



# 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

**CERTIFIED MAIL**  
**Return Receipt Requested**

GRACE DINSDALE  
PO BOX 1130  
CORNELIUS, OR 97113

September 27, 2013

Reference: File G-17633

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 0.6 cubic foot per second (CFS) from four proposed wells in Dairy Creek Basin for year-round nursery use on 48.8 acres.

The application also proposed the storage of 9.2 acre feet (AF) of groundwater in a reservoir for year-round nursery use on 48.8 acres. The reservoir has a proposed dam height of 2.0 feet and will inundate 2.0 acres.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Uses included in nursery use are fully included in irrigation and agriculture uses, both of which are allowed by OAR 690-502, the Willamette Basin Program. Therefore, the use of water from Well 1, Well 2, Well 3, and Well 4 in Dairy Creek Basin for nursery use is allowable.
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 indicated nursery use on 47.9 acres but the map indicated 48.8 acres. Please clarify the total number of acres, and provide a revised map if appropriate by **Thursday, October 31, 2013**. If you need additional time, you may send a written request for up to 180 days. **If we do not receive clarification and/or a revised map or a hold request by this date, the Department will proceed with the acreage shown on the map.**
6. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

### **Summary of Initial Determinations**

**The appropriation of 0.6 CFS from Well 1, Well 2, Well 3, and Well 4 in Dairy Creek Basin for nursery use on 48.8 acres is allowable during the full period requested, year-round.**

**The storage of 9.2 AF in a reservoir and the appropriation of stored water for nursery use on 48.8 acres is allowable during the full period requested, year-round.**

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:**

The Department has a New Fee Schedule, retroactive to July 1, 2013. The total exam fee is \$3250 and the Department received \$2000 for this application; please provide the additional exam fee of \$1250. Additional exam fees are required prior to issuance of any Proposed Final Order that may recommend approval.

<b>Category</b>	<b>Fee</b>
Base at Previous Fee Schedule	\$1000
Base at <b>New Fee Schedule of \$1150</b> , retroactive to July 1, 2013	<b>\$1150</b>
use of up to 1.0 CFS at Previous Fee Schedule	\$250
use of up to 1.0 CFS <b>New Fee Schedule</b>	<b>\$300</b>
storage of 10 AF (9.2) at \$25 each at Previous Fee Schedule	\$250
storage of 10 AF (9.2) at \$30 each at <b>New Fee Schedule of \$300</b>	<b>\$300</b>
use of stored water - 10 AF (9.2) at \$25 each at Previous Fee Schedule	\$250
use of stored water - 10 AF (9.2) at \$30 each at <b>New Fee Schedule</b>	<b>\$300</b>
additional POA - 4 at \$250 each at Previous Fee Schedule	\$1000
additional POA - 4 at \$300 each at <b>New Fee Schedule</b>	<b>\$1200</b>
<b>TOTAL EXAM FEES:</b>	<b>\$3250</b>

The permit recording fee, which is due prior to permit issuance, is \$450. You may wish to submit \$450 for the permit recording fee at this time in order to expedite the application process. Please include your application number on your check made out to the Oregon Water Resources Department.

Please feel free to contact me at 503-986-0816 to discuss the appropriate fees.

**Please submit this information no later than Thursday, October 31, 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, October 11, 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/stored each month, and shall submit a report which includes the recorded report water-use /water-storage 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. The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to have the permit holder, a certified water rights examiner, a registered professional geologist, a registered professional engineer, a licensed well constructor or pump installer licensed by the Construction Contractors Board periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user'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 senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.
  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.

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  
                  Example letter detailing Monitor and Reporting Plan as required under likely  
                  permit condition #2 above

G-17633  
WAB 2- no psi  
POU 2- no psi  
GW

# APPLICATION FACT SHEET

Application File Number: G-17633

Applicant: GRACE DINSDALE

County: Washington

Watermaster: 18

Priority Date: March 6, 2013

Source: WELL 1, WELL 2, WELL 3, AND WELL 4 IN DAIRY CREEK BASIN

Use: NURSERY USE ON 48.8 ACRES; STORAGE

Quantity: 0.6 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 20 DAIRY CR MISC

Dam Location:

SENE, SECTION 15, T1N, R3W, W.M.; 1635 FEET SOUTH AND 510 FEET WEST  
FROM NE CORNER, SECTION 15

The Area to Be Submerged by the Reservoir Is Located as Follows:

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 15  
TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

Well Locations:

WELL 1 - SENE, SECTION 15, T1N, R3W, W.M.; 1610 FEET SOUTH AND 435  
FEET WEST FROM NE CORNER, SECTION 15

WELL 2 - NENE, SECTION 15, T1N, R3W, W.M.; 1120 FEET SOUTH AND 375  
FEET WEST FROM NE CORNER, SECTION 15

WELL 3 - SENE, SECTION 15, T1N, R3W, W.M.; 1730 FEET SOUTH AND 875  
FEET WEST FROM NE CORNER, SECTION 15

WELL 4 - SENE, SECTION 15, T1N, R3W, W.M.; 1440 FEET SOUTH AND 1120  
FEET WEST FROM NE CORNER, SECTION 15

Place of Use:

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  0.9 ACRE  
SECTION 14

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  28.4 ACRES  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  5.4 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  3.4 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  10.7 ACRES  
SECTION 15

TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 11, 2013**

**PUBLIC NOTICE DATE: Tuesday, October 1, 2013**

**30 DAY COMMENT DEADLINE DATE: Thursday, October 31, 2013**





# Mailing List for IR Copies

Application #G-17633

IR Date: September 27, 2013

**Original mailed to applicant:**

GRACE DINSDALE  
PO BOX 1130  
CORNELIUS, OR 97113

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

1. WRD - Watermaster #18
2. Agent - [phg@bctonline.com](mailto:phg@bctonline.com)

Copies sent to:

1. WRD - File # G-17633
2. WRD - Water Availability: Shawn Turner

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

3. Tualatin Valley Irrigation District, 2330 Elm Street, Forest Grove, OR 97113

Caseworker: Kerry Kavanagh

COPYSHT.IR



**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

**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 \$225

**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 \$225 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 \$225 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