



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

MCKINSTRY CO. LLC
PETE FELZIEN
12021 NE AIRPORT WAY SUITE G
PORTLAND, OR 97720

June 5, 2009

Reference: File G-17182

Dear Mr. Felzien:

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 0.67 cubic foot per second (CFS) of water from Well W-1 (MULT 97680) and Well W-2 (MULT 97681) in Columbia Slough Basin for year-round air conditioning and heating.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well W-1 (MULT 97680) and Well W-2 (MULT 97681) in Columbia Slough Basin for year-round industrial use, which includes air conditioning and heating, 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 not have the potential for substantial interference with any surface water source.

Summary of Initial Determinations

The use of 0.67 CFS from Well W-1 (MULT 97680) and Well W-2 (MULT 97681) in Columbia Slough Basin for year-round air conditioning and heating is allowable.

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.

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 19, 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.
 - 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 injection well(s). Prior to receiving a certificate of water right, the permittee shall submit documentation affirming that any applicable additional requirements of the Department's Division 230 rules have been met.
5. The well shall produce ground water only from the Troutdale Gravel ground water reservoir between 80 feet and 150 feet below land surface.

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,



Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17182
WAB 2-NA
POU 2-NA
GW

APPLICATION FACT SHEET

Application File Number: G-17182

Applicant: MCKINSTRY CO. LLC

County: MULTNOMAH

Watermaster: 20

Priority Date: FEBRUARY 26, 2009

Source: WELL W-1 (MULT 97680) AND WELL W-2 (MULT 97681) IN COLUMBIA SLOUGH BASIN

Use: AIR CONDITIONING AND HEATING

Quantity: 0.668 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 COLUMBIA R & MISC WWM

Well Location(s):

WELL W-1 (MULT 97680): NESW SECTION 19, T1N, R3E, W.M.; 731 FEET SOUTH AND 1620 FEET EAST FROM WEST 1/4 CORNER, SECTION 19

WELL W-2 (MULT 97681): NWSW SECTION 19, T1N, R3E, W.M.; 1047 FEET SOUTH AND 834 FEET EAST FROM WEST 1/4 CORNER, SECTION 19

Place of Use:

NE $\frac{1}{4}$ SW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$

SW $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 19

TOWNSHIP 1 NORTH, RANGE 3 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 19, 2009

PUBLIC NOTICE DATE: Tuesday, June 9, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, July 9, 2009

Mailing List for IR Copies

Application #G-17182

IR Date: June 5, 2009

Original mailed to applicant:

PETE FELZIEN MCKINSTRY CO. LLC, 12021 NE AIRPORT WAY SUITE G, PORTLAND, OR 97720

Copies sent to:

1. WRD - File # G-17182
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 20
4. WRD - Regional Well Inspector: W
5. Department of Agriculture

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

Roger N. Smith, 800 NW 6th Ave, Suite 318, Portland, OR 97209

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

Caseworker: Brook Geffen

COPYSHT.IR

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

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.)