



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

TOWN OF LAKEVIEW
ATTN: DARRYL ANDERSON
525 N 1ST ST
LAKEVIEW, OR 97630

June 12, 2009

Reference: File G-17165

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 use of 500.0 gallons per minute, which is 1.11 cubic feet per second (CFS) of water from supply well, Well 1 (LAKE 2040) in Warner Creek Basin for year-round industrial use (geothermal heating/cooling) and power development, to be injected into Well 2 (CROO 52423) in the Goose & Summer Lake Basin.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (LAKE 2040) in Warner Creek Basin for industrial use (geothermal heating/cooling) and power development 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 not have the potential for substantial interference with any surface water source.

5. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Initial Determinations

The use of 1.11 CFS from supply well, Well 1 (LAKE 2040) in Warner Creek Basin for year-round industrial use (geothermal heating/cooling) and power development, in Goose & Summer Lake Basin 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

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following item(s):

- OAR 690-310-0020(1) Names and addresses of owners of land affected by the application not included in your original application. It appears from your map several tax lots must be crossed to deliver and transport water from the well to the place of use; if the traversed tax lot is owned by persons not already described in your application, please provide their name and address; **OR**
- OAR 690-310-0020(2) specifies that if there are more than 25 landowners involved in the proposed use, the notice may be satisfied by publishing a notice of the application once each week for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The cost of the publication is to be paid by the applicant.

The language to be used in the notice is attached. A copy of the affidavit of publication must be submitted to the Department following completion of the notice period. If the three weekly notices have not been published within 45 days from the date of this Initial Review, please submit a receipt demonstrating that this process has been initiated.

- Under OAR 690-005-0035 (2)(d), the Department must receive a completed Land Use Information Form or a receipt signed and dated by the relevant planning jurisdiction that states the proposed use of water and location(s) where water will be diverted, conveyed, and used comply with the local acknowledged comprehensive land-use plan.
- OAR 690-310-050(4)(b) requires that the application map submitted to the Department show the location of pipelines, ditches or other means of transporting water for the proposed use. Please indicate the location of the *main line* proposed under this application.

Please submit the information no later than Thursday, July 16, 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 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, June 26, 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 and injection. The permittee shall maintain the meter or measuring device in good working order.
 - B. 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.
 - C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and 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. Prior to use of water under this permit, the permit holder must register the injection activity with the Oregon Department of Environmental Quality's Underground Injection Control (UIC) Program. At the time of permit issuance, the program coordinator is Barbara Priest, who can be contacted at 811 SW 6th Ave, Portland OR 97204, or 503-229-5945.
4. All water produced under this permit shall be injected into the authorized well(s). Prior to receiving a certificate of water right, the permit holder shall submit documentation affirming that any applicable additional requirements of the Department's Division 230 rules have been met.
5. The use of water under this right must be non-consumptive.

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 503-986-0815 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,



Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17165
GW

APPLICATION FACT SHEET

Application File Number: G-17165

Applicant: TOWN OF LAKEVIEW

County: Lake

Watermaster: 12

Priority Date: January 20, 2009

Source: WELL 1 (LAKE 2040) IN WARNER CREEK BASIN

Use: GEO-THERMAL (HEATING & COOLING); POWER DEVELOPMENT

Quantity: 1.11 CUBIC FEET PER SECOND

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

Stream Index Reference: Volume 1 THOMAS CR MISC

Point of Diversion or Well Location(s):

SUPPLY WELL, WELL 1 (LAKE 2040) - SWSE, SECTION 33, T38S, R20E, W.M.;
330 FEET NORTH AND 2000 FEET WEST FROM SE CORNER, SECTION 33

INJECTION WELL, WELL 2 (CROO 52423) - SENW, SECTION 4, T39S, R20E,
W.M.; 1810 FEET SOUTH AND 1060 FEET WEST FROM N1/4 CORNER, SECTION
4

Place of Use:

SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 33
TOWNSHIP 38 SOUTH, RANGE 20 EAST, W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 4
TOWNSHIP 39 SOUTH, RANGE 20 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 26, 2009

PUBLIC NOTICE DATE: Tuesday, June 16, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, July 16, 2009

Mailing List for IR Copies

Application #G-17165

IR Date: June 12, 2009

Original mailed to applicant:

TOWN OF LAKEVIEW, 525 N 1ST ST, LAKEVIEW, OR 97630

Copies sent to:

1. WRD - File # G-17165
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 12
4. Department of Agriculture

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

5. Favell-Utley Realty Co. 120 North E street Lakeview, OR 97630
6. The Green House 95745 Geyser View Lane Lakeview, OR 97630

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

Darryl J Anderson CWRE #005

Caseworker: Joel Plahn

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

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