



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

TRENT WESEMAN
5974 BERRY DR
PARKDALE, OR 97041

Reference: File G-17600

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 0.33 cubic feet per second (CFS) from alluvial Well 1 (HOOD 50173) or from Well 2, a proposed basalt well, in Middle Fork Hood River Basin for irrigation of 26.5 acres March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 1 (HOOD 50173) and Well 2 in Middle Fork Hood River Basin for irrigation is allowable under the Hood Basin Program.
4. For ground water to be appropriated from the alluvial well, Well 1 (Hood 50173), 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 from Well 1 (HOOD 50173) will have the potential for substantial interference with Middle Fork Hood River. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered. Surface water is not available at any time of year.

5. For ground water to be appropriated from the proposed basalt well, Well 2, 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 from Well 2 will not have the potential for substantial interference with any surface water source.

6. A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit S-51367, which conflicts with the application. Please see the **Conflict Resolution Information** section below for more information.
7. Based on a review of the Well Report for Well 1 (HOOD 50173), the well seems to protect the ground water resource, however, if the well flows at land surface then it must be equipped with a control valve and a watertight mechanical cap, threaded or welded. The well must also be equipped with a pressure gauge placed on a dead-end line. A petcock valve shall be placed between the gauge and the well casing. You are encouraged to contact Kris Byrd of the Department’s Well Construction and Compliance Section at 503-986-0851 with questions.
8. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The appropriation of 0.33 CFS from Well 1 (HOOD 50173) in Middle Fork Hood River Basin for irrigation is not allowable.

The appropriation of 0.33 CFS from Well 2 in Middle Fork Hood River Basin for irrigation of 26.5 acres is allowable during the full period requested, March 1 through October 31, contingent on resolution of the conflict with Permit S-51367.

In addition, prior to issuance of a Proposed Final Order recommending approval, the applicant will need to submit proposed well construction details for the proposed basalt well, Well 2. You are encouraged to contact Marc Norton of the Department’s Ground Water/Hydrology Section at 503-986-0841 with questions.

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.

Additional Information Required:

Additional exam fees are required prior to issuance of any Proposed Final Order that may recommend approval as the Department’s New Fee Schedule, retroactive to 7/1/13, requires \$300 for each additional point of appropriation. The total exam fee is \$1550, and the Department has received a total of \$1250; please provide the additional fee of \$300.

Category	Fee
Base at Previous Fee Schedule	\$1000

0.33 cubic foot per second (CFS) @ \$250 up to 1 CFS each at Previous Fee Schedule	\$250
One additional point of appropriation at New Fee Schedule of \$300 , retroactive to 7/1/13	\$300
TOTAL EXAM FEES:	\$1550

Please feel free to contact me at 503-986-0859 to discuss the proposed use(s) and appropriate fees.

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.

Conflict Resolution Information:

A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit S-51367, which conflicts with the application (see attached map of Permit S-51367). The overlap appears as 7.0 acres in the SESE of Section 24, T1N, R9E, WM.

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 to pursue supplemental irrigation of the overlapping acreage, you must submit additional exam fees in the amount of **\$300, New Fee Schedule**, retroactive to 7/1/13, because the Department considers primary irrigation and supplemental irrigation separate uses. In addition, you will need to submit a revised map for this application showing the areas of primary irrigation and the areas of supplemental irrigation per quarter-quarter section.

If, however, you choose instead to drop the overlapping acreage from this application, you will need to submit a revised map which excludes the conflicting lands.

Please provide information regarding the status of the overlapping acreage and how you would like to proceed 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. 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 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 at each point of appropriation. The permittee shall maintain the meter in good working order.
 - B. The permittee shall keep a complete record of the amount of water diverted 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; provided however, where any meter 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 surface water or 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. 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 February/March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial February/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.

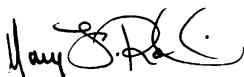
4. The well shall produce ground water only from the basalt ground water reservoir.
5. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. 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.
6. The appropriation of ground water from Well 1 (HOOD 50173) is subject to Section 4(d) of the Endangered Species Act.

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-17600
WAB 4 well 1-71793
WAB 4 well 2-no psi
POU 4
GW

APPLICATION FACT SHEET

Application File Number: G-17600

Applicant: TRENT WESEMAN

County: Hood River

Watermaster: 3

Priority Date: November 21, 2012

Source: WELL 1 (HOOD 50173) AND WELL 2 IN MIDDLE FORK HOOD RIVER BASIN

Use: IRRIGATION OF 26.5 ACRES

Quantity: 0.33 CUBIC FOOT PER SECOND

Basin Name & Number: Hood, #4

Stream Index Reference: Volume 1 MID FK HOOD R & MISC

Well Locations:

