



# 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

**CERTIFIED MAIL**  
**Return Receipt Requested**

February 8, 2008

VICTOR FLORES  
13631 MARION RD  
TURNER, OR 97392

Reference: File G-16882

Dear Mr. Flores:

**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 0.67 cubic foot per second (CFS), from a well (LINN 58169) in Sucker Slough Basin for irrigation use on 15.7 acres from April 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 (LINN 58169) in Sucker Slough Basin for irrigation use is allowable under the Willamette Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

The Department has determined, based upon OAR 690-09, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

5. The Department has determined that a well (LINN 58169) does not meet current minimum well construction standards. Prior to the issuance of a permit, evidence demonstrating compliance with well construction standards must be submitted to the Department, and the Department's Enforcement Section must review and give written approval of the well construction. Please note that repair of the well will not necessarily overcome the potential for substantial interference with surface water and might not result in the issuance of a permit. In repairing the well, you should work closely with the Department and/or a licensed well constructor to ensure that repairs are carried out in a manner that will not violate well construction or other rules. You are encouraged to contact Kris Byrd of the Department's Enforcement Section at 503-986-0851 to determine how to proceed.
6. The standard allowable rate for irrigation use from surface water is 1/80 CFS per acre. Your application requested 0.67 CFS for 15.7 acres. If the application is approved, the rate allowed will be limited to 0.20 CFS.
7. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

#### **Summary of Initial Determinations**

**The use of 0.20 CFS from a well (LINN 58169) in Sucker Slough Basin for irrigation use on 15.7 acres may be allowed from April 1 through October 31 of each year, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for the well.**

#### **Additional Information Required:**

Additional information is required to process your application. Please provide the following:

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a), which requires that tax lots be shown on the application map. Please provide a map that shows the tax lots that encompass the place of use as well as the point of diversion.
- OAR 690-310-050(4)(b) requires the application map submitted to the Department to show the location of pipelines, ditches or other means of transporting water for the proposed use. Please indicate on the map how you propose to transport water to the proposed use.

**Please submit this information no later than March 13, 2008.** 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.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #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 \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, February 22, 2008**. 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, 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.

- 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.
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 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.

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 503-986-0816 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,

A handwritten signature in black ink that reads "K Kavanagh". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kerry Kavanagh  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16882  
WAB 2-no psi  
POU 2-no psi  
GW

# APPLICATION FACT SHEET

Application File Number: G-16882

Applicant: VICTOR FLORES

County: LINN

Watermaster: 16

Priority Date: JUNE 28, 2007

Source: A WELL (LINN 58169) IN SUCKER SLOUGH BASIN

Use: IRRIGATION USE ON 15.7 ACRES

Quantity: 0.67 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 7 THOMAS CR MISC

Well Location: SESE, SECTION 10, T10S, R2W, W.M.; NORTH 24 DEGREES 45 MINUTES WEST, 18 FEET FROM SE CORNER, SECTION 10

Place of Use:

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  1.3 ACRES

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  4.2 ACRES

SECTION 10

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  3.9 ACRES

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  6.3 ACRES

SECTION 15

TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 22, 2008**

**PUBLIC NOTICE DATE: Tuesday, February 12, 2008**

**30 DAY COMMENT DEADLINE DATE: Thursday, March 13, 2008**

