



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**

COLUMBIA EDGEWATER COUNTRY CLUB
ATTENTION: GORDON KIYOKAWA
2220 NE MARINE DR
PORTLAND, OR 97211

July 10, 2009

Reference: File G-17180

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 0.5 cubic foot per second (CFS) of water from Well 1 (MULT 916), Well 2 (MULT 921), Well 3 (MULT 918), Well 4, and Well 5 in Columbia Slough Basin for irrigation of 39.7 acres from March 1 through October 31.
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, Well 1 (MULT 916), Well 2 (MULT 921), Well 3 (MULT 918), Well 4, and Well 5 in Columbia Slough Basin will produce ground water from an unconfined alluvial aquifer within a quarter mile of the banks of surface water, and are presumed to be hydraulically connected to the surface water. Such hydraulically-connected ground water is classified the same as the surface water source under OAR 690-502-0240.
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 (PSI) with Columbia River and with various surface drains without natural outlets to Columbia River and Columbia Slough. 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 appropriation of water from Well 1 (MULT 916), Well 2 (MULT 921), Well 3 (MULT 918), Well 4, and Well 5 in Columbia Slough Basin for irrigation use is allowable under the Willamette Basin Program (OAR 690-502-0150(3)) and the Columbia River Basin Program (OAR 690-519-000(1)).
6. The Department has determined that Well 2 (MULT 921) and Well 3 (MULT 918) do not meet current minimum well construction standards. Prior to the issuance of a permit, evidence demonstrating compliance with well construction standards must be submitted to the Department, and the Department's Enforcement Section must approve the well construction. In repairing the well(s), you should work closely with the Department and/or a licensed well constructor to ensure that repairs are carried out in a manner that will not violate well construction or other rules. You are encouraged to contact Kris Byrd of the Department's Enforcement Section at 503-986-0851 to determine how to proceed.

Please also note that regardless of the outcome of this application, you will need to work with the Department to either repair or abandon the well(s) to comply with the minimum standards for the construction, conversion, alteration, maintenance, and abandonment of water supply wells in order to protect the state's ground water supply (OAR 690-200).

7. According to Departmental records, there is an underlying ground water right, Certificate 41881 (Permit G-3772, Application G- 4023) which covers 3.3 acres in SESE, Section 2 and 4.0 acres in NENE, Section 11, Township 1 North, Range 1 East, W.M. *A copy of the certificate and associated map is enclosed.*

Further review of the proposed source of water under this application and the authorized points of appropriation under Certificate 41881 indicate that Well 2 (MULT 921) under this application is the same well as described in Certificate 41881. In addition, the Department has determined that the proposed ground water from all wells under this application will appropriate ground water from the same source. Because Certificate 41881 allows the maximum rate of 1/80 CFS per acre of water for the area of overlap with the lands under this application, and because the wells under this application will produce ground water from the same source, the use of 0.09 CFS (1/80 CFS * 7.3 acres) for 7.3 acres from the proposed wells is not allowable.

If you would like this application to include the 7.3 acres, you may resolve the conflict by completing a form authorizing cancellation of the existing rights, or transferring the existing rights. If the Department issues a permit and you *have not* resolved the conflict, the new permit will not include the 7.3 acres. *Please see tabulation of overlapping areas on the Application Fact Sheet.*

8. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. If the application is approved, the rate allowed will be limited to 0.41 CFS for 32.4 acres (39.7 acres proposed less 7.3 acres not allowed as described in # 6 above).
9. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.41 CFS from Well 1 (MULT 916), Well 2 (MULT 921) , Well 3 (MULT 918), Well 4, and Well 5 in Columbia Slough Basin for irrigation of 32.4 acres may be allowed during the full period requested, March 1 through October 31, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 2 (MULT 921) and Well 3 (MULT 918).

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. However, due to #7 and 8 above, your application will likely be limited accordingly.

Additional Information Required:

Additional information is required to process your application prior to issuance of a Proposed Final Order that may recommend approval. Please provide an updated map that shows the remaining acreage that is not underlain by Certificate 41881, being 2.5 acres in SESE, Section 2 and 0.01 acre in NENE, Section 11, Township 1 North, Range 1 East, W.M.

Please submit this information no later than August 10, 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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, July 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.
 - 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. 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 be subject to cancellation, 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 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 503-986-0816 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17180
WAB 2-PSI/no wab
POU 2-PSI/no wab
GW

APPLICATION FACT SHEET

Application File Number: G-17180

Applicant: COLUMBIA EDGEWATER COUNTRY CLUB

County: Multnomah

Watermaster: 20

Priority Date: February 23, 2009

Source: WELL 1 (MULT 916), WELL 2 (MULT 921) , WELL 3 (MULT 918), WELL 4, AND WELL 5 IN COLUMBIA SLOUGH BASIN

Use: IRRIGATION OF 39.7 ACRES

Quantity: 0.5 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 COLUMBIA R & MISC WWM

Well Locations:

WELL 1 (MULT 916) - NWSE, SECTION 2, T1N, R1E, W.M.; 1650 FEET NORTH AND 2350 FEET WEST FROM SE CORNER, SECTION 2

WELL 2 (MULT 921) - NESE, SECTION 2, T1N, R1E, W.M.; 2050 FEET NORTH AND 880 FEET WEST FROM SE CORNER, SECTION 2

WELL 3 (MULT 918) - NWSE, SECTION 2, T1N, R1E, W.M.; 1670 FEET NORTH AND 2390 FEET WEST FROM SE CORNER, SECTION 2

WELL 4 - SWSE, SECTION 2, T1N, R1E, W.M.; 750 FEET NORTH AND 2310 FEET WEST FROM SE CORNER, SECTION 2

WELL 5 - SESE, SECTION 2, T1N, R1E, W.M.; 500 FEET NORTH AND 1120 FEET WEST FROM SE CORNER, SECTION 2

Place of Use:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.8 ACRES
SECTION 2

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE
SECTION 11

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

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 24, 2009

PUBLIC NOTICE DATE: Tuesday, July 14, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, August 13, 2009

Area of overlap with Certificate 41881 (Permit G-3772, Application G- 4023) - 7.3 acres:

SE ¼ SE ¼ 3.3 ACRES
SECTION 2

NE ¼ NE ¼ 4.0 ACRES
SECTION 11
TOWNSHIP 1 NORTH, RANGE 1 EAST, W.M.

Mailing List for IR Copies

Application #G-17180

IR Date : July 10, 2009

Original mailed to applicant:

GORDON KIYOKAWA
COLUMBIA EDGEWATER COUNTRY CLUB
2220 NE MARINE DR
PORTLAND, OR 97211

Copies sent to:

1. WRD - File # G-17180
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent VIA E-MAIL to:

3. WRD - Watermaster # 20
4. ODFW:
5. DEQ:

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

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

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

Caseworker: Kerry Kavanagh

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