



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**

OREGON INSTITUTE OF TECHNOLOGY
ATTN: TONYA BOYD
3201 CAMPUS DR
KLAMATH FALLS, OR 97601

April 16, 2010

Reference: File G-17303

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 5.57 cubic feet per second (CFS) of water from Well OIT 7 (KLAM 57310) in Upper Klamath Lake Basin for year-round commercial use and industrial use, which include geo-thermal heating and cooling.
2. The proposed uses are not prohibited by law or rule except where otherwise noted below.
3. Under ORS 536.340(1)(a), the Water Resources Commission may establish a basin program to classify sources of water supply as to the highest and best use and quantities of use, and that classification of sources of water supply has the effect of restricting the use and quantities of use thereof to the uses and quantities of uses specified in the classification. The Commission has not established a basin program for the Klamath River basin. Therefore, neither the proposed use nor the quantity of water is restricted as a result of this consideration.
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 because all produced water will be injected into existing or proposed injection wells, the use will be nonconsumptive. Therefore, the proposed ground water use will not have the potential for substantial interference with any surface water source.

5. The proposed use is located above the Klamath Scenic Waterway Scenic Waterway, as designated under Oregon Revised Statute 390.826.
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 5.57 CFS of water from Well OIT 7 (KLAM 57310) in Upper Klamath Lake Basin for year-round commercial use and industrial use, which include geo-thermal heating and cooling, is allowable.

Additional Information Required:

Pursuant to OAR 690-310-0050(4)(a), the map submitted does not meet application requirements. Please provide a map that clearly shows:

- the location of the place where water is to be used identified by tax lot, township, range, section and nearest quarter-quarter section, and
- the location of Well OIT 7 (KLAM 57310) by reference to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

Please submit an updated map no later than May 20, 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 an updated map 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.

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.

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, April 30, 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 and injection. 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 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 or measuring device; provided however, where any 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. 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. Prior to use of water under this permit, the permit holder must register the injection activity with the Oregon Department of Environmental Quality's Underground Injection Control (UIC) Program. At the time of permit issuance, the program coordinator is Barbara Priest, who can be contacted at 811 SW 6th Ave, Portland OR 97204, or 503-229-5945.
4. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
5. Water may be injected only into the following authorized wells: KLAM 52400 (OITINJ 1), KLAM 10390 (OITINJ 2), and, KLAM 57310 (OITINJ 3).

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, slightly slanted style.

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17303
WAB 14-NA
POU 14-NA
GW - NA

APPLICATION FACT SHEET

Application File Number: G-17303

Applicant: OREGON INSTITUTE OF TECHNOLOGY

County: KLAMATH

Watermaster: 17

Priority Date: FEBRUARY 1, 2010

Source: WELL OIT 7 (KLAM 57310) IN UPPER KLAMATH LAKE BASIN

Use: COMMERCIAL USE AND INDUSTRIAL USE, WHICH INCLUDES GEO-THERMAL HEATING/COOLING

Quantity: 5.57 CUBIC FEET PER SECOND

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 1 U KLAMATH L & MISC

Well Location(s):

NESW, SECTION 17, T38S, R9E, W.M.; 13 FEET NORTH AND 587 FEET WEST FROM SE CORNER, NESW, SECTION 17

Place of Use:

NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 17

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 20

TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 30, 2010

PUBLIC NOTICE DATE: Tuesday, April 20, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, May 20, 2010

Mailing List for IR Copies

Application #G-17303

IR Date: April 16, 2010

Original mailed to applicant:

TONYA BOYD OREGON INSTITUTE OF TECHNOLOGY, 3201 CAMPUS DR, KLAMATH FALLS, OR 97601

Copies sent to:

- WRD - File # G-17303
- WRD - Water Availability: Ken Stahr

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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IR, Map, and Fact Sheet Copies sent to:

- WRD - Regional Manager (not SCR):

- WRD - Watermaster # 17 (include Division 33 form)
- 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

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.)