



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

OLSON VINEYARD
PO BOX 26
DUNDEE, OR 97115

July 24, 2009

Reference: File G-16918

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 80 gallons per minute, or 0.18 cubic foot per second (CFS), of water from Well 1 (YAMH 4380) and Well 2 (YAMH 54285) in Harvey Creek Basin for year-round commercial use, not to exceed 5,000 gallons per day, and irrigation of 15.1 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 use of water from Well 1 (YAMH 4380) and Well 2 (YAMH 54285) in Harvey Creek Basin for commercial use and irrigation 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 Oregon Administrative Rules (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 Well 1 (YAMH 4380) 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 repair of the well(s) will not necessarily overcome the potential for substantial interference with surface water and might not result in the issuance of a permit.

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).

6. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.18 CFS, not to exceed 5,000 gallons per day for commercial use, from Well 1 (YAMH 4380) and Well 2 (YAMH 54285) in Harvey Creek Basin for year-round commercial use and irrigation of 15.1 acres from March 1 through October 31 may be allowed during the full period requested, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 1 (YAMH 4380).

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 # 5 above, your application will likely be limited accordingly.

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:

- You submitted a receipt signed and dated by a representative of the Yamhill County Planning Department along with your application materials. Please keep in mind that prior to permit issuance, the Department must receive documentation from the relevant planning jurisdiction 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.

Please submit this information no later than August 27, 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, August 7, 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 at each point of appropriation. The permittee shall maintain the meter 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. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. 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.
4. The wells shall be constructed to allow ground water production only from the Columbia River Basalt ground water reservoir with an open interval of 100 feet or less.

5. During the pump test required by this permit, observation water-level measurements shall also be made in at least one of the nearest existing wells on the permit. Both wells shall be idle prior to and after the test for at least 24 hours. Measurements shall be made at the same times as in the pumped well, shall be accurate to at least 0.1 of a foot, and shall be recorded on the Department's Pump Test Data Sheets. The pump test report shall identify each well by its corresponding Well ID (well tag number) or OWRD Well Log ID and shall include a map showing the well locations to an accuracy of at least 50 feet.
6. A measuring tube shall be installed in both wells prior to any water use under this permit. Measuring tubes shall meet Department standards as described in OAR 690-210-0280.

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-16918
WAB 2-182
POU 2-182
GW no psi

APPLICATION FACT SHEET

Application File Number: G-16918

Applicant: OLSON VINEYARD

County: Yamhill

Watermaster: 16

Priority Date: August 22, 2007

Source: WELL 1 (YAMH 4380) AND WELL 2 (YAMH 54285) IN HARVEY CREEK BASIN

Use: COMMERCIAL USE; IRRIGATION OF 15.1 ACRES

Quantity: 0.18 CUBIC FOOT PER SECOND, NOT TO EXCEED 5,000 GALLONS PER DAY FOR COMMERCIAL USE

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 18 OTTER CR & MISC

Well Locations:

WELL 1 - SESW, SECTION 22, T3S, R3W, W.M.; 240 FEET NORTH AND 730 FEET WEST FROM S1/4 CORNER, SECTION 22

WELL 2 - SESW, SECTION 22, T3S, R3W, W.M.; 250 FEET NORTH AND 1190 FEET WEST FROM S1/4 CORNER, SECTION 22

Place of Use:

SE ¼ SW ¼ 15.1 ACRES IRRIGATION AND COMMERCIAL USE
SECTION 22
TOWNSHIP 3 SOUTH, RANGE 3 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-16918

IR Date : July 24, 2009

Original mailed to applicant:

OLSON VINEYARD
PO BOX 26
DUNDEE, OR 97115

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|--|
| Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE) |
|--|

Copies sent to:

1. WRD - File # G-16918
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 16
4. WRD - NW Region Well Inspector

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

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

4. Greg Kupillas, CWRE #432, Pacific Hydro Geology, 18477 S Valley Vista Rd, Mulino OR 97042

Caseworker: Kerry Kavanagh

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