



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

D J EDWARDS FAMILY, LLC
DEL EDWARDS, MANAGING MEMBER
32633 COOPER DR NE
ALBANY, OR 97321

February 7, 2014

Reference: File G-17541

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 1.34 cubic feet per second (CFS) of water from Well 4 (LINN 58218/L-92436), Well 5 (LINN 58250/L-92439), and Well 729 (LINN 4560) in Santiam River Basin for primary irrigation of 25.1 acres and supplemental irrigation of 72.5 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 ground water for irrigation is allowable 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. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. In the absence of other information, if the application is approved, the rate allowed will be limited to 0.31 CFS for primary irrigation of 25.1 acres. However, Oregon Revised Statute 537.621(4) allows the Department to consider and authorize a rate that is higher than the general basin-wide standard. If you would like to provide additional information for the Department to consider, please do so by **Thursday, March 13, 2014**. If you need additional time, you may send a written request for up to 180 days. **If we do not receive additional information to consider or a hold request by this date, the Department will limit the rate to 0.31 CFS for primary irrigation of 25.1 acres.**

6. The application proposed supplemental irrigation on lands currently covered by ground water registrations GR-772, GR-773, and GR-774. The Department determined the sources proposed by Application G-17541 and the authorized sources allowed by GR-772, GR-773, and GR-774 are likely the same ground water aquifer. Because these wells develop water from the same ground water source, Application G-17541 may not be used as a supplemental source to GR-772, GR-773, and GR-774.

The Department calculated the maximum rate of water for each ground water registration, being 1/80 CFS per acre, and discovered each registration meets or exceeds this value. Because the registrations allow the maximum rate, in the absence of other information, Application G-17541 may not be used to make up a deficiency in rate on these 72.5 acres.

If you would like to provide specific information about your system, crop, etc., with the intent to demonstrate why more water is needed for these acres, please do so by **Thursday, March 13, 2014**, and the Department will consider it. If you need additional time, you may send a written request for up to 180 days. **If we do not receive additional information to consider or a hold request by this date, the irrigation of these 72.5 acres will not be allowed.**

7. The Department has determined that Well 729 (LINN 4560) does not meet current minimum well construction standards. In order to meet standards, the well must be re-cased and re-sealed to a minimum depth of 180 feet below ground surface, and the top terminal height must be extended to at least one foot above land surface.

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, 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 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).

Summary of Initial Determinations

The appropriation of 0.31 CFS of water from Well 4 (LINN 58218/L-92436), Well 5 (LINN 58250/L-92439), and Well 729 (LINN 4560) in Santiam River Basin for primary irrigation of 25.1 acres may be allowed during the full period requested, March 1 through October 31 of each year.

Supplemental irrigation of 72.5 acres is not allowable, however, if additional information is provided to demonstrate the need for a rate that is higher than the general basin-wide standard, irrigation of these lands may be allowed.

This summary is contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 729 (LINN 4560).

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to **#5 and #6** above, your application will likely be limited accordingly.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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, February 21, 2014**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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. 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 Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17541
WAB 2-no psi
POU 2-
GW

APPLICATION FACT SHEET

Application File Number: G-17541

Applicant: D J EDWARDS FAMILY, LLC; DEL EDWARDS, MANAGING MEMBER

County: Linn

Watermaster: 16

Priority Date: March 20, 2012

Source: WELL 4 (LINN 58218/L-92436), WELL 5 (LINN 58250/L-92439), AND WELL 729 (LINN 4560) IN SANTIAM RIVER BASIN

Use: PRIMARY IRRIGATION OF 25.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 72.5 ACRES

Quantity: 1.34 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 7 SANTIAM R

Well Locations:

WELL 4 (LINN 58218/L-92436) - SENE, SECTION 6, T10S, R3W, W.M.; 1815 FEET SOUTH AND 20 FEET WEST FROM NE CORNER, SECTION 6

WELL 5 (LINN 58250/L-92439) - SWSW, SECTION 32, T9S, R3W, W.M.; 30 FEET NORTH AND 40 FEET EAST FROM SW CORNER, SECTION 32

WELL 729 (LINN 4560) - NENE, SECTION 6, T10S, R3W, W.M.; 900 FEET SOUTH AND 20 FEET WEST FROM NE CORNER, SECTION 6

Place of Use:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$		2.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		26.0 ACRES
SECTION 31		
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.3 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.6 ACRES	25.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		
SECTION 32		
TOWNSHIP 9 SOUTH, RANGE 3 WEST, W.M.		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	18.2 ACRES	5.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		13.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		0.3 ACRE
SECTION 6		
TOWNSHIP 10 SOUTH, RANGE 3 WEST, W.M.		

14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 21, 2014
PUBLIC NOTICE DATE: Tuesday, February 11, 2014
30 DAY COMMENT DEADLINE DATE: Thursday, March 13, 2014

Mailing List for IR Copies

Application #G-17541

IR Date : February 7, 2014

Original mailed to applicant:

D J EDWARDS FAMILY, LLC DEL EDWARDS, MANAGING MEMBER, 32633 COOPER DR
NE, ALBANY, OR 97321

SENT VIA EMAIL:

WM 16
AGENT - WDSABOL@LIVE.COM

Copies sent to:

1. WRD - File # G-17541
2. WRD - Water Availability: Shawn Turner

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

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