



# 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**

DAVID ROTH  
PO BOX 358  
CHRISTMAS VALLEY, OR 97641

March 30, 2012

Reference: File G-17519

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 an 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 6050.0 gallons per minute of ground water, which is 13.5 cubic feet per second (CFS), from Rockchuck Well, Dusty Flats Well, Lizard Creek Well, Gravel Pit Pivot Well 1, Gravel Pit Pivot Well 2, and Dirt Tank Well in South Fork Crooked River Basin for irrigation of 641.8 acres April 1 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 ground water from Rockchuck Well, Dusty Flats Well, Lizard Creek Well, Gravel Pit Pivot Well 1, Gravel Pit Pivot Well 2, and Dirt Tank Well in South Fork Crooked River Basin for irrigation is allowable under the Deschutes 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 application indicated irrigation of 637.99 acres, the map indicated 638.62 acres, and the tabular data indicated 641.8 acres (see the attached spreadsheet). Please clarify the total number of acres, and provide a revised map if appropriate by Thursday, May 3, 2012. If you need additional time, you may send a written request for up to 180 days. **If we do not receive clarification and/or a revised map or a hold request by this date, the Department will proceed with the acreage shown on the map.**

6. The north coordinate for Dusty Flats Well appears to be incorrect based on the location of the well. The Department estimates the coordinate is closer to 3960 feet north, rather than 4400 feet north from the SW corner of Section 10.

The north coordinate for Dirt Tank Well appears to be incorrect based on the location of the well. The Department estimates the coordinate is closer to 2970 feet north, rather than 3416 feet north from the SW corner of Section 10.

If appropriate, please provide a revised map of the coordinates and/or the well locations by Thursday, May 3, 2012. If you need additional time, you may send a written request for up to 180 days. **If we do not receive clarification and/or a revised map or a hold request by this date, the Department may proceed with a Proposed Final Order recommending denial of the application.**

7. 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 8.0 CFS.

However, Oregon Revised Statute 537.621(4) allows the Department to authorize a rate and/or duty that is higher than the general basin-wide standard. If you would like to submit documentation intending to demonstrate the need for the higher rate and/or duty, please do so by Thursday, May 3, 2012. If you need additional time, you may send a written request for up to 180 days. **If we do not receive additional information to consider or a hold request by this date, the Department will limit the rate to 8.0 CFS.**

#### Summary of Initial Determinations

**The appropriation of 8.0 CFS from Rockchuck Well, Dusty Flats Well, Lizard Creek Well, Gravel Pit Pivot Well 1, Gravel Pit Pivot Well 2, and Dirt Tank Well in South Fork Crooked River Basin for irrigation of 638.62 acres may be allowed during the full period requested, April 1 through October 31 of each year, contingent on the submission of the 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. However, due to #7 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, April 13, 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. 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. 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. 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.
4. 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, or from a smaller subset of wells if approved by the Department. 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.

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](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-17519  
WAB 5-no psi  
POU 5-  
GW

# APPLICATION FACT SHEET

Application File Number: G-17519

Applicant: DAVID ROTH

County: Deschutes

Watermaster: 11

Priority Date: December 19, 2011

Source: ROCKCHUCK WELL, DUSTY FLATS WELL, LIZARD CREEK WELL, GRAVEL PIT PIVOT WELL 1, GRAVEL PIT PIVOT WELL 2, AND DIRT TANK WELL IN SOUTH FORK CROOKED RIVER BASIN

Use: IRRIGATION OF 641.8 ACRES

Quantity: 13.5 CUBIC FEET PER SECOND

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 2 S FK CROOKED R & MISC

Point of Diversion or Well Location(s):

ROCKCHUCK WELL: SWSE, SECTION 4, T22S, R20E, W.M.; 6174 FEET NORTH AND 1632 FEET WEST FROM SE CORNER, SECTION 9, T22S, R20E, W.M.

DUSTY FLATS WELL: NWNW, SECTION 10, T22S, R20., W.M.; 4400 FEET NORTH AND 427 FEET EAST FROM SW CORNER, SECTION 10

LIZARD CREEK WELL: NWNW, SECTION 10, T22S, R20E, W.M.; 4005 FEET NORTH AND 701 FEET EAST FROM SW CORNER, SECTION 10

GRAVEL PIT PIVOT WELL 1: SWNW, SECTION 10, T22S, R20E, W.M.; 3857 FEET NORTH AND 615 FEET EAST FROM SW CORNER, SECTION 10

GRAVEL PIT PIVOT WELL 2: NWSW, SECTION 10, T22S, R20E, W.M.; 1896 FEET NORTH AND 123 FEET EAST FROM SW CORNER, SECTION 10

DIRT TANK WELL: SWNW, SECTION 10, T22S, R20E, W.M.; 3416 FEET NORTH AND 546 FEET EAST FROM SW CORNER, SECTION 10

Place of Use:

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  27.67 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  4.35 ACRES  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  22.46 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  39.7 ACRES  
SECTION 3

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  10.32 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  25.89 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  33.73 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  2.06 ACRES  
SECTION 4

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  23.66 ACRES  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  28.74 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  23.06 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.94 ACRES  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  6.83 ACRES  
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  34.35 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  1.51 ACRES  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  1.46 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  36.01 ACRES  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  24.46 ACRES  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  34.36 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  26.25 ACRES  
SECTION 9

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  40.19 ACRES  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  18.53 ACRES  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  18.89 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  23.56 ACRES  
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  37.36 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  34.45 ACRES  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  7.67 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  10.16 ACRES  
SECTION 10

TOWNSHIP 22 SOUTH, RANGE 20 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 13, 2012**

**PUBLIC NOTICE DATE: Tuesday, April 3, 2012**

**30 DAY COMMENT DEADLINE DATE: Thursday, May 3, 2012**

# Mailing List for IR Copies

Application #G-17519

IR Date : March 30, 2012

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**Original mailed to applicant:**

DAVID ROTH , PO BOX 358, CHRISTMAS VALLEY, OR 97641

Copies sent to:

1. WRD - File # G-17519
2. WRD - Water Availability: Ken Stahr

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 11

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

1. David Baker, PO Box 191, Christmas Valley OR 97641

Caseworker: Jeana Eastman

COPYSHT.IR