



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

CERTIFIED MAIL
Return Receipt Requested

REDS CABIN, LLC.
DANIEL BOYDEN
1430 EASTSIDE RD
HOOD RIVER, OR 97031

July 22, 2011

Reference: File G-17446

Dear Mr. Boyden:

**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 0.033 cubic foot per second (CFS) of groundwater from a well (JACK 20370), in Gaerky Creek Basin, for irrigation of 52.0 acres March 1 through October 31, using drip irrigation, and storage of 13.0 acre feet (AF) of groundwater in five reservoirs, for year-round multi-purpose use as follows:

1.5 AF in Reservoir #1 / Pheasant Pond
1.0 AF in Reservoir #2 / Quail Ridge Pond
6.0 AF in Reservoir #3 / Rock Bridge Pond
2.0 AF in Reservoir #4 / Corral Pond
2.5 AF in Reservoir #5 / (unnamed)

The application also proposed use of 0.013 CFS for year-round pond maintenance of Reservoirs 1, 2, 3, 4, and 5.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a well (JACK 20370) in Gaerky Creek Basin for irrigation, storage, and pond maintenance is allowable under the Rogue Basin Program.
4. The use of water from a well (JACK 20370) in Gaerky Creek Basin for irrigation use is not allowable under OAR 690-515-0020(1)(a), the Rogue Basin Program. However, the Bear Creek subbasin classifications were intended to address surface water only.

5. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and will be 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. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.033 CFS from a well (JACK 20370) in Gaerky Creek Basin for irrigation of 52.0 acres, is allowable during the full period requested, March 1 through October 31.

The storage of 13.0 AF in 5 reservoirs, being Reservoirs #1 (Pheasant Pond), #2 (Quail Ridge Pond), #3 (Rock Bridge Pond), #4 (Corral Pond) and #5 (unnamed), and the use of 0.13 CFS for pond maintenance, is allowable during the full period requested, year-round.

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.

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following item:

1. The number of acres to be used for each use in each quarter-quarter section must be clearly indicated on the map and identified by shading or hatching. The application map shows the number of acres within each quarter-quarter section but does not show where within each quarter-quarter the proposed lands are located. Please provide a map that shows clearly the number of acres to be used in each quarter-quarter section by shading or hatching.
2. Please ensure that the labels on each quarter-quarter section are clearly labeled and correctly identified.

Please submit this information no later than August 23, 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 may 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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, August 5, 2011**. 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. 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 stored, and may require the permittee to report water use and storage 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. 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.
4. Irrigation allowed under this permit shall be by drip irrigation or by an equally efficient method.

5. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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 and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well 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 non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until 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 senior water rights. The water user shall in no instance 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. Surface water shall not be appropriated to fill or maintain the reservoir without a water right permitting the diversion and use of such surface water.
7. 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.

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 503-986-0853 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: Michele McAleer, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17446
WAB 15-70993 (no psi)
POU 15-70993 (no psi)
GW

APPLICATION FACT SHEET

Application File Number: G-17446

Applicant: REDS CABIN, LLC., DANIEL BOYDEN

County: Jackson

Watermaster: 13

Priority Date: December 27, 2010

Source: A WELL (JACK 20370) IN GAERKY CREEK BASIN

Use: IRRIGATION OF 52.0 ACRES, STORAGE, AND POND MAINTENANCE

Quantity: 0.0334 CUBIC FOOT PER SECOND (CFS), 13.0 ACRE FEET, AND 0.013 CFS

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 3 BEAR CR MISC

Well Location(s): SENW, SECTION 1, T39S, R1E, W.M.; 2970 FEET NORTH AND 1810 FEET EAST FROM SW CORNER, SECTION 1

Reservoir Locations:

Reservoir #1 (Pheasant Pond): NWSW, SECTION 1, T39S, R1E, W.M.; 2000 FEET NORTH AND 200 FEET EAST FROM SW CORNER, SECTION 1

Reservoir #2 (Quail Ridge Pond): SWSW, SECTION 1, T39S, R1E, W.M.; 90 FEET NORTH AND 600 FEET EAST FROM SW CORNER, SECTION 1

Reservoir #3 (Rock Bridge Pond): NWNW, SECTION 12, T39S, R1E, W.M.; 520 FEET SOUTH AND 100 FEET EAST FROM NW CORNER, SECTION 12

Reservoir #4 (Corral Pond): NWSW, SECTION 12, T39S, R1E, W.M.; 1500 FEET SOUTH AND 100 FEET EAST FROM NW CORNER, SECTION 12:

Reservoir #5 (unnamed): SWNW, SECTION 1, T39S, R1E, W.M.; 3900 FEET NORTH AND 600 FEET EAST FROM SW CORNER, SECTION 1

Reservoir Information:

<u>Reservoir</u>	<u>Volume (AF)</u>	<u>Acres inundated</u>	<u>Dam Height (feet)</u>
Reservoir #1	1.5	0.5	5.0
Reservoir #2	1.0	0.3	9.0
Reservoir #3	6.0	1.3	9.9
Reservoir #4	2.0	0.5	3.0
Reservoir #5	2.5	0.5	9.0

Place of Use:

	<u>IRRIGATION</u>		<u>POND MAINTENANCE</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$			X POND #5
NW $\frac{1}{4}$ SW $\frac{1}{4}$			X POND #1
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15.6 ACRES			X POND #2
	SECTION 1		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.8 ACRES			
	SECTION 2		
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.2 ACRES			
	SECTION 11		
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.4 ACRES		X	POND #3
SW $\frac{1}{4}$ NW $\frac{1}{4}$		X	POND #4
	SECTION 12		
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.			

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 5, 2011

PUBLIC NOTICE DATE: Tuesday, July 26, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, August 25, 2011

Mailing List for IR Copies

Application #G-17446

IR Date: July 22, 2011

Original mailed to applicant:

REDS CABIN, LLC., ATTN: DANIEL BOYDEN 1430 EASTSIDE RD, HOOD RIVER, OR
97031

Copies sent to:

1. WRD - File # G-17446
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR): SWR
4. WRD - Watermaster # 13
5. Department of Agriculture

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

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

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

Caseworker: Michele McAleer

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