



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

PACIFIC MOTORSPORTS MANAGEMENT, LLC.
C/O THOMAS C. MILLER
PO BOX 386
BEAVERTON, OR 97075

November 4, 2011

Reference: File G-17484

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 requested the appropriation of 0.26 cubic foot per second (CFS) of water, being 0.0334 CFS from Well 1 (SHER 244) and 0.2228 CFS from Well 2 (SHER 50279), in Rosebush Canyon Basin, further limited to no more than 0.26 CFS for commercial uses, year-round, 0.01 CFS for domestic use expanded for one household, year-round, and 0.06 CFS for irrigation of 5.0 acres March 31 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 1 (SHER 244) and Well 2 (SHER 50279) in Rosebush Canyon Basin for commercial uses, domestic use expanded, and irrigation is allowable under the John Day 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 Department has determined that Well 2 (SHER 50279) does not meet current minimum well construction standards. In order to meet minimum well construction standards **Well 2 (SHER 50279) must be sealed to a minimum depth of 228 feet below ground surface.**

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 approve the well construction. In repairing the well(s), 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.

Please also note that regardless of the outcome of this application, you will need to work with the Department to either repair or abandon the well(s) to comply with the minimum standards for the construction, conversion, alteration, maintenance, and abandonment of water supply wells in order to protect the state's ground water supply (OAR 690-200).

6. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The appropriation of 0.26 CFS of water, 0.03 CFS from Well 1 (SHER 244) and 0.22 CFS from Well 2 (SHER 50279), in Rosebush Canyon Basin, further limited to 0.26 CFS for commercial uses and 0.01 CFS for domestic use expanded for one household and 0.06 CFS for irrigation of 5.0 acres is allowable during the full period requested, year-round for commercial uses and domestic use expanded, and March 1 through October 31 for irrigation of 5.0 acres, contingent upon the submittal of required additional information.

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.

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

- The Land Use Information Form submitted with the application did not include page 2, which states the proposed use of water and location(s) where water will be diverted, conveyed, and used.
- Prior to the issuance of a permit, the Department must receive complete documentation that the proposed use complies with the local acknowledged comprehensive land-use plan. Please submit documentation from the relevant planning jurisdiction that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Please submit this information no later than December 5, 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, 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 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. 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.

4. 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.

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,

A handwritten signature in cursive script that reads "Michele R. McAleer".

Michele McAleer
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17484
WAB 6- n/a, no psi
POU 6- n/a, no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17484

Applicant: THOMAS MILLER PACIFIC MOTORSPORTS MANAGEMENT LLC

County: SHERMAN

Watermaster: 21

Priority Date: AUGUST 22, 2011

Source: WELL 1 (SHER 244) AND WELL 2 (SHER 50279) IN ROSEBUSH CANYON BASIN

Use: COMMERCIAL USES, DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD, AND IRRIGATION OF 5.0 ACRES

Quantity: 0.26 CUBIC FOOT PER SECOND

Basin Name & Number: John Day, #6

Stream Index Reference: Volume 1A GRASS VALLEY CAN & MISC

Well Location(s):

WELL 1 (SHER 244): NWSW, SECTION 30, T2S, R17E, W.M.; 1480 FEET NORTH AND 360 FEET EAST FROM SW CORNER, SECTION 30

WELL 2 (SHER 50279): SESE, SECTION 30, T2S, R17E, W.M.; 14 FEET NORTH AND 14 FEET WEST FROM SE CORNER, SECTION 30

Place of Use:

NENW			COMMERCIAL
NWNW	GOV'T LOT 1		COMMERCIAL
SWNW	GOV'T LOT 2		COMMERCIAL
	SE ¼ NW ¼		COMMERCIAL
	NE ¼ SW ¼	1.44 ACRES IRRIGATION	COMMERCIAL
NWSW	GOV'T LOT 3	DOMESTIC EXPANDED	COMMERCIAL
SWSW	GOV'T LOT 4	DOMESTIC EXPANDED	COMMERCIAL
	SE ¼ SW ¼	1.65 ACRES IRRIGATION	COMMERCIAL
	NE ¼ SE ¼	0.81 ACRE IRRIGATION	COMMERCIAL
	NW ¼ SE ¼	0.7 ACRE IRRIGATION	COMMERCIAL
	SW ¼ SE ¼	0.4 ACRE IRRIGATION	COMMERCIAL
	SE ¼ SE ¼		COMMERCIAL

SECTION 30
TOWNSHIP 2 SOUTH, RANGE 17 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-17484

IR Date: November 4, 2011

Original mailed to applicant:

PACIFIC MOTORSPORTS MANAGEMENT, LLC.
C/O THOMAS MILLER
PO BOX 386
BEAVERTON, OR 97075

Copies sent to:

1. WRD - File # G-17484
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: NCR
4. WRD -Watermaster # 21
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.)

6. Keith Jehnke, CWRE # 302, AKS Engineering and Forestry, 13910 SW Galbreath Drive, Suite 1004, Sherwood, OR 97140

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

Caseworker: Michele McAleer

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