



# 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**

STEVEN PUNTENNEY  
738 CORSAIR DR  
INDEPENDENCE, OR 97351

December 11, 2009

Reference: File G-17253

Dear Mr. Punttenney:

### **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 1.45 cubic feet per second (CFS) of water from Well 1 (MORR 383) and Well 2 (MORR 51716) in Willow Creek Basin for irrigation use on 56.43 acres 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 (MORR 383) and Well 2 (MORR 51716) in Willow Creek Basin for irrigation use is allowable under the Umatilla 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 from:

- Well 1 (MORR 383) does not have the potential for substantial interference with Willow Creek and
- Well 2 (MORR 51716) does have the potential for substantial interference with Willow Creek. Therefore, in accordance with Oregon Administrative Rules 690-410-0070(1) and 690-400-0010(11)(a)(A), surface water availability must also be considered.

Surface water is not available at any time.

5. The standard allowable rate for irrigation use is 1/80 CFS per acre. Your application requested 1.45 CFS for 56.43 acres. If the application is approved, the rate allowed will be limited to 0.71 CFS.
6. The Department has determined that Well 1 (MORR 383) 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, 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 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. The Department has determined there is not a well log associated with Well 2 (MORR 51716), therefore the Department is unable to determine if the well meets current minimum well construction standards. Please refer to the **Additional Information Required** section below for more information.
8. A portion of the area proposed to be irrigated under this application is currently covered by existing irrigation water rights evidenced by certificates 83641 and 130, which conflict with your application. Please see the **Conflict Resolution Information** section below for more information.
9. Page one of the application states the applicants are Steven and Janice Punttenney. However, only Steven Punttenney signed the application. If you would like Janice Punttenney on subsequent documents related to the proposed application, please ask her to sign a copy of the enclosed signature page and return it to the Department by January 14, 2010.

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

**Because not all items above are favorable, the use of 0.71 CFS of water from Well 1 (MORR 383) and Well 2 (MORR 51716) in Willow Creek Basin for irrigation use on 56.43 acres is not allowable, and it appears unlikely that you will be issued a permit unless suitable mitigation is provided for appropriations from Well 2 and Well 1, and/or Well 2 is determined to be in compliance. At this time, you must decide whether to proceed or to withdraw your application as described below.**

### **Additional Information Required:**

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval.

In order for the Department to determine if the well construction for Well 2 (MORR 51716) meets current minimum well construction standards, the following information is required:

- boring report; or
- well report; or
- rough log; or
- other evidence that would describe the well construction.

**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.**

**Conflict Resolution Information:**

Of the proposed lands to be irrigated under this application acres within SWNW, SENW, and NESW, Section 27, Township 1 North, Range 23 East, are currently covered by existing irrigation water rights evidenced by certificates 130 and 83641, which conflict with your application.

If you would like this application to be the primary right, the Department must receive:

- A completed form authorizing cancellation of the conflicting portions of the existing right, along with a map describing those portions; or
- A completed affidavit of diminution of the conflicting portions of the existing right to reduce them to supplemental use, along with a map describing those portions; or
- A transfer of the conflicting portions of the existing right; or
- Another means of dealing with the conflict between the existing right and the use proposed under this application.

If you would like this application to be supplemental to the existing certificate, the Department must receive a revised map showing the place of use of both the primary and supplemental lands. Please note the supplemental lands will be limited and/or jeopardized as follows:

- If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be canceled.
- You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.
- The season of use for the supplemental irrigation will be limited to that of the primary right.

**Please submit required information and conflict resolution information no later than Thursday, January 14, 2010.** 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. If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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, December 25, 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:

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. 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.

4. When exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water.

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-17253  
WAB 7- 30710417  
POU 7- 30710417  
GW

# APPLICATION FACT SHEET

Application File Number: G-17253

Applicant: STEVEN PUNTENNEY

County: MORROW

Watermaster: 21

Priority Date: AUGUST 14, 2009

Source: WELL 1 (MORR 383) AND WELL 2 (MORR 51716) IN WILLOW CREEK BASIN

Use: IRRIGATION USE ON 56.43 ACRES

Quantity: 1.45 CUBIC FEET PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 4A WILLOW CR

Well Location(s):

WELL 1 (MORR 383) - NWSE, SECTION 27, T1N, R23E, W.M.; 2450 FEET NORTH  
AND 2260 FEET WEST FROM SE CORNER, SECTION 27

WELL 2 (MORR 51716) NWNE, SECTION 27, T1N, R23E, W.M.; 1120 FEET SOUTH  
AND 2180 FEET WEST FROM NE CORNER, SECTION 27

Place of Use:

SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  2.0 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  20.0 ACRES  
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  30.43 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  4.0 ACRES  
SECTION 27  
TOWNSHIP 1 NORTH, RANGE 23 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 25, 2009**

**PUBLIC NOTICE DATE: Tuesday, December 15, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, January 14, 2010**

# Mailing List for IR Copies

Application #G-17253

IR Date: December 11, 2009

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**Original mailed to applicant:**

STEVEN PUNTENNEY , 738 CORSAIR DR, INDEPENDENCE, OR 97351

Copies sent to:

WRD - File # G-17253

WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

- WRD - Regional Manager:NC
- WRD - Regional Well Inspector:NC

- WRD - Watermaster # 21
- 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

VCOPYSH.T.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.)

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