



CERTIFIED MAIL
Return Receipt Requested

CHRISTOPHER JAMES RAY
6144 MOLTHAN RANCH RD
IRONSIDE, OR 97908

January 6, 2012

Reference: File G-17509

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 appropriation of 2.01 cubic feet per second (CFS) of water, being 1.21 CFS from Well 3 (MALH 223) in Gum Creek Basin, and 0.80 CFS from Well 4 (MALH 216) in Willow Creek Basin, for irrigation of 8.4 acres March 1 through December 1 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 3 (MALH 223) in Gum Creek Basin and from Well 4 (MALH 216) in Willow Creek Basin for irrigation 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 irrigation season is March 1 through October 31. If the application is approved, the season will be limited to March 1 through October 31. However, the Department will consider out-of-season irrigation if you submit information demonstrating the need for it. If you chose to submit additional information for the Department to consider, please do so by **Thursday, February 9, 2012**. If you are unable to meet this timeline, you may send a written request for an administrative hold for up to an additional 180 days.

6. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. If the application is approved, the rate allowed will be limited to 0.11 CFS. However, Oregon Revised Statute 537.621(4) allows the Department to authorize a rate that is higher than the general basin-wide standard if you submit information that demonstrates the need for the higher rate. If you chose to submit additional information for the Department to consider, please do so by **Thursday, February 9, 2012**. If you are unable to meet this timeline, you may send a written request for an administrative hold for up to an additional 180 days.
7. Additional exam fees are required prior to issuance of any Proposed Final Order that may recommend approval. The total exam fee is \$1750, and the Department has received a total of \$1500; please provide the additional fee of \$250. **Please submit the fee no later than Thursday, February 9, 2012**. If you are unable to meet this timeline, you may send a written request for an administrative hold for up to an additional 180 days.

Category	Fee
Base	\$1000
Up to 1 CFS	\$250
(1) add'l CFS	\$250
(1) add'l well	\$250
TOTAL EXAM FEES:	\$1750

Summary of Initial Determinations

The use of 0.11 CFS from Well 3 (MALH 223) in Gum Creek Basin and Well 4 (MALH 216) in Willow Creek Basin for irrigation of 8.4 acres March 1 through October 31 of each year may be allowed.

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.

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, January 20, 2012**. 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. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. If the Director notifies the permittee to install a totalizing flow meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device.
 - B. 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.
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. 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.

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 503-986-0859 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: Jeana Eastman, 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, appearing to read 'Jeana Eastman'.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17509
WAB 10-
POU 10-
GW

APPLICATION FACT SHEET

Application File Number: G-17509

Applicant: CHRISTOPHER JAMES RAY

County: Malheur

Watermaster: 9

Priority Date: December 2, 2011

Source: WELL 3 (MALH 223) IN GUM CREEK BASIN AND WELL 4 (MALH 216) IN WILLOW CREEK BASIN

Use: IRRIGATION OF 8.4 ACRES

Quantity: 2.01 CUBIC FEET PER SECOND

Basin Name & Number: Malheur, #10

Stream Index Reference: Volume 2 WILLOW CR MISC

Point of Diversion or Well Location(s):

WELL 3 (MALH 223): SENE, SECTION 6, T16S, R43E, W.M.; 1635 FEET SOUTH AND 555 FEET WEST FROM NE CORNER, SECTION 6

WELL 4 (MALH 216): SWNW, SECTION 5, T16S, R43E, W.M.; 1525 FEET SOUTH AND 170 FEET EAST FROM NW CORNER, SECTION 5

Place of Use:

SW ¼ NW ¼ 2.7 ACRES
SE ¼ NW ¼ 1.2 ACRES
NE ¼ SW ¼ 1.7 ACRES
SECTION 5

SE ¼ NE ¼ 2.8 ACRES
SECTION 6
TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 20, 2012

PUBLIC NOTICE DATE: Tuesday, January 10, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, February 9, 2012

Mailing List for IR Copies

Application #G-17509

IR Date : January 6, 2012

Original mailed to applicant:

CHRISTOPHER JAMES RAY , 6144 MOLTHAN RANCH RD, IRONSIDE, OR 97908

Copies sent to:

1. WRD - File # G-17509
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager (not SCR): E
4. WRD - Watermaster # 9

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

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

1. Rorick, Nancy, RG, CWRE #65471

Nancy Rorick Consulting, Hydrogeology, 645 L Loop, Baker City, OR 97814

Caseworker: Jeana Eastman

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