



# 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

ED RICH  
QUEEN RESOURCES LLC  
PO BOX 231  
HUNTSVILLE, UT 84317

July 26, 2013

Reference: File G-17635

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 90 gallons per minute, or 0.2 cubic foot per second (CFS) from Well 2 in Quartz Gulch Basin for placer mining use March 1 through November 30.

Based on application materials submitted, we understand that you will appropriate ground water from a proposed well (Well 2) for placer-gold mining. You will utilize a 3.83 acre feet (AF) excavated reservoir as a bulge in the system during the mining season requested.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 2 in Quartz Gulch Basin for mining use is allowable under the Malheur Basin Program on the condition that any effluents and/or return flows from the mining operation not interfere with other beneficial uses of water (Oregon Administrative Rules 690-510-0020).
4. Ground water will likely be available within the capacity of the resource, and 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.

Summary of Initial Determinations

**The appropriation of 0.2 CFS from Well 2 in Quartz Gulch Basin for mining use is allowable during the full period requested, March 1 through November 30.**

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.

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, August 9, 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. 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. Any effluents or return flows from use under this permit shall not interfere with other beneficial uses of water.
4. The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to any stream.
5. The reservoir shall not intersect the groundwater table.

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 503-986-0816 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17635  
WAB 10- no psi  
POU 10- no psi  
GW

# APPLICATION FACT SHEET

Application File Number: G-17635

Applicant: ED RICH; QUEEN RESOURCES LLC

County: Malheur

Watermaster: 9

Priority Date: March 8, 2013

Source: WELL 2 IN QUARTZ GULCH BASIN

Use: MINING USE

Quantity: 0.2 CUBIC FOOT PER SECOND

Basin Name & Number: Malheur, #10

Stream Index Reference: Volume 2 WILLOW CR MISC

Well Location: NWSW, SECTION 32, T13S, R41E, W.M.; 2006 FEET NORTH AND 1005 FEET EAST FROM SW CORNER, SECTION 32

Place of Use:

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 29

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 31

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 32

TOWNSHIP 13 SOUTH, RANGE 41 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 9, 2013**

**PUBLIC NOTICE DATE: Tuesday, July 30, 2013**

**30 DAY COMMENT DEADLINE DATE: Thursday, August 29, 2013**

# Mailing List for IR Copies

Application #G-17635

IR Date: July 26, 2013

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**Original emailed to applicant:**

ED RICH  
QUEEN RESOURCES LLC  
PO BOX 231  
HUNTSVILLE, UT 84317

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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**SENT VIA EMAIL:**

1. WRD - Watermaster #9
2. Applicant - [edbrich@hotmail.com](mailto:edbrich@hotmail.com)

**Copies sent to:**

1. WRD - File # G-17635
2. WRD - Water Availability: Shawn Turner

**IR, Map, and Fact Sheet Copies sent to:**

3. WRD - Regional Manager: EASTERN

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

4. Oregon Department of Geology and Mineral Industries,  
Mineral Land Regulation and Reclamation Program,  
229 Broadalbin Street SW, Albany, OR 97321
5. Oregon Department of Environmental Quality, Water Quality Division,  
Eastern Region Office, 700 SE Emigrant Avenue, #330, Pendleton, OR 97801
6. Andrew G Martin, attorney, Yturri Rose LLP, PO Box S, 89 SW 3<sup>rd</sup>, Ontario, OR 97914

Caseworker: Kerry Kavanagh

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## APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to take and use the waters of Oregon, a citizen must first obtain a permit from the Water Resources Department. The water must be used for beneficial purpose - without waste. To become well-informed about water right topics, weekly public notice, forms and fees please visit our web site at [www.wrd.state.or.us](http://www.wrd.state.or.us)

### 1. *Pre-application considerations*

- follow instructions in the application packet
- if you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Information Group (WRIG) at 503-986-0801

### 2. *Application filing*

- application with fee is received by the Department
- Department determines completeness of application
- if use is not allowed by statute (ORS 538), the application and fees are returned to the applicant
- incomplete application and fees are returned to the applicant
- only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing

### 3. *Initial Review (IR)*

- caseworker reviews application by considering basin plans, water availability, statutory restrictions and all other appropriate factors
- caseworker sends IR report to applicant
- contact the caseworker if you have questions about the IR
- seven days after date of the IR, it is included in Department's weekly Public Notice
- public comments must be submitted within 30 days after the Public Notice
- **administrative hold** may be requested in writing by applicant

### 4. *Proposed Final Order (PFO)*

- caseworker evaluates application against required criteria and develops draft permit, if appropriate
- PFO includes instructions for filing of protests
- caseworker considers public comments and mails PFO to applicant
- the PFO is included in Department's weekly Public Notice
- public protests to the PFO must be submitted within 45 days after the Public Notice

**Stop Processing deadline is within 14 days of Initial Review - use the form below**

- applicant may request no further action and fee refund of all but \$200

### STOP PROCESSING REQUEST FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

Applicant notification to withdraw Water Right Application # \_\_\_\_\_

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$200 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application

Signature \_\_\_\_\_ date \_\_\_\_\_

Signature \_\_\_\_\_ date \_\_\_\_\_

*Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$200 examination fee) be returned.*

This notice must be received at Water Resources Department by \_\_\_\_\_

Return the notice to: OWRD, Water Rights Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A  
Salem OR 97301-1271

## 5. *Final Order (FO)*

- if no protest is filed, Final Order is issued

### *The protest process*

If one or more protests are filed, permit process consists of:

- settlement discussion
- contested case hearing
- proposed order
- period of time to file exceptions
- possible hearing by Water Resources Commission
- final order issued

### *Permit holder responsibilities*

- comply with all water use conditions of the permit
- advise Department of address change or assignment to new permit holder
- if need arises, request extension of time or authorize cancellation of permit
- submit timely claim of beneficial use (COBU) to Department
- most permits require COBU to be prepared by a Certified Water Right Examiner
- permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions