



# 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

ISSA KARAM  
15028 S REDLAND RD  
OREGON CITY, OR 97045

April 23, 2010

Reference: File G-17221

Dear Mr. Karam:

**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 0.75 cubic foot per second (CFS) from Well 1, Well 2, Well 3, and Well 4 in Clear Creek Basin for nursery use on 60.0 acres from January 1 through June 30 and October 2 through December 31, and 0.75 CFS from Well 2, Well 3, and Well 4, further limited to 0.056 CFS from Well 1, for nursery use on the same 60.0 acres from July 1 through October 1.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Uses included in nursery use are fully included in irrigation and agriculture uses, both of which are allowed by OAR 690-502, the Willamette Basin Program. Therefore, the use of water from Well 1, Well 2, Well 3, and Well 4 in Clear Creek Basin for nursery use is allowable.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.
5. As you are aware, the proposed place of use has an underlying ground water right evidenced by Permit G-15983 which authorizes the use of ground water from one of the same wells that is proposed under this application, Well 1. Permit G-15983 was approved with flow rates that avoided the potential for substantial interference with surface water; those rates being the maximum amount of ground water allowed from the alluvial aquifer for these lands. Therefore, additional flows as proposed by Application G-17221 are not allowable from Well 1.
6. The Department has determined, based upon OAR 690-009, that flows in addition to those already authorized by underlying Permit G-15983 from Well 1 will have the potential for substantial interference with surface water. Therefore, Well 1 is unlikely to be approved.

The Department has determined, based upon OAR 690-009, that Well 2, Well 3, and Well 4 will not have the potential for substantial interference with surface water.

**Summary of Initial Determinations**

**The use of 0.75 CFS from Well 2, Well 3, and Well 4 in Clear Creek Basin for year-round nursery use on 60.0 acres may be allowed during the full period requested.**

**The use of 0.75 CFS from Well 1 for year-round nursery use on 60.0 acres is not allowable.**

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to **#5 and #6** above, your application will likely be limited accordingly.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

**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, May 7, 2010**. 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. 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 well(s) shall only allow production from the alluvial ground water reservoir.
4. Well 2, Well 3, and Well 4 shall be continuously cased and sealed from land surface to a depth of at least 200 feet.
5. 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.

6. 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.
7. 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.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

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 503-986-0859 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Jeana Eastman  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

# APPLICATION FACT SHEET

Application File Number: G-17221

Applicant: ISSA KARAM

County: Clackamas

Watermaster: 20

Priority Date: May 14, 2009

Source: WELL 1, WELL 2, WELL 3, AND WELL 4 IN CLEAR CREEK BASIN

Use: NURSERY USE ON 60.0 ACRES

Quantity: 0.75 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 23A CLEAR CR

Point of Diversion or Well Location(s):

WELL 1: SWNW, SECTION 30, T2S, R3E, W.M.; 460 FEET NORTH AND 100 FEET EAST FROM WEST CORNER, MARK HATTON DLC 53

WELL 2: NWSW, SECTION 30, T2S, R3E, W.M.; 40 FEET NORTH AND 80 FEET EAST FROM WEST CORNER, MARK HATTON DLC 53

WELL 3: SWNW, SECTION 30, T2S, R3E, W.M.; 700 FEET NORTH AND 140 FEET WEST FROM WEST CORNER, MARK HATTON DLC 53

WELL 4: SWNW, SECTION 30, T2S, R3E, W.M.; 1000 FEET NORTH AND 230 FEET WEST FROM WEST CORNER, MARK HATTON DLC 53

Place of Use:

SW ¼ NE ¼ 3.8ACRES  
SW ¼ NW ¼ 14.7 ACRES  
SE ¼ NW ¼ 29.25 ACRES  
NE ¼ SW ¼ 8.25 ACRES  
NW ¼ SW ¼ 3.0 ACRES  
NW ¼ SE ¼ 1.0 ACRE  
SECTION 30  
TOWNSHIP 2 SOUTH, RANGE 3 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 7, 2010**

**PUBLIC NOTICE DATE: Tuesday, April 27, 2010**

**30 DAY COMMENT DEADLINE DATE: Thursday, May 27, 2010**

# Mailing List for IR Copies

Application #G-17221

IR Date : April 23, 2010

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**Original mailed to applicant:**

ISSA KARAM , 15028 S REDLAND RD, OREGON CITY, OR 97045

Copies sent to:

1. WRD - File # G-17221
2. WRD - Water Availability: Ken Stahr

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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**Sent VIA EMAIL:**

3. WRD - Watermaster # 20
4. ODFW:
5. DEQ:

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

1. Crane, Ed, CWRE #156

13755 SE 119<sup>th</sup> DR, Clackamas OR 97015

COPYSHT.IR

Caseworker: Jeana Eastman