



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

GREATER ALBANY PUBLIC SCHOOL DISTRICT
3610 GRAND PRAIRIE RD
ALBANY, OR 97322

November 29, 2013

Reference: File G-17609

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 1.69 cubic feet per second (CFS) of water, being 0.26 CFS from Well 1, 0.367 CFS from Wells 2 and 3, 0.318 CFS from Well 4, 0.568 CFS from Wells 5 (LINN 8307/L96592), 6, 7, and 8, 0.084 CFS from Well 9, and 0.093 CFS from Well 10 in Willamette River Basin, for irrigation of 135.75 acres March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 1, Well 2, Well 3, Well 4, Well 5 (LINN 8307/L96592), Well 6, Well 7, Well 8, Well 9, and Well 10 in Willamette River Basin for irrigation is allowable March 1 through October 31 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. Without a Water Supply Well Report, the Department is unable to determine if Well 2 meets current minimum well construction standards. Prior to the issuance of a permit, evidence demonstrating compliance with well construction standards must be submitted and approved by the Department.

In repairing the well(s), 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 also note that regardless of the outcome of this application, you will need to work with the Department to either repair or abandon the well(s) 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 location and coordinates for Well 8 appear to be inconsistent. The Department has estimated that the well is 130 feet east from the SW corner, of the NWN quarter-quarter, rather than 730 feet east. Please clarify the location and/or provide a revised map as appropriate by Thursday, January 2, 2014. If you need time beyond this, you may request an administrative hold for up to an additional 180 days. If clarification isn't received, the Department will process the application with the coordinates we estimated.

Summary of Initial Determinations

The appropriation of 1.69 CFS, being 0.26 CFS from Well 1, 0.367 CFS from Well 3, 0.318 CFS from Well 4, 0.568 CFS from Wells 5 (LINN 8307/L96592), 6, 7, and 8, 0.084 CFS from Well 9, and 0.093 CFS from Well 10 in Willamette River Basin, for irrigation of 135.75 acres March 1 through October 31 of each year is allowable.

The appropriation of ground water from Well 2 in Willamette River Basin for irrigation of 135.75 acres March 1 through October 31 of each year is allowable, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards.

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, December 13, 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. 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. 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 503-986-0812 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Jeana Eastman
Water Right Application Analyst

enclosures: Application Process Description and Stop Processing Request Form

APPLICATION FACT SHEET

Application File Number: G-17609

Applicant: GREATER ALBANY PUBLIC SCHOOL DISTRICT

County: Benton and Linn

Watermaster: 2

Priority Date: December 26, 2012

Source: WELL 1, WELL 2, WELL 3, WELL 4, WELL 5 (LINN 8307/L96592), WELL 6, WELL 7, WELL 8, WELL 9, AND WELL 10 IN WILLAMETTE RIVER BASIN

Use: IRRIGATION OF 135.75 ACRES

Quantity: 1.69 CUBIC FEET PER SECOND (CFS), BEING 0.26 CFS FROM WELL 1, 0.367 CFS FROM WELLS 2 AND 3, 0.318 CFS FROM WELL 4, 0.568 CFS FROM WELLS 5 (LINN 8307/L96592), 6, 7, AND 8, 0.084 CFS FROM WELL 9, AND 0.093 CFS FROM WELL 10

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 5 FOURTH LAKE & MISC

Well Locations:

WELL 1: NENW, SECTION 3, T11S, R3W, W.M.;790 FEET SOUTH AND 390 FEET WEST FROM N1/4 CORNER, SECTION 3

WELL 2: SWSW, SECTION 31, T10S, R3W, W.M.;810 FEET NORTH AND 580 FEET EAST FROM SW CORNER, SECTION 31

WELL 3: SESE, SECTION 36, T10S, R4W, W.M.;1030 FEET NORTH AND 310 FEET WEST FROM SE CORNER, SECTION 36

WELL 4: SWSE, SECTION 17, T11S, R3W, W.M.;140 FEET NORTH AND 510 FEET WEST FROM SE CORNER, SWSE, SECTION 17

WELL 5 (LINN 8307/L96592): NWNE, SECTION 13, T11S, R4W, W.M.;420 FEET SOUTH AND 410 FEET WEST FROM NE CORNER, NWNE SECTION 13

WELL 6: SWSE, SECTION 12, T11S, R4W, W.M.;315 FEET NORTH AND 420 FEET WEST FROM SE CORNER, SWSE, SECTION 12

WELL 7: NWNE, SECTION 13, T11S, R4W, W.M.;10 FEET SOUTH AND 930 FEET WEST FROM NE CORNER, NWNE, SECTION 13

WELL 8: NWNE, SECTION 13, T11S, R4W, W.M.;570 FEET NORTH AND 130 FEET EAST FROM SW CORNER, NWNE, SECTION 13

WELL 9: SWNW, SECTION 7, T11S, R3W, W.M.;645 FEET NORTH AND 860 FEET EAST FROM W1/4 CORNER, SECTION 7

WELL 10: NESE, SECTION 18, T11S, R3W, W.M.;300 FEET SOUTH AND 800 FEET WEST FROM E1/4 CORNER, SECTION 18

Place of Use:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.25 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0 ACRES
SECTION 31
TOWNSHIP 10 SOUTH, RANGE 3 WEST, W.M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.25 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.0 ACRES
SECTION 36
TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.5 ACRES
SECTION 3

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.75 ACRES
SECTION 7

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 15.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES
SECTION 17

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.5 ACRES
SECTION 18

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ACRES
SECTION 20
TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 15.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3.0 ACRES
SECTION 12

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 26.0 ACRES
SECTION 13
TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 13, 2013

PUBLIC NOTICE DATE: Tuesday, December 3, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, January 2, 2014

Mailing List for IR Copies

Application #G-17609

IR Date: November 29, 2013

Original **emailed** to applicant:

~~GREATER ALBANY PUBLIC SCHOOL DISTRICT, 3610 GRAND PRAIRIE RD, ALBANY,
OR 97322~~

SENT VIA EMAIL:

1. App - gary.dahlquist@albany.k12.or.us
2. WM 2

Copies sent to:

1. WRD - File # G-17609
2. WRD - Water Availability: Shawn Turner

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

IR, Map, and Fact Sheet Copies sent to:

3. Department of Agriculture

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

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

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