



Oregon

John A. Kitzhaber, MD, 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

ERIC AND JENNIFER MILLER
3925 N KERBY
PORTLAND, OR 97227

July 8, 2011

Reference: File G-17437

Dear Applicants:

**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 initially proposed the use of 10.0 gallons per minute (gpm), or 0.02 cubic foot per second (CFS), and later the rate was clarified to be 70.0 gpm, or 0.16 CFS, of water from Well 1 (WASC 3975) and Well 2 in Pine Creek Basin for year-round domestic use for one household and irrigation of 5.5 acres June 1 through September 30.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (WASC 3975) and Well 2 in Pine Creek Basin for domestic use and irrigation is allowable under the Hood Basin Program.
4. Domestic use of up to 15,000 gallons per day from a well is exempt from permitting requirements. The Department will therefore *not consider* domestic use to be a part of your application unless you notify us in writing that you are interested in receiving a permit for domestic use. Any permit issued, including permits for exempt uses, will be subject to metering requirements, rate limitations, and any other conditions contained in the permit.

If you do notify us in writing that you are interested in receiving a permit for domestic use, fees in the amount of \$250 will be required for the additional use.

5. Ground water will not likely be available in the amounts (0.16 CFS) requested without injury to prior rights and/or within the capacity of 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 from ground water is 1/80 CFS per acre. Your application requested 0.16 CFS for 5.5 acres. If the application is approved, the rate allowed will be limited to 0.07 CFS.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 0.07 CFS from Well 1 (WASC 3975) and Well 2 in Pine Creek Basin for irrigation of 5.5 acres is not allowable, and it appears unlikely that you will be issued a permit.

However, by providing additional information as described below, you may be able to pursue a limited permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Opportunity

The Department determined, if properly conditioned, the proposed use of ground water at the rate of 0.02 CFS, will avoid injury to existing ground water rights and the resource. If you would like to use water for irrigation of 5.5 acres June 1 through September 30, you may amend the application to reduce the proposed rate to 0.02 CFS, which would be within the capacity of the resource.

Please submit this information no later than Thursday, August 11, 2011. 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, July 22, 2011**. 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 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 diverted each month, and shall submit a report which includes the recorded report 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. 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 during the period from February 1 through March 31. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial February/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. 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.
- 5. The well(s) shall produce ground water from a single aquifer in the Columbia River Basalt ground water reservoir.
- 6. Well 1 (WASC 3975) shall not be deepened into a different aquifer.
- 7. Well 2 shall be completed in the same aquifer as Well 1 (WASC 3975).

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 503-986-0816 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17437
WAB 4-no psi
POU 4-no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17437

Applicant: ERIC AND JENNIFER MILLER

County: Wasco

Watermaster: 3

Priority Date: NOVEMBER 15, 2010

Source: WELL 1 (WASC 3975) AND WELL 2 IN PINE CREEK BASIN

Use: IRRIGATION OF 5.5 ACRES

Quantity: 0.16 CUBIC FOOT PER SECOND

Basin Name & Number: Hood, #4

Stream Index Reference: Volume 2 FIFTEENMILE CR & MISC

Well Locations:

WELL 1 (WASC 3975) - SESE, SECTION 18, T2S, R13E, W.M.; 1275 FEET NORTH
AND 500 FEET WEST FROM SE CORNER, SECTION 18

WELL 2 - SESE, SECTION 18, T2S, R13E, W.M.; 1275 FEET NORTH AND 1000
FEET WEST FROM SE CORNER, SECTION 18

Place of Use:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.5 ACRES
SECTION 18
TOWNSHIP 2 SOUTH, RANGE 13 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 22, 2011

PUBLIC NOTICE DATE: Tuesday, July 12, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, August 11, 2011

Mailing List for IR Copies

Application #G-17437

IR Date: July 8, 2011

Original mailed to applicant:

ERIC AND JENNIFER MILLER
3925 N KERBY
PORTLAND, OR 97227

Copies sent to:

1. WRD - File # G-17437
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: NC
4. WRD - Watermaster # 3
5. WRD - NC Regional Well Inspector

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

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

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

6. Steve McDowell, 1907 NW Sluman Road, Vancouver, WA 98665

Caseworker: Kerry Kavanagh

VCOPYSHT.IR