WELL 1 (HOOD 50173) - SESE, SECTION 24, T1N, R9E, W.M.; 731 FEET NORTH AND 39 FEET WEST FROM SE CORNER, SECTION 24

WELL 2 - SESE, SECTION 24, T1N, R9E, W.M.; 820 FEET NORTH AND 39 FEET WEST FROM SE CORNER, SECTION 24

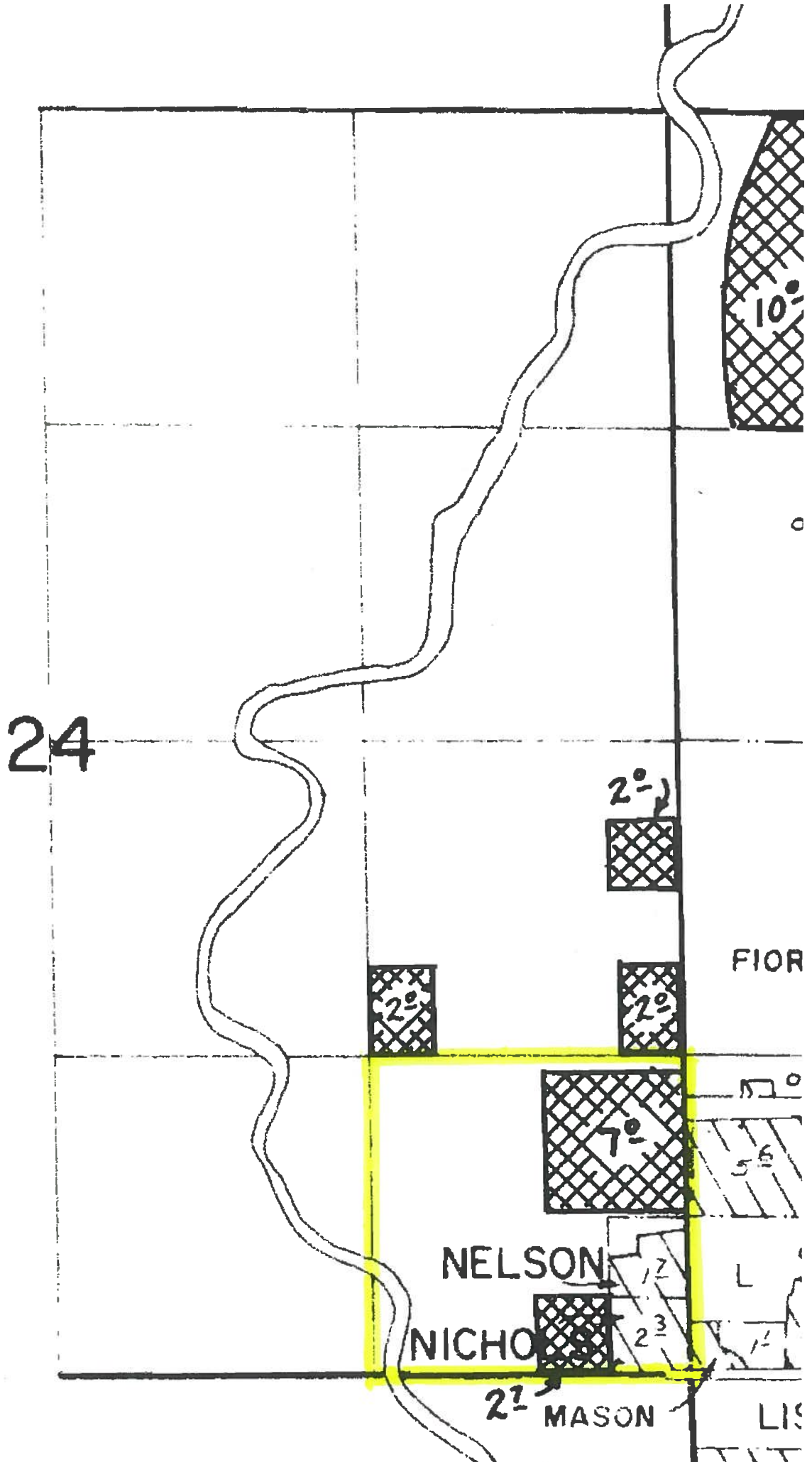
Place of Use:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.5 ACRES
SECTION 24
TOWNSHIP 1 NORTH, RANGE 9 EAST, 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-17600

IR Date: August 2, 2013

Original ~~mailed~~ to applicant:

~~TRENT WESEMAN
5974 BERRY DR
PARKDALE, OR 97041~~

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
--

SENT VIA EMAIL:

1. WRD - Watermaster # 3
2. Applicant - tdweseman@yahoo.com
3. ODFW
4. DEQ

Copies sent to:

1. WRD - File # G-17600
2. WRD - Water Availability: Shawn Turner

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager NCR

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

4. Kim Kratz, Director, Oregon State Habitat Office, National Marine Fisheries Service, 1201 NE Lloyd Blvd, Portland, OR 97232
5. Paul Henson, State Supervisor, USFWS, Oregon Fish & Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266

Affected District (include "Notice of Initial Review--Affected District" and Maps)

1. Middle Fork Irrigation District, 8235 Clear Creek Rd, Parkdale, OR 97041

Caseworker: Mary Rohling

COPYSH.T.I.R

**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