



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

OLSEN AGRICULTURE
ATTN: JAMIE OLSEN
8930 SUVER RD
MONMOUTH, OR 97361

August 1, 2008

Reference: File G-17017

Dear Mr. Olson:

**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 0.036 cubic foot per second (CFS) of water from a well (POLK 52721) in Berry Creek Basin for commercial use September 1 through November 30 (not to exceed 1,120,000 gallons per year (GPY)), fire protection as needed (not to exceed 5000 GPY and to be stored in an above-ground storage tank), pond maintenance March 1 through September 30 (not to exceed 580,000 GPY), and irrigation use on 275.0 acres March 1 through October 31 of each year (not to exceed 2,875,000 GPY).
2. The proposed uses are not prohibited by law or rule except where otherwise noted below.
3. The use of water from a well (POLK 52721) in Berry Creek Basin for commercial use, pond maintenance, and irrigation use is allowable under the Willamette Basin Program.
4. Under OAR 690-310-0010 (6), fire protection is included in the definition of commercial use.
5. 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.

6. The standard allowable rate for irrigation use of ground water is 1/80 CFS per acre. Your application requested 0.036 CFS for irrigation use on 275.0 acres. If the application is approved, under the standard allowable rate of 1/80 CFS per acre, irrigation would be limited to 2.88 acres. Therefore, the Department has determined 0.036 CFS of water is unlikely to be sufficient to irrigate 275.0 acres.

However, if you can provide information that indicates that 0.036 CFS can be used beneficially on more than 2.88 acres, the Department will take this into consideration.

If you choose to provide more information on this matter, please submit materials no later than **August 21, 2008**. If we do not receive additional information to evaluate, the Department will likely proceed with a Proposed Final Order recommending denial of the irrigation portion of your application.

7. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Initial Determinations

The use of 0.036 CFS from a well (POLK 52721) in Berry Creek Basin for commercial use September 1 through November 30 (not to exceed 1,120,000.0 GPY) and pond maintenance March 1 through September 30 (not to exceed 580,000.0 GPY) is allowable during the full periods requested.

Because determination #6 is not favorable, the use of 0.036 CFS of water from a well (POLK 52721) in Berry Creek Basin for irrigation use on 275.0 acres is not allowable, and it appears unlikely that you will be issued a permit for irrigation use at this rate for this many acres.

At any one time, the rate of water for commercial and pond maintenance uses from a well (POLK 52721) in Berry Creek Basin shall not exceed 0.036 CFS.

The Department will 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

Additional fees are required to process your application. The total exam fee is \$1300.00. The Department has received a total of \$600.00. Please provide additional fees of \$700.00. Please note, prior to permit issuance an additional \$300.00 for recording fees must be received.

Fee Breakdown:

Category	Fee
Base	\$500.00
First CFS	\$200.00
Each additional use at \$200.00 each	\$600.00
TOTAL FEES:	\$1300.00

Please submit this information no later than September 4, 2008. 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 \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, August 15, 2008**. 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 at each point of appropriation. The permittee shall

maintain the meter(s) in good working order. 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.

- B. The permittee shall allow the watermaster access to the meter(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
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. 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 reference water level shall be determined by data collected under Application LL-1102. This 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.

- 5. At the time of certification, the total rate allowed for pond maintenance may be reduced, in accordance with Departmental standards, so as to be commensurate with the certified volume(s) of the reservoir(s).

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,

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17017
WAB 2-NA
POU 2-NA
GW

APPLICATION FACT SHEET

Application File Number: G-17017

Applicant: OLSEN AGRICULTURE

County: POLK

Watermaster: 16

Priority Date: MARCH 3, 2008

Source: A WELL (POLK 52721) IN BERRY CREEK BASIN

Use: COMMERCIAL USE, POND MAINTENANCE, AND IRRIGATION USE ON 275.0 ACRES

Quantity: 0.036 CUBIC FOOT PER SECOND, NOT TO EXCEED 1,120,000 GALLONS PER YEAR (GPY) FOR COMMERCIAL USE, 580,000 GPY FOR POND MAINTENANCE, AND 2,875,000 GPY FOR IRRIGATION

Period of use:

COMMERCIAL USE - SEPTEMBER 1 THROUGH NOVEMBER 30

FIRE PROTECTION - AS NEEDED

POND MAINTENANCE - MARCH 1 THROUGH SEPTEMBER 30

IRRIGATION USE - MARCH 1 THROUGH OCTOBER 31

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 9A SOAP CR MISC

Well Location (POLK 52721): DLC 64 (NW1/4 NW1/4), SECTION 36, T9S, R5W, W.M.; 2900 FEET SOUTH AND 1210 FEET EAST FROM NW CORNER, SMITH COLLINS DLC 64

Place of Use:

COMMERCIAL USES

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

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$

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

IRRIGATION

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.7 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SE ¼ SW ¼ 3.6 ACRES
SECTION 25

COMMERCIAL USES

NE ¼ SE ¼
SE ¼ SE ¼

FIRE PROTECTION

NE ¼ SE ¼

POND MAINTENANCE

NE ¼ SE ¼

IRRIGATION

NE ¼ SE ¼ 17.3 ACRES
SE ¼ SE ¼ 29.5 ACRES
SECTION 26

COMMERCIAL USES

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼

IRRIGATION

NE ¼ NE ¼ 17.4 ACRES
SE ¼ NE ¼ 29.5 ACRES
NE ¼ SE ¼ 11.1 ACRES
SECTION 35

COMMERCIAL USES

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼

IRRIGATION

NE ¼ NW ¼ 3.6 ACRES
NW ¼ NW ¼ 40.0 ACRES
SW ¼ NW ¼ 40.0 ACRES
SE ¼ NW ¼ 3.9 ACRES
NE ¼ SW ¼ 1.4 ACRES
NW ¼ SW ¼ 14.0 ACRES

FIRE PROTECTION

SW ¼ NW ¼
NW ¼ SW ¼

POND MAINTENANCE

SW ¼ NW ¼
NW ¼ SW ¼

SECTION 36

TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 15, 2008

PUBLIC NOTICE DATE: Tuesday, August 5, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, September 4, 2008

Mailing List for IR Copies

Application #G-17017

IR Date: August 1, 2008

Original mailed to applicant:

JAMIE OLSEN OLSEN AGRICULTURE, 8930 SUVER RD, MONMOUTH, OR 97361

Copies sent to:

1. WRD - File # G-17017
2. WRD - Water Availability: Ken Stahr

3. WRD - Regional Manager (not SCR):

4. WRD -Watermaster # 16 (include Division 33 form)
5. Department of Agriculture

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

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

6. William Kness, Stuntzner Engineering, 2137 19th Ave, Forest Grove, OR 97116

7. Luckiamute Watershed Council, Western Oregon University, 345 North Monmouth Avenue,
Monmouth, OR 97361

COPYSH.T.IR

Caseworker: Brook Geffen

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.)