



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

August 2, 2013

MCLAIN VILLAGE WATER DEPARTMENT
4898 38TH PLACE NE
SALEM, OR 97305

Reference: File G-17589

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 390.0 gallons per minute, or 0.87 cubic foot per second (CFS), from Well 1 (MARI 4777/MARI 6683) in Labish Creek Basin for year-round quasi-municipal uses.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 1 (MARI 4777/MARI 6683) in Labish Creek Basin for quasi-municipal uses is allowable under the Willamette Basin Program.
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.

5. The Department has determined that Well 1 (MARI 4777/MARI 6683) does not meet current minimum well construction standards. Prior to the issuance of a permit, evidence demonstrating compliance with well construction standards must be submitted to the Department, and the Department's Well Construction and Compliance Section must approve the well construction. In repairing the well, you should work closely with the Department and/or a licensed well constructor to ensure that repairs are carried out in a manner that will not violate well construction or other rules. You are encouraged to contact Kris Byrd of the Department's Well Construction and Compliance Section

at 503-986-0851 to determine how to proceed. Please note that regardless of the outcome of this application, you will need to work with the Department to either repair or abandon the well to comply with the minimum standards for the construction, conversion, alteration, maintenance, and abandonment of water supply wells in order to protect the state's ground water supply (OAR 690-200).

6. The Department evaluated the proposed rate and determined that 0.87 CFS would not be reasonable based on application materials submitted. However, the Department determined that a reduced quantity of 0.34 CFS will be reasonable. This determination was based on the current population served, projected population to be served, and the gallons/capita/day (gpcd) figure provided in Form M. In addition, a certain amount of water was factored in, to account for up to 0.5 acre irrigation on all residential lots, the apartment complex and up to three commercial businesses (two of which exist now).

The reduced rate may be modified if additional information is provided to further describe the use of water at the three commercial businesses and the apartment complex. For example, for a restaurant, provide: the number of customers served each day; the different types of water use, such as cooking, dishwashing, cleaning of floors, etc. For an apartment complex, provide: the number of units, the number of people living in each unit, and if laundry facilities are located on site, the number of washing machines. You may contact Lisa Jaramillo of the Department's Transfers and Conservation Section at 503-986-0880 for additional information.

In summary, in the absence of other information, if the application is approved, the rate allowed will be limited to 0.34 CFS. If you would like to provide additional information for the Department to consider, please do so by **Thursday, September 5, 2013**. If you need additional time, you may send a written request for an administrative hold 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 0.34 CFS.**

7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Allowable Water Use

The appropriation of 0.34 CFS of water from Well 1 (MARI 4777/MARI 6683) in Labish Creek Basin for quasi-municipal uses is allowable during the full period requested, year-round, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 1 (MARI 4777/MARI 6683).

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 #6 above, your application will likely be limited accordingly.

Additional Information Required

The application materials indicate that you do not own all the lands from or on which water is to be diverted, conveyed, and used. Please note that the Department does not consider customers that receive water from you as "affected landowners" and does not require their names or addresses. **If the associated lands involve persons other than customers, please provide their names and addresses.**

Please submit this information no later than Thursday, September 5, 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.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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 16, 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 keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded 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.

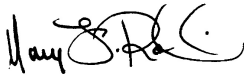
2. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, 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: Mary Rohling, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Mary Rohling
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17589
WAB 2-no psi
POU 2-no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17589

Applicant: MCLAIN VILLAGE WATER DEPARTMENT

County: Marion

Watermaster: 16

Priority Date: October 2, 2012

Source: WELL 1 (MARI 4777/MARI 6683) IN LABISH CREEK BASIN

Use: QUASI-MUNICIPAL USES

Quantity: 0.87 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 18A CLEAR LAKE & MISC

Well Location: SWNW, SECTION 6, T7S, R2W, W.M.; 1405 FEET SOUTH AND 308 FEET EAST FROM NE CORNER, JANET PUGH DLC 50

Place of Use:

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

NW $\frac{1}{4}$ NW $\frac{1}{4}$

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

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

SECTION 6

TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 16, 2013

PUBLIC NOTICE DATE: Tuesday, August 6, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, September 5, 2013

Mailing List for IR Copies

Application #G-17589

IR Date: August 2, 2013

Original ~~emailed~~ to applicant:

~~MCLAIN VILLAGE WATER DEPARTMENT
ATTENTION: RICK HOOD
4898 38TH PLACE NE
SALEM, OR 97305~~

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

SENT VIA EMAIL:

1. WRD - Watermaster #16
2. Applicant - mclainwater@rocketmail.com
3. Agent - jeanne@boatwrightengr.com

Copies sent to:

1. WRD - File # G-17589
2. WRD - Water Availability: Shawn Turner

Caseworker: Mary Rohling

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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

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

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

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

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