



# 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**

DANNY AND LAURITA CRON  
26277 PLUSH ADEL RD  
PLUSH, OR 97637

April 10, 2009

Reference: File G-17157

Dear Mr. and Mrs. Cron:

### **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 2.0 cubic feet per second (CFS) from Well 1 and Well 2 in Fish Creek Basin for irrigation use on 160.0 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 1 and Well 2 in Fish Creek Basin for irrigation use is allowable under the Goose & Summer 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 have the potential for substantial interference with Fish Creek. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered. Surface water is available in the amount and for the full period requested.

5. The Department has determined Application G-17157 proposes to irrigate 5.2 acres of land that is covered by Permit G-9263. The proposed source of water in Application G-17157 and the authorized source of water under Permit G-9263 are likely the same ground water aquifer. Because the wells produce water from the same ground water aquifer, and because Permit G-9263 allows the maximum rate of 1/80 CFS per acre of water, the use of 0.06 CFS for the irrigation of 5.2 acres is not allowable under Application G-17157 unless you resolve the conflict prior to the Proposed Final Order. Please see the Conflict Resolution Information section below for more information.

6. A portion of the area proposed to be irrigated under this application is currently covered by existing irrigation water right evidenced by Certificate 38461 which conflicts with your application. Please see the **Conflict Resolution Information** section below for more information.

### **Summary of Initial Determinations**

**The use of 2.0 CFS from Well 1 and Well 2 in Fish Creek Basin for irrigation use on 160.0 acres may be allowed during the full period requested, March 1 through October 31, contingent upon conflict resolution.**

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.

#### **Conflict Resolution Information:**

A portion of the area proposed to be irrigated under this application is currently covered by Certificate 38461 and Permit G-9263, which conflict with your application. (See attached maps of Certificate 38461 and Permit G-9263.)

If you would like this application to be the primary right, the Department must receive:

- A completed form authorizing cancellation of the conflicting portions of the existing rights, along with a map describing those portions; or
- A transfer of the conflicting portions of the existing right; or
- A withdrawal of the conflicting acres from this application. (If you amend the acres proposed the rate requested is subject to be restricted.); or
- Another mean of dealing with the conflict between the existing rights and the use proposed under this application.

**Please submit this information no later than Thursday, May 14, 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.

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, April 24, 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 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. 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.

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 503-986-0815 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,

A handwritten signature in black ink, appearing to read 'J. Plahn', with a long horizontal flourish extending to the right.

Joel Plahn  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17157  
WAB 13-31300709  
POU 13-31300709  
GW

# APPLICATION FACT SHEET

Application File Number: G-17157

Applicant: DANNY AND LAURITA CRON

County: LAKE

Watermaster: 12

Priority Date: December 30, 2008

Source: WELL 1 AND WELL 2 IN FISH CREEK BASIN

Use: IRRIGATION USE ON 160.0 ACRES

Quantity: 2.0 CUBIC FEET PER SECOND

Basin Name & Number: Goose & Summer Lake, #13

Stream Index Reference: Volume 1 WARNER L & MISC

Well Location(s):

Well 1 - NWNE, SECTION 16, T37S, R24E, W.M.; 700 FEET SOUTH AND 450 FEET EAST FROM N1/4 CORNER, SECTION 16

Well 2 - NWNE, SECTION 16, T37S, R24E, W.M.; 200 FEET SOUTH AND 600 FEET EAST FROM N1/4 CORNER, SECTION 16

Place of Use:

NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  10.0 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  20.0 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  17.0 ACRES  
SECTION 9

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  26.1 ACRES  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  27.1 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  32.5 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  27.3 ACRES  
SECTION 16

TOWNSHIP 37 SOUTH, RANGE 24 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 24, 2009**

**PUBLIC NOTICE DATE: Tuesday, April 14, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, May 14, 2009**

# Mailing List for IR Copies

Application #G-17157

IR Date : April 10, 2009

## Original mailed to applicant:

DANNY AND LAURITA CRON , 26277 PLUSH ADEL RD, PLUSH, OR 97637

## Copies sent to:

- WRD - File # G-17157
- WRD - Water Availability: Ken Stahr

Copies Mailed

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

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

- 
- WRD - Watermaster # 12 (include Division 33 form)
- ODFW: (include Division 33 form)
- DEQ: (include Division 33 form)

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

- Department of Agriculture

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

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

COPYSHT.IR

Caseworker: Joel Plahn