



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

ROBERT HEALD
33977 NE COLORADO LAKE DR
CORVALLIS, OR 97333

July 15, 2011

Reference: File G-17442

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 appropriation of 0.30 cubic foot per second (CFS) of water from Well 2 and Well 3 in Owl Creek Basin for irrigation of 24.0 acres March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. If properly conditioned, the proposed use of ground water from Well 2 and Well 3 will avoid injury to existing ground water rights and the resource.
4. The Department has determined, based upon OAR 690-009, that the proposed ground water use from Well 2 will have the potential for substantial interference with Owl Creek. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered.

Surface water is available in the amount and for the full period requested.

5. The Department has determined, based upon OAR 690-009, that the proposed ground water use from Well 3 will not have the potential for substantial interference with any surface water source.
6. The application is subject to Section 4(d) of the Endangered Species Act.
7. The area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit G-16388 (Application G-16896), which conflicts with your application. Permit G-16388 authorizes the use of 0.3 CFS for irrigation of 24.69 acres from July 1 through October 31. The Department has determined that the proposed ground water from Well 2 and Well 3 under this application will

appropriate ground water from the same source as the well authorized under Permit G-16388. Because Permit G-16388 allows the maximum rate of 1/80 CFS per acre of water for the area of overlap with the lands under this application, and because the wells under this application will produce ground water from the same source, the use of 0.30 CFS from the proposed wells is not allowable from July 1 through October 31. However, 0.30 CFS for irrigation of 24.0 acres is allowable from March 1 through June 30 under this application.

Summary of Allowable Water Use

The use of 0.30 CFS from Well 2 and Well 3 in Owl Creek Basin for irrigation of 24.0 acres is allowable March 1 through June 30.

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 #7 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.

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 29, 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 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 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

- 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. 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.

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 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-17442
WAB -Well 2 - 2-30200321; Well 3 - no psi
POU -Well 2 - 2-30200321; Well 3 - no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17442

Applicant: ROBERT HEALD

County: Linn

Watermaster: 2

Priority Date: December 1, 2010

Source: WELL 2 AND WELL 3 IN OWL CREEK BASIN

Use: IRRIGATION OF 24.0 ACRES

Season: MARCH 1 THROUGH OCTOBER 31

Quantity: 0.30 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 5 COLORADO LAKE & MISC

Well Locations:

WELL 2 - SWSW, SECTION 32, T11S, R4W, W.M.; 520 FEET SOUTH AND 625 FEET EAST FROM SW CORNER, DLC 68

WELL 3 - SESW, SECTION 32, T11S, R4W, W.M.; 55 FEET SOUTH AND 1550 FEET EAST FROM SW CORNER, DLC 68

Place of Use:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.6 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.4 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.7 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.3 ACRES

SECTION 32

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 29, 2011

PUBLIC NOTICE DATE: Tuesday, July 19, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, August 18, 2011

Mailing List for IR Copies

Application #G-17442

IR Date: July 15, 2011

Original mailed to applicant:

ROBERT HEALD
33977 NE COLORADO LAKE DR
CORVALLIS, OR 97333

Copies sent to:

1. WRD - File # G-17442
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent VIA EMAIL:

1. WRD - Watermaster # 2
2. ODFW:
3. DEQ:

IR, Map, and Fact Sheet Copies sent to:

4. Department of Agriculture

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

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

5. Kim Kratz, Northwest Fisheries Science Center, NOAA Fisheries, 2725 Montlake Blvd E, Seattle, WA 98112
6. Paul Henson, USFWS, Oregon Fish & Wildlife Office, 2600 S.E. 98th Ave, Ste 100, Portland, OR 97266

Caseworker: Kerry Kavanagh

VCOPYSHT.IR