



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

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
ATTN: RICHARD LOUIE
PO BOX 260
SAINT HELENS, OR 97051

December 18, 2009

Reference: File G-17282

Dear Mr. Louie:

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 1.0 cubic foot per second (CFS) of water from well McGilvra #2 in Milton Creek Basin for year-round municipal use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from well McGilvra #2 in Milton Creek Basin for municipal 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. McNulty Water People's Utility District is a municipal corporation. Municipal corporations qualify for municipal use, however, they do not qualify for quasi-municipal use. Per your application materials, it is unclear if you intended to apply for municipal use or quasi-municipal use. Unless you submit additional clarification to the Department by **Thursday, January 21, 2010**, the Department will continue to process your application for municipal use.
6. Please refer to the **Additional Information Requested** section below for specific information regarding public notice to affected landowners.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the submitted Land Use Information Form.

Summary of Initial Determinations

The use of water from well McGilvra #2 in Milton Creek Basin for year-round municipal use is allowable during the full period requested.

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 Requested

Newspaper Publication Requested

You indicated on the application form that you do not own all the land where you propose to divert, transport, and use water. OAR 690-310-0020(1) requires the Department to provide notice to all affected landowners prior to issuing a permit. OAR 690-310-0020(2) specifies that if there are more than 25 landowners involved in the proposed use, the notice may be satisfied by publishing a notice of the application once each week for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The cost of the publication is to be paid by the applicant.

The Department requests that you have the required notice published. The language to be used in the notice is attached. A copy of the affidavit of publication must be submitted to the Department following completion of the notice period. If the three weekly notices have not been published within 45 days from the date of this Initial Review, please submit a receipt demonstrating that this process has been initiated.

Additional Information Required

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

Under OAR 690-005-0035 (2)(d), the Department must receive a completed Land Use Information Form or a receipt signed and dated by the relevant planning jurisdiction that states the proposed use of water and location(s) where water will be diverted, conveyed, and used comply with the local acknowledged comprehensive land-use plan. It appears that the Land Use Information Form submitted with your application only includes approval for a portion of lands where water will be diverted, conveyed, and used being, taxlot 404, SWSE, section 31, T5N, R1W, W.M. A copy of your Land Use Information Form is enclosed for your convenience.

Please submit land use approval for all lands where you propose to divert, convey and use water 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.

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, January 1, 2010**. 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. (1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

- (2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).
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 well shall produce ground water from no shallower than 125.0 feet below land surface.

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 503-986-0808 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, flowing style.

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17282
WAB 2- NA
POU 2- NA
GW

APPLICATION FACT SHEET

Application File Number: G-17282

Applicant: MCNULTY WATER PEOPLE'S UTILITY DISTRICT

County: COLUMBIA

Watermaster: 18

Priority Date: NOVEMBER 4, 2009

Source: WELL MCGILVRA #2 IN MILTON CREEK BASIN

Use: MUNICIPAL USE

Quantity: 1.0 CFS

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 4 MILTON CR

Well McGilvra #2 Location: SWSE, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

Place of Use:

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
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SECTION 6

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SECTION 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$
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SECTION 8

SW $\frac{1}{4}$ SE $\frac{1}{4}$
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SECTION 25

SW $\frac{1}{4}$ NE $\frac{1}{4}$
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SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$
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SECTION 35

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SECTION 36

TOWNSHIP 5 NORTH, RANGE 2
WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 1, 2010

PUBLIC NOTICE DATE: Tuesday, December 22, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, January 21, 2010

Mailing List for IR Copies

Application #G-17282

IR Date: December 18, 2009

Original mailed to applicant:

RICHARD LOUIE MCNULTY WATER PEOPLE'S UTILITY DISTRICT, PO BOX 260, SAINT HELENS, OR 97051

Copies sent to:

1. WRD - File # G-17282
2. WRD - Water Availability: Ken Stahr
3. Regional Well Inspector: NW

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

IR, Map, and Fact Sheet Copies sent to:

4. WRD - Watermaster # 18

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

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

4. John Borden

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.)