#6 and #7** above, your application will likely be limited accordingly.

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, March 20, 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. 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. 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. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

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(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 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.

4. Proposed wells 15 and 16 shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The wells may not be completed in such a manner allows ground water to be developed from any overlying aquifer. If during well construction, it becomes apparent that the well can be constructed 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-17086  
WAB 12-31202408  
POU 12-12-31202408  
GW

# APPLICATION FACT SHEET

Application File Number: G-17086

Applicant: PHILLIP AND LORISSA SINGHOSE

County: Harney

Watermaster: 10

Priority Date: July 21, 2008

Source: WELL 3 (HARN 755), WELL 13 (HARN 756), WELL 15, AND WELL 16 IN SILVER CREEK BASIN

Use: IRRIGATION USE ON 616.3 ACRES

Quantity: 7.70 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1A SILVER CR

Well Locations:

WELL 3 (HARN 755) - NENW, SECTION 11, T24S, R27E, W.M.; 343 FEET SOUTH AND 1860 FEET EAST FROM NW CORNER, SECTION 11

WELL 13 (HARN 756) - SWNE, SECTION 13, T24S, R27E, W.M.; 2050 FEET NORTH AND 1710 FEET WEST FROM SE CORNER, SECTION 13

WELL 15 - NESE, SECTION 34, T23S, R27E, W.M.; 300 FEET NORTH AND 400 FEET WEST FROM SE CORNER, NESE, SECTION 34

WELL 16 - SENW, SECTION 24, T24S, R27E, W.M.; 1850 FEET SOUTH AND 2535 FEET EAST FROM NW CORNER, SECTION 24

Place of Use:

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  14.0 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  28.0 ACRES  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  9.0 ACRES  
SECTION 34

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  25.5 ACRES  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  36.0 ACRES  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  40.0 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  37.0 ACRES  
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  16.0 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  30.0 ACRES  
SECTION 35

TOWNSHIP 23 SOUTH, RANGE 27 EAST, W.M.

Place of Use (continued):

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  6.4 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  9.8 ACRES  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  11.9 ACRES  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  8.0 ACRES  
SECTION 11

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  5.3 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  6.0 ACRES  
SECTION 12

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  1.4 ACRES  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  10.9 ACRES  
SECTION 13

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  31.3 ACRES  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  31.3 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  38.0 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  34.3 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  7.0 ACRES  
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  28.0 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  17.2 ACRES  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  32.0 ACRES  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  38.0 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  24.0 ACRES  
SECTION 24

TOWNSHIP 24 SOUTH, RANGE 27 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 20, 2009**

**PUBLIC NOTICE DATE: Tuesday, March 10, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, April 9, 2009**

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Area of overlap with Permit G-5255 (Application G-6728) – 2.8 acres:

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  1.4 ACRES  
NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  1.4 ACRES  
SECTION 13

TOWNSHIP 24 SOUTH, RANGE 27 EAST, W.M.

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Area of overlap with Permit G-15158 (Application G-15168) – 15.5 acres:

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  5.1 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  4.4 ACRES  
SECTION 12

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  6.0 ACRES  
SECTION 13

TOWNSHIP 24 SOUTH, RANGE 27 EAST, W.M.

# Mailing List for IR Copies

Application #G-17086

IR Date: March 6, 2009

## Original mailed to applicant:

PHILLIP AND LORISSA SINGHOSE  
PO BOX 55  
RILEY, OR 97758

## Copies sent to:

1. WRD - File # G-17086
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Regional Manager: EASTERN
4. WRD - Watermaster # 10
5. WRD - EASTERN Regional Well Inspector

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

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