



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
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ELEANOR FITZGERALD

March 28, 2014

FITZGERALD RANCH INC
28975 HOGBACK RD
PLUSH, OR 97637

Reference: File G-17749

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 indicated supplemental irrigation of 159.2 acres but the map indicated 159.5 acres. Please clarify the total number of acres, and provide a revised map if appropriate by **Thursday, May 1, 2014**. 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.**
2. The application proposed the appropriation of 1.99 cubic feet per second (CFS) of water from Well 1 in Warner Lakes Basin for supplemental irrigation of 159.2 acres March 1 through October 31 of each year.
3. The proposed use is not prohibited by law or rule except where otherwise noted below.
4. The appropriation of water from Well 1 in Warner Lakes Basin for supplemental irrigation is allowable under the Goose & Summer Lake Basin Program.
5. 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.

6. The proposed supplemental use shall be limited to match that of the primary water right. The Warner Lakes Decree allows the use of water for irrigation from April 1 through

October 1. If the application is approved, the season allowed for supplemental irrigation will be April 1 through October 1.

If you wish to irrigate October 2 through October 31, you may submit \$300 for the additional use of "primary irrigation" and the Department will likely allow primary irrigation of these same 159.5 acres October 2 through October 31 of each year.

Summary of Initial Determinations

The appropriation of 1.99 CFS from Well 1 in Warner Lakes Basin for supplemental irrigation of 159.5 acres is allowable during the full period requested, April 1 through October 1 of each year.

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, April 11, 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 devices, and recording/reporting of annual water use conditions:**
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. Each totalizing flow meter shall be located within 50 feet of the wellhead and adjacent to each flow meter shall be a clearly visible monument with a sign noting the flow meter. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall record monthly readings at each totalizing flow meter, and shall submit a report which includes the recorded amounts 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.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Static Water Level Conditions

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 in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial 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.

3. **Dedicated Measuring Tube:** Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
4. Groundwater production shall occur from the predominantly basalt unit below the predominantly basin-fill unit by continuous casing and continuous seal through the predominantly basin-fill unit and into the predominantly basalt unit.
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 503-986-0816 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-17749
WAB 13-No PSI
POU 13-No PSI
GW

APPLICATION FACT SHEET

Application File Number: G-17749

Applicant: ELEANOR FITZGERALD

County: Lake

Watermaster: 12

Priority Date: January 10, 2014

Source: WELL 1 IN WARNER LAKES BASIN

Use: SUPPLEMENTAL IRRIGATION OF 159.5 ACRES

Quantity: 1.99 CUBIC FEET PER SECOND

Basin Name & Number: Goose & Summer Lake, #13

Stream Index Reference: Volume 1 WARNER L & MISC

Point of Diversion or Well Location(s): SWNW, SECTION 15, T36S, R24E, W.M.;2400 FEET SOUTH AND 72 FEET EAST FROM NW CORNER, SECTION 15

Place of Use:

NW ¼	NE ¼	12.9	ACRES
SW ¼	NE ¼	25.1	ACRES
NW ¼	NW ¼	5.0	ACRES
SW ¼	NW ¼	3.3	ACRES
NE ¼	SW ¼	9.3	ACRES
SE ¼	SW ¼	25.6	ACRES
NW ¼	SE ¼	40.0	ACRES
SW ¼	SE ¼	38.3	ACRES

SECTION 15

TOWNSHIP 36 SOUTH, RANGE 24 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 11, 2014

PUBLIC