



# 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**

PERRYDALE DOMESTIC WATER ASSOCIATION  
11475 W PERRYDALE ROAD  
AMITY, OR 97101

April 24, 2009

Reference: File G-17130

Dear Applicant:

**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 1000 gallons per minute, which is 2.23 cubic feet per second (CFS), from Proposed Well L-5 in Willamette River Basin for quasi-municipal use year-round.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The Department has determined that, based upon Oregon Administrative Rule (OAR) 690-009, Proposed Well L-5 in Willamette River Basin will produce ground water from an unconfined alluvium within a quarter mile of the banks of surface water and is presumed to be hydraulically connected to the surface water. Such hydraulically connected ground water is classified the same as the surface source under OAR 690-502-0240. The appropriation of water from Proposed Well L-5 in Willamette River Basin for quasi-municipal 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 have the potential for substantial interference with Willamette River. 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. Please refer to the **Additional Information Required** section below for specific information regarding possible deficiencies with the application.

### **Summary of Initial Determinations**

#### **The appropriation of 2.23 CFS from Proposed Well L-5 in Willamette River Basin for quasi-municipal use is allowable during the full period requested, year-round.**

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:**

The Land Use Information Forms (LUIF) from Polk and Yamhill Counties submitted with the application materials indicate existing services are allowed, however any new domestic uses may require land-use approvals.

The LUIF signed by the Polk County Assistant Planner notes discretionary land-use approvals are being pursued, which allows the Department to continue processing the application. However, before any permit will be issued the Department must receive documentation from Polk County that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

The LUIF signed by the Yamhill County Associate Planner notes discretionary land-use approvals are needed but does not indicate whether they are being pursued. As stated above, if approvals are being pursued, the Department can proceed. However, if approvals are not being pursued, the Department cannot proceed favorably. Please provide documentation from Yamhill County that demonstrates you are actively pursuing approvals. If you are unable to submit documentation by Thursday, **May 28, 2009**, 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, May 8, 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 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. 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 well(s) shall only produce water from the sand and gravel ground water reservoir above the Columbia River Basalts. The well(s) shall not penetrate any basalt.
  4. 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.

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 503-986-0859 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: Jeana Eastman, 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 'Jeana Eastman'.

Jeana Eastman  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17130  
WAB 2-182  
POU 2-182  
GW

# APPLICATION FACT SHEET

Application File Number: G-17130

Applicant: PERRYDALE DOMESTIC WATER ASSOCIATION

County: Polk and Yamhill

Watermaster: 16

Priority Date: October 28, 2008

Source: PROPOSED WELL L-5 IN WILLAMETTE RIVER BASIN

Use: QUASI-MUNICIPAL

Quantity: 2.23 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion or Well Location(s): NWSE, SECTION 29, T6S, R3W, W.M.; 1190 FEET NORTH AND 430 FEET WEST FROM SE CORNER, A J DOAK DLC 54

Place of Use:

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

NE ¼ NW ¼

NW ¼ NW ¼

SW ¼ NW ¼

SE ¼ NW ¼

NE ¼ SW ¼

NW ¼ SW ¼

SW ¼ SW ¼

SE ¼ SW ¼

NE ¼ SE ¼

NW ¼ SE ¼

SW ¼ SE ¼

SE ¼ SE ¼

SECTION 30

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

NE ¼ NW ¼

NW ¼ NW ¼

SW ¼ NW ¼

SE ¼ NW ¼

NE ¼ SW ¼

NW ¼ SW ¼

SW ¼ SW ¼

SE ¼ SW ¼

NE ¼ SE ¼

NW ¼ SE ¼

SW ¼ SE ¼

SE ¼ SE ¼

SECTION 31

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

NE ¼ NW ¼

NW ¼ NW ¼

SW ¼ NW ¼

SE ¼ NW ¼

NE ¼ SW ¼

NW ¼ SW ¼

SW ¼ SW ¼

SE ¼ SW ¼

NE ¼ SE ¼

NW ¼ SE ¼

SW ¼ SE ¼

SE ¼ SE ¼

SECTION 32

NE ¼ NE ¼

NW ¼ NE ¼

SW ¼ NE ¼

SE ¼ NE ¼

NE ¼ NW ¼

NW ¼ NW ¼

SW ¼ NW ¼

SE ¼ NW ¼

NE ¼ SW ¼

NW ¼ SW ¼

SW ¼ SW ¼

SE ¼ SW ¼

NE ¼ SE ¼

NW ¼ SE ¼

SW ¼ SE ¼

SE ¼ SE ¼

SECTION 33

TOWNSHIP 5 SOUTH,  
RANGE 4 WEST, W.M.

SW ¼ NE ¼

SE ¼ NE ¼

SW ¼ NW ¼

SE ¼ NW ¼

NE ¼ SW ¼

NW ¼ SW ¼

SW ¼ SW ¼

SE ¼ SW ¼

NE ¼ SE ¼

NW ¼ SE ¼

SW ¼ SE ¼

































**14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 8, 2009**

**PUBLIC NOTICE DATE: Tuesday, April 28, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, May 28, 2009**

# Mailing List for IR Copies

Application #G-17130

IR Date: April 24, 2009

---

## Original mailed to applicant:

PERRYDALE DOMESTIC WATER ASSOCIATION, 11475 W PERRYDALE ROAD, AMITY, OR 97101

## Copies sent to:

1. WRD - File # G-17130
2. WRD - Water Availability: Ken Stahr

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

## **SENT VIA EMAIL:**

3. WRD -Watermaster # 16 (include Division 33 form)
4. ODFW: (include Division 33 form)
5. DEQ: (include Division 33 form)

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

6. Department of Agriculture

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

1. Boatwright, Corbey, CWRE #208

Boatwright Engineering Inc., 2613 12<sup>th</sup> Street SE, Salem OR 97302

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

1. Gerald Arendell & Mary Freelove, 5780 Wallace Rd NW, Salem OR 97304