



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

JAMES FARMER, MARGARET M FARMER, AND
CHARLES WARREN FARMER
PO BOX 1585
NYSSA, OR 97913

November 4, 2011

Reference: File G-17485

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 proposed the appropriation of 1.35 cubic feet per second (CFS) of water from Well 1 (MALH 1860) in Snake River Basin for supplemental irrigation of 51.1 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 Well 1 (MALH 1860) in Snake River Basin for supplemental irrigation of 51.1 acres is allowable under the Malheur 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. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. Your application requested 1.35 CFS for 51.1 acres. If the application is approved, the rate allowed will be limited to 0.64 CFS.

However, there is an opportunity for you to submit information to demonstrate the need for the higher-than-standard rate under Oregon Revised Statute 537.621(4); the Department will evaluate any information you submit by Thursday, December 8, 2011. If you need additional time, you may submit a written request for an administrative hold for up to an additional 180 days.

Summary of Initial Determinations

The appropriation of 0.64 CFS from Well 1 (MALH 1860) in Snake River Basin for supplemental irrigation of 51.1 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 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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, November 18, 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 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. 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

Reference Water Level Determination

Following the first year of water use, the user shall report one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional water levels after the reference level has been determined. 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.

3. 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-17485
WAB 8-no psi
POU 8-no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17485

Applicant: JAMES FARMER, MARGARET M FARMER, AND CHARLES WARREN FARMER

County: Malheur

Watermaster: 9

Priority Date: August 24, 2011

Source: WELL 1 (MALH 1860) IN SNAKE RIVER BASIN

Use: SUPPLEMENTAL IRRIGATION OF 51.1 ACRES

Quantity: 1.35 CUBIC FEET PER SECOND

Basin Name & Number: Malheur, #10

Stream Index Reference: Volume 2A SNAKE R & MISC

Well Location: WELL 1 (MALH 1860) - SESE, SECTION 17, T19S, R47E, W.M.; 380 FEET NORTH AND 445 FEET WEST FROM SE CORNER, SECTION 17

Place of Use:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 23.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.1 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 15.3 ACRES
SECTION 17
TOWNSHIP 19 SOUTH, RANGE 47 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 18, 2011

PUBLIC NOTICE DATE: Tuesday, November 8, 2011

30 DAY COMMENT DEADLINE DATE: Thursday, December 8, 2011

Mailing List for IR Copies

Application #G-17485

IR Date : November 4, 2011

Original mailed to applicant:

JAMES FARMER, MARGARET M FARMER, AND CHARLES WARREN FARMER
PO BOX 1585
NYSSA, OR 97913

Copies sent to:

1. WRD - File # G-17485
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: E
4. WRD - Watermaster # 9

<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.)

5. Nancy Rorick, RG, CWRE #65471
Nancy Rorick Consulting, Hydrogeology, 645 L Loop, Baker City, OR 97814

Caseworker: Kerry Kavanagh

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