



# 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

STAN TONNISON LLC  
STAN TONNISON  
23586 NW SAINT HELENS RD  
PORTLAND, OR 97231

July 24, 2009

Reference: File G-17176

Dear Mr. Tonneson:

### **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 0.22 cubic foot per second (CFS) of water from a well (MULT 2131/2138) for year-round commercial use and irrigation on 0.16 acre.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a well (MULT 2131/2138) in Multnomah Channel Basin for commercial and irrigation 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 not have the potential for substantial interference with any surface water source.

5. The Department has determined that a well (MULT 2131/2138) does 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 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).

6. Under OAR 690-502-0040(6), the irrigation season in the Willamette Basin is limited to March 1 through October 31.
7. The standard allowable rate for irrigation use of ground water is 1/80 CFS per acre. Your application requested 0.22 CFS for commercial and irrigation use on 0.16 acre. If the application is approved, the rate allowed for irrigation use will be limited to 0.002 CFS.
8. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

### **Summary of Initial Determinations**

**The use of 0.22 CFS of water from a well (MULT 2131/2138) in Multnomah Channel Basin for year-round commercial and irrigation use, not to exceed 0.002 CFS, on 0.16 acre March 1 through October 31 is allowable, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for a well (MULT 2131/2138).**

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**

Prior to the issuance of a permit, the Department must receive documentation that the proposed use complies with the local acknowledged comprehensive land-use plan. The Land Use Information Form submitted with your application does not mention the uses proposed in the application, being commercial and irrigation. Please submit documentation from the relevant planning jurisdiction that either 1) the proposed uses, commercial and irrigation, are 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.

A copy of the Land Use Information Form submitted with your application and a new Land Use Information Form are enclosed for your convenience.

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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, August 7, 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 an annual report which includes the recorded water use measurements to the Department by December 1 of each year. 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 the 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.

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 503-986-0808 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-17176  
WAB 2-  
POU 2-  
GW

# APPLICATION FACT SHEET

Application File Number: G-17176

Applicant: STAN TONNESON LLC

County: MULTNOMAH

Watermaster: 18

Priority Date: FEBRUARY 9, 2009

Source: A WELL (MULT 2131/2138) IN MULTNOMAH CHANNEL BASIN

Use: COMMERCIAL AND IRRIGATION USE ON 0.16 ACRE

Quantity: 0.22 CUBIC FOOT PER SECOND, NOT TO EXCEED 0.002 CFS FOR IRRIGATION

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 26 MULTNOMAH CHANNEL & TRIBS

Well Location: NESE SECTION 36, T3N, R2W, W.M.; 702 FEET SOUTH AND 620 FEET WEST FROM E1/4 CORNER, SECTION 36

Place of Use:

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  COMMERCIAL USE AND IRRIGATION OF 0.05 ACRE  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  COMMERCIAL USE AND IRRIGATION OF 0.11 ACRE  
SECTION 36  
TOWNSHIP 3 NORTH, RANGE 2 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 7, 2009**

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

**30 DAY COMMENT DEADLINE DATE: Thursday, August 27, 2009**

# Mailing List for IR Copies

Application #G-17176

IR Date: July 24, 2009

## Original mailed to applicant:

STAN TONNESON LLC, ATTN: STAN TONNESON, 23586 NW SAINT HELENS RD,  
PORTLAND, OR 97231

## Copies sent to:

1. WRD - File # G-17176
2. WRD - Water Availability: Ken Stahr

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

3. WRD - Watermaster # 18
4. Department of Agriculture

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

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>
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**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.)