



# 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

ROBERT AND WANDA BARNWELL  
105 RIDGEVIEW  
VICTORIA, TX 77904

December 27, 2013

Reference: File G-17737

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 0.23 cubic foot per second (CFS) of water from a well in Mill Creek Basin for irrigation of 18.2 acres April 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 a well in Mill Creek Basin for irrigation is allowable under the Willamette 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.

**Summary of Initial Determinations**

**The appropriation of 0.23 CFS from a well in Mill Creek Basin for irrigation of 18.2 acres is allowable during the full period requested, April 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, January 10, 2014**. 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 used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. 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. Best management practices shall be used to maximize the efficiency of water use. Where practical, drip irrigation or low-pressure sprinklers shall be used.
3. The well shall be open to a single aquifer in the Columbia River Basalt Group and shall meet applicable well construction standards (OAR 690-200 and OAR 690-210). In addition, the open interval in the well shall be no greater than 50 feet. However, a larger open interval may be approved by the Department if the permittee can demonstrate to the satisfaction of the Department that the well is only open to a single aquifer. Following well completion, the well shall be thoroughly developed to remove cuttings and drilling fluids. A video log of the well shall be collected after well development to characterize the nature of the basalt rock and to assess whether water is moving in the borehole. Any discernable movement of water within the well bore when the well is not being pumped

shall be assumed as evidence of the presence of multiple aquifers in the open interval. Additional data that help characterize the water-bearing zone, including water chemistry and temperature, may also be provided to the Department as part of any demonstration.

4. A dedicated water-level measuring tube shall be installed in the well. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, access to the well shall be provided to Departmental staff in order to make water-level measurements.
5. Drill cuttings shall be collected at 10-foot intervals and at changes in lithology in the well, and a split of each sampled interval shall be provided to the Department.
6. A. Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
  - (a) An average water level decline of three or more feet per year for five consecutive years; or
  - (b) A total water level decline of fifteen or more feet; or
  - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- B. The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
  - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
  - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
  - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
  - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
  - (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section A are evidenced by the well measurement required in section B.
7. 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: Kim French-Gorski, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French-Gorski  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17737  
WAB 2-No PSI  
POU 2-  
GW

# APPLICATION FACT SHEET

Application File Number: G-17737

Applicant: ROBERT AND WANDA BARNWELL

County: Marion

Watermaster: 16

Priority Date: November 19, 2013

Source: A WELL IN MILL CREEK BASIN

Use: IRRIGATION OF 18.2 ACRES

Quantity: 0.23 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 10A MILL CR

Point of Diversion or Well Location(s): SENE, SECTION 17, T8S, R2W, W.M.; 950 FEET NORTH AND 440 FEET WEST FROM E1/4 CORNER, SECTION 17

Place of Use:

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  0.8 ACRE  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  0.9 ACRE  
SECTION 16

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  4.3 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  12.2 ACRES  
SECTION 17

TOWNSHIP 8 SOUTH, RANGE 2 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 10, 2014**

**PUBLIC NOTICE DATE: Tuesday, December 31, 2013**

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

# Mailing List for IR Copies

Application #G-17737

IR Date: December 27, 2013

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**Original e-mailed** to applicant:

~~ROBERT AND WANDA BARNWELL, 105 RIDGEVIEW, VICTORIA, TX 77904~~

**SENT VIA EMAIL:**

1. [Rpbarnwell@yahoo.com](mailto:Rpbarnwell@yahoo.com)
2. [Estessurveyllc@msn.com](mailto:Estessurveyllc@msn.com)
3. WRD -Watermaster # 16

Copies sent to:

1. WRD - File # G-17737
2. WRD - Water Availability: Shawn Turner

IR, Map, and Fact Sheet Copies sent to:

3. Department of Agriculture

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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Caseworker: Kim French-Gorski

COPYSH.T.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](http://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