



# 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

BOGDAN CACEU  
6722 SE REED COLLEGE PLACE  
PORTLAND, OR 97202

August 28, 2009

Reference: File G-17239

Dear Mr. Caceu:

### **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 applicant proposed the use of 0.045 cubic foot per second (CFS) of water from a well in North Fork Ash Creek Basin for irrigation use on 30.0 acres May 15 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 a well in North Fork Ash Creek Basin for 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 proposed rate does not appear to be sufficient to provide a beneficial use without waste. The applicant proposes to irrigate 30.0 acres. The standard rate for the application of water for irrigation in the Willamette Basin is 1/80 CFS per acre. Therefore, the standard rate allowed to irrigate 30.0 acres would be 0.38 CFS, or more than eight times the requested rate.

However, by providing additional information or amending your application for fewer acres, you may be able to demonstrate that water is sufficient to provide beneficial use

without waste. Please refer to the **Additional Information Opportunity** section below for details.

6. It appears that land use approval is not being pursued. Please see the **Additional Information Required** section below.

### **Summary of Allowable Water Use**

**Because not all items above are favorable, the use of 0.045 CFS of water from a well in North Fork Ash Creek Basin for irrigation use on 30.0 acres is not allowable, and it appears unlikely that you will be issued a permit unless additional information is provided. At this time, you must decide whether to proceed or to withdraw your application as described below.**

### **Additional Information Opportunity**

In order for the Department to find 0.38 CFS for irrigation of 30.0 acres is sufficient to provide beneficial use without waste, additional information or an amended application for fewer acres is required.

### **Additional Information Required**

In order for the Department to issue a favorable Proposed Final Order, documentation that demonstrates the proposed use (irrigation) complies with the local acknowledged comprehensive land-use plan, or that you are actively pursuing approval from the [Polk County Planning Department](#). The Land Use Information Form submitted with the application indicates you have not obtained approval and you are not pursuing it.

Please note, 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 the information no later than Thursday, October 1, 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.

### **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, September 11, 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 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; provided however, where any meter 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.
  4. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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" with a horizontal flourish extending to the right.

Brook Geffen  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17239  
WAB 2-NA  
POU 2-NA  
GW

# APPLICATION FACT SHEET

Application File Number: G-17239

Applicant: BOGDAN CACEU

County: POLK

Watermaster: 16

Priority Date: JUNE 25, 2009

Source: A WELL IN NORTH FORK ASH CREEK BASIN

Use: IRRIGATION USE ON 30.0 ACRES

Quantity: 0.045 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 10 ASH CR & MISC

Point of Diversion or Well Location(s): NWSE, SECTION 6, T8S, R5W, W.M.; 2310 FEET NORTH AND 1450 FEET WEST FROM SE CORNER, SECTION 6

Place of Use:

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  10.0 ACRES

NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  12.0 ACRES

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  5.0 ACRES

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  3.0 ACRES

SECTION 6

TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 11, 2009**

**PUBLIC NOTICE DATE: Tuesday, September 1, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, October 1, 2009**

# Mailing List for IR Copies

Application #G-17239

IR Date: August 28, 2009

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**Original mailed to applicant:**

BOGDAN CACEU, 6722 SE REED COLLEGE PLACE, PORTLAND, OR 97202

Copies sent to:

1. WRD - File # G-17239
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 16
4. Department of Agriculture

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

**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.)