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

GARY AND DARLA DU BOIS
42629 BEILKE RD
PENDLETON, OR 97801

October 11, 2013

Reference: File G-17682

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 56.0 gallons per minute, or 0.125 cubic foot per second (CFS), from Well 1 in George Canyon Basin for irrigation of 10.0 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 in George Canyon Basin for irrigation is allowable under the Umatilla 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 well requested under this application is located within a five-mile radius around the City of Pilot Rock's municipal wells. Per Oregon Administrative Rule (OAR) 690-507-0060(3)(a)(B), groundwater use from the basalt reservoir within a five-mile radius around any municipal well of the City of Pilot Rock could be limited to only municipal uses, group domestic uses, or statutorily exempt groundwater uses, if the city has an approved water management and conservation plan in effect. The City of Pilot Rock does not currently have a full-time water management and conservation programs in effect, therefore OAR 690-507-0060(3)(a)(B) will not affect this application.

Please Note: The determinations of this Initial Review are subject to change if a water management and conservation plan is approved by the Water Resources Department for the City of Pilot Rock before the protest filing deadline passes, which ends 45 days after the issuance of the Proposed Final Order.

6. The application requested completion of construction and application of the water 10 years from permit issuance. The Department requires completion of construction and complete application of the water to the use shall be made within 5 years of the date of permit issuance. However, if a permit is issued and beneficial use of permitted water has not been made within 5 years from the date of permit issuance, the permittee may submit an application to the Department for an extension of time, which may be approved based upon the merit of the application.

Summary of Initial Determinations

The appropriation of 0.125 CFS from Well 1 in George Canyon Basin for irrigation of 10.0 acres is allowable during the full period requested, March 1 through October 31.

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 $225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, October 25, 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 each 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. Groundwater production in the well shall be limited to a single aquifer in the Columbia River Basalt Group. The well shall be continuously cased and continuously sealed to a minimum depth of 650 feet below land surface and to within 100 feet of the bottom of the open borehole. A larger open interval may be approved by the Department if the permittee can demonstrate to the Department's satisfaction, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent or that the open interval is part of a continuous zone of interconnected porous materials. Following well completion, the well shall be thoroughly developed to remove cuttings and drilling fluids. A video log of the well shall be collected to demonstrate to the satisfaction of the Department that the well is only open to a single aquifer.

   Each well with a pump shall be equipped with an unobstructed, dedicated 3/4-inch diameter (minimum) water-level measurement tube, separate from other methods of measuring the water level such as airlines or transducers, pursuant to figure 200-5 in OAR 690-200. The annual water-level measurement required in the permit shall be measured through the measuring tube.

   Drill cuttings shall be collected at the permitted well. Samples shall be collected at ten-foot intervals and at changes in lithology. The samples will be stored in plastic bags with depth and well identifier on each bag.

   All hydrologic, geologic, geochemical and video date collected shall be provided to OWRD in report and in electronic format specified by the Department.

4. 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 during the period of February 1 through March 31. 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.

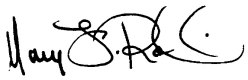
5. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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-17682
WAB 7-no psi
POU 7-no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17682

Applicant: GARY AND DARLA DU BOIS

County: Umatilla

Watermaster: 5

Priority Date: June 11, 2013

Source: WELL 1 IN GEORGE CANYON BASIN

Use: IRRIGATION OF 10.0 ACRES

Quantity: 0.125 CUBIC FOOT PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 4 BIRCH CR MISC

Well Location: SESW, SECTION 17, T1N, R32E, W.M.; 71 FEET NORTH AND 419 FEET WEST FROM S1/4 CORNER, SECTION 17

Place of Use:

SE ¼ SW ¼, 10.0 ACRES
SECTION 17
TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 25, 2013

PUBLIC NOTICE DATE: Tuesday, October 15, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, November 14, 2013

Mailing List for IR Copies

Application #G-17682 IR Date: October 11, 2013

Original emailed to applicant:

~~GARY AND DARLA DU BOIS~~
~~42629 BEILKE RD~~
~~PENDLETON, OR 97801~~

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

SENT VIA EMAIL:
1. Applicant - Garyd542@starband.net
2. WRD -Watermaster # 5

Copies sent to:
1. WRD - File # G-17682
2. WRD - Water Availability: Shawn Turner

IR, Map, and Fact Sheet Copies sent to:
3. WRD - Regional Manager: NC
4. WRD - Lisa Jaramillo (w/in 5-mile radius of City of Pilot Rock)

COPYSHT.IR

Caseworker: Mary Rohling

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