



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

February 8, 2013

WALT HELLMAN
EDWARDS MEADOWS HOA
PO BOX 33
HILLSBORO, OR 97123

Reference: File G-17568

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 200.0 gallons per minute of water, which is 0.45 cubic foot per second (CFS), further limited to 0.9 acre foot per acre per year, from Well POA 1 in Rock Creek Basin for irrigation of 17.0 acres during the "irrigation season".
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of ground water from for irrigation is allowable under the Willamette 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 have the potential for substantial interference with Rock Creek and Tualatin River. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered. Surface water is not available during the period May 1 through November 30.

5. The irrigation season defined by OAR 690-502-0040(6) is March 1 through October 31.

6. The application proposed a water use rate that is higher than the general basin-wide standard and submitted information that demonstrates the need for the higher rate. Oregon Revised Statute 537.621(4) allows the Department to authorize the requested rate except upon specific findings related to the application to support a determination that a lesser amount is needed. The Department has determined there is a need for the higher rate, being 0.45 CFS.

However, the application proposed a duty that is *less* than the general basin-wide standard, and if the application is approved, the duty will be limited to 0.9 acre foot per acre per year.

Summary of Allowable Water Use

Because not all items above are favorable, the appropriation of 0.45 CFS of water from Well POA 1 in Rock Creek Basin for irrigation of 17.0 acres March 1 through October 31 is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

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, February 22, 2013**. 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. 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.

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.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

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,



Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17568
WAB 2-73545 and 2-30201013
POU 2-73545 (95%) and 2-30201013 (5%)
GW

APPLICATION FACT SHEET

Application File Number: G-17568

Applicant: WALT HELLMAN AND EDWARDS MEADOWS HOA

County: Washington

Watermaster: 18

Priority Date: July 9, 2012

Source: WELL POA 1 IN ROCK CREEK BASIN

Use: IRRIGATION OF 17.0 ACRES

Quantity: 0.45 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 21 ROCK CR MISC

Point of Diversion or Well Location(s): SWNE, SECTION 8, T1S, R2W, W.M.; 1970 FEET SOUTH AND 2450 FEET WEST FROM NE CORNER, SECTION 8

Place of Use:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.5 ACRES

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.1 ACRE

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.7 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1 ACRE

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.6 ACRES

SECTION 8

TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 22, 2013

PUBLIC NOTICE DATE: Tuesday, February 12, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, March 14, 2013

Mailing List for IR Copies

Application #G-17568

IR Date: February 8, 2013

Original mailed to applicant:

WALT HELLMAN EDWARDS MEADOWS HOA, PO BOX 33, HILLSBORO, OR 97123

SENT VIA EMAIL:

1. WRD - Watermaster # 18
2. ODFW
3. DEQ

Copies sent to:

1. WRD - File # G-17568
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:

3. Department of Agriculture

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

1. Urstadt, Eric, CWRE #385

Stuntzner Engineering & Forestry, LLC, 2137 19th Avenue, Forest Grove OR 97116

2. Kim Kratz, Director, Oregon State Habitat Office

National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland OR 97232

3. Paul Henson, State Supervisor, USFWS, Oregon Fish & Wildlife Office

2600 S.E. 98th Ave, Ste 100, Portland, OR 97266