



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

RANDY AND LINDA JOSEPH
37123 HANSEN LANE
BAKER CITY, OR 97814

March 1, 2013

Reference: File G-17601

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 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 0.41 cubic foot per second (CFS) of water from Proposed Well 1 in Sutton Creek Basin for irrigation of 24.5 acres May 1 through September 30 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 for irrigation is allowable under the Powder 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 proposed a water use limit that is higher than the general basin-wide standard and submitted information that demonstrates the need for the higher limit. Oregon Revised Statute 537.621(4) allows the Department to authorize the requested limit 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 limit, being 0.41 CFS, which is 1/60 CFS/acre.
6. A portion of the area proposed to be irrigated under this application appears to be covered by inchoate Transfer T-8726, which conflicts with the application. Please see the **Conflict Resolution Information** section below for more information.

Summary of Initial Determinations

The appropriation of 0.41 CFS from Proposed Well 1 in Sutton Creek Basin for irrigation of 24.5 acres is allowable during the full period requested, May 1 through September 30 of each year, contingent upon the resolution of the conflict with underlying rights.

Because of these favorable determinations, the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

Conflict Resolution Information:

A portion of the area proposed to be irrigated under this application is currently covered by inchoate Transfer T-8726 , which conflicts with the application. (See attached map.)

If you would like this application to be the primary right, the Department must receive:

- A completed form authorizing cancellation of the conflicting portions of the existing right, along with a map describing those portions; or
- A completed affidavit of diminution of the conflicting portions of the existing right to reduce them to supplemental use, along with a map describing those portions; or
- A transfer application addressing the conflicting portions of the existing right; or
- Another means of dealing with the conflict between the existing right and the use proposed under this application.

If you would like this application to be supplemental to the existing certificate, the Department must receive a revised map showing the place of use of both the primary and supplemental lands and \$250 for the additional use. Please note the supplemental lands will be limited and/or jeopardized as follows:

- If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be canceled.
- You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.
- The season of use for the supplemental irrigation will be limited to that of the primary right.

Please submit this information no later than Thursday, Thursday, April 4, 2013. 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.

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.

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.

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, March 15, 2013**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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. The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from a shallower unconfined aquifer. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.
4. 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 503-986-0859 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-17601
WAB 9-no psi
POU 9-
GW

APPLICATION FACT SHEET

Application File Number: G-17601

Applicant: RANDY AND LINDA JOSEPH

County: Baker

Watermaster: 8

Priority Date: November 30, 2012

Source: PROPOSED WELL 1 IN SUTTON CREEK BASIN

Use: IRRIGATION OF 24.5 ACRES

Quantity: 0.41 CUBIC FOOT PER SECOND

Basin Name & Number: Powder, #9

Stream Index Reference: Volume 2A SUTTON CR & MISC

Point of Diversion or Well Location(s): SENE, SECTION 11, T10S, R40E, W.M.;1650 FEET SOUTH AND 915 FEET WEST FROM NE CORNER, SECTION 11

Place of Use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.1 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 ACRE
SECTION 11

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.4 ACRES
SECTION 12

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 15, 2013

PUBLIC NOTICE DATE: Tuesday, March 5, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, April 4, 2013

Mailing List for IR Copies

Application #G-17601

IR Date: March 1, 2013

Original mailed to applicant:

RANDY AND LINDA JOSEPH , 37123 HANSEN LANE, BAKER CITY, OR 97814

SENT VIA EMAIL:

1. WM 8

Copies sent to:

1. WRD - File # G-17601
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:

1. WRD - Regional Manager (not SCR): E
2. Nancy Rorick, RG, CWRE, Nancy Rorick Consulting, 645 L Loop, Baker City OR 97814

Caseworker: Jeana Eastman

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