



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

August 19, 2011

PAUL ROTH
8004 LARDON RD NE
SALEM, OR 97305

Reference: File G-17466

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 300.0 gallons per minute, or 0.668 cubic foot per second (CFS), of water from a well in Little Pudding River Basin for irrigation of 12.1 acres and supplemental irrigation of 4.9 acres March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a well in Little Pudding River Basin for irrigation is allowable under the Willamette Basin Program.
4. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

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.

5. As noted in the application materials, the 4.9 acres of supplemental irrigation has an underlying ground water right, evidenced by Certificate 26892 (Permit G-218, Application G-328). Further review of the proposed well under this application and the authorized point of appropriation under Certificate 26892 indicate that the wells will likely develop water from the same groundwater aquifer. Because the wells develop water from the same groundwater source, the proposed well under this application may not be used as a supplemental source. Thus, because Certificate 26892 allows the maximum rate of 1/80 CFS per acre of water and because the wells will produce ground water from the same source, the use of 0.06 CFS (4.9 acres * 1/80 CFS/ac) from the proposed well for supplemental irrigation of 4.9 acres is not allowable.
6. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. Your application requested 0.668 CFS for irrigation of 12.1 acres and supplemental irrigation of 4.9 acres. If the application is approved, the rate allowed will be limited to 0.15 CFS for irrigation of 12.1 acres.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.15 CFS from a well in Little Pudding River Basin for irrigation of 12.1 acres may be allowed during the full period requested, March 1 through October 31.

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.

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 items:

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map that shows the location of the well by reference to a recognized public land survey corner. The application map submitted does not show the correct reference corner – please change the map to reflect the reference corner as being the NW Corner, NENW, Section 14, Township 7 South, Range 2 West, W.M.
- Additional exam fees are required prior to issuance of any Proposed Final Order that may recommend approval as the Department considers primary irrigation and supplemental irrigation separate uses. The total exam fee is \$1500, and the Department has received a total of \$1250; please provide the balance of \$250.

Please note, prior to permit issuance an additional \$400 for recording fees must be received; you may wish to consider paying that fee in advance to expedite permit issuance.

Category	Fee
Base	\$ 1000
First CFS	\$ 250
One additional use	\$ 250
TOTAL EXAM FEES:	\$ 1500

Please submit this information no later than Thursday, September 22, 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.

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, September 2, 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. The well shall produce water only from the alluvial ground water aquifer.
 - 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.
 - 4. 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.

- 5. 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 503-986-0816 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-17466
WAB 2- no psi
POU 2- no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17466

Applicant: PAUL ROTH

County: Marion

Watermaster: 16

Priority Date: May 24, 2011

Source: A WELL IN LITTLE PUDDING RIVER BASIN

Use: IRRIGATION OF 12.1 ACRES; SUPPLEMENTAL IRRIGATION OF 4.9 ACRES

Quantity: 0.668 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 13A LT PUDDING R MISC

Well Location: NWNW SECTION 14, T7S, R2W, W.M.; 100 FEET SOUTH AND 10 FEET WEST FROM NW CORNER, NENW, SECTION 14

Place of Use:

Primary

Supplemental

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

0.1 ACRE

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE

0.3 ACRE

SECTION 11

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.0 ACRES

3.8 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE

0.7 ACRE

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 ACRE

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.9 ACRES

SECTION 14

TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.

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

PUBLIC NOTICE DATE: Tuesday, August 23, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, September 22, 2011

Mailing List for IR Copies

Application #G-17466

IR Date : August 19, 2011

Original mailed to applicant:

PAUL ROTH
8004 LARDON RD NE
SALEM, OR 97305

Copies sent to:

1. WRD - File # G-17466
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 16
4. WRD - NW Regional Well Inspector

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

5. Matthew Kaufman, 8014 Lardon Rd NE, Salem, OR 97305

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

6. James Schuette, CWRE # 117,
JMS Engineering, 3000 Market St NE, Suite 510, Salem, OR 97301

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

Caseworker: Kerry Kavanagh

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