



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

WILLIAM L. AND ANNE C. GIVENS
84462 RINGER RD
MILTON FREEWATER, OR 97862

April 10, 2009

Reference: File G-17112

Dear Applicants:

**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 appropriation of 2.3 cubic feet per second (CFS) of water from Well 1 or Well 2 in Dugger Creek Basin for supplemental irrigation use on 91.3 acres March 1 through November 30.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 1 or Well 2 in Dugger Creek Basin for supplemental irrigation use is allowable under the Umatilla Basin Program.
4. Ground water from Well 1 develops water from the shallower alluvial aquifer and is over-appropriated at all times. Therefore the appropriation of ground water from Well 1 is not allowable.

Ground water from Well 2 develops water from the underlying basalt aquifer and, if properly conditioned, will avoid injury to existing ground water rights and the resource. Therefore the appropriation of ground water from Well 2 is allowable.

The Department has determined, based upon OAR 690-009, that the proposed ground water use from Well 1 and Well 2 will not have the potential for substantial interference with any surface water source.

5. The standard allowable rate for irrigation use of ground water is 1/80 CFS per acre. Your application requested 2.3 CFS for irrigation use on 91.3 acres. If the application is approved, the rate allowed will be limited to 1.14 CFS, unless you can provide the Department with information that demonstrates a need for a flow rate higher than the standard allowable rate by May 3, 2009.

6. The application proposed supplemental irrigation of 0.27 acre in the NW 1/4 of the SE 1/4 (subarea 19) and 0.3 acre in the NE 1/4 of the SE 1/4 (subarea 14) of Section 25, Township 6N, Range 34E, WM. However, the Department's records do not show that there are any underlying primary irrigation rights for these lands. Therefore, the proposed acres will be considered primary irrigation use under this application.
7. The proposed supplemental use shall be limited to match that of the primary water right. The standard allowable irrigation season is March 1 through October 31. Although the applicant requested supplemental irrigation use March 1 through November 30, the underlying primary irrigation season for Dugger Creek Decree is year-round. Therefore, the appropriation of water for supplemental irrigation use March 1 through November 30 is allowable.
8. 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 appropriation of 1.14 CFS from Well 1 in Dugger Creek Basin for irrigation use on 0.57 acres and supplemental irrigation use on 90.76 acres is not allowable at any time.

The appropriation of 1.14 CFS from Well 2 in Dugger Creek Basin for irrigation use on 0.57 acres and supplemental irrigation use on 90.76 acres is allowable March 1 through November 30.

Because of the Department's determinations, your application can be moved to the next phase of the water rights application process. However, due to #4 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 an updated map that shows 0.27 acres in the NW 1/4 of the SE 1/4 (subarea 19) and 0.3 acres in the NE 1/4 of the SE 1/4 (subarea 14) of Section 25, Township 6N, Range 34E, WM as primary irrigation.

Please submit this information no later than 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.

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, April 24, 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. The well shall be cased and sealed in such a manner to develop a single basalt aquifer.

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 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 503-986-0808 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: Brook Geffen, 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 "Brook Geffen". The signature is written in a cursive, slightly slanted style.

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17112
WAB 7-NA
POU 7-NA
GW - NA

APPLICATION FACT SHEET

Application File Number: G-17112

Applicant: WILLIAM L. AND ANNE C. GIVENS

County: UMATILLA

Watermaster: 5

Priority Date: SEPTEMBER 26, 2008

Source: WELL 1 OR WELL 2 IN DUGGER CREEK BASIN

Use: SUPPLEMENTAL IRRIGATION USE ON 91.3 ACRES

Quantity: 2.3 CUBIC FEET PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 2 SPRING BR

Point of Diversion or Well Location(s): NWSE, SECTION 25, T6N, R34E, W.M.; 80 FEET SOUTH AND 940 FEET EAST FROM C1/4 CORNER, SECTION 25

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 26.1 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.8 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.1 ACRES
SECTION 25
TOWNSHIP 6 NORTH, RANGE 34 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-17112

IR Date: April 10, 2009

Original mailed to applicant:

WILLIAM L. AND ANNE C. GIVENS, 84462 RINGER RD, MILTON FREEWATER, OR 97862

Copies sent to:

- WRD - File # G-17112
- WRD - Water Availability: Ken Stahr

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

IR, Map, and Fact Sheet Copies sent to:

- WRD - Regional Manager:NC
- WRD - Watermaster # 5
- Department of Agriculture

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

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

John S. Warriner, CWRE #358, 1204 Alvarado Terrace, Walla Walla, WA 99362

Caseworker: Brook Geffen

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.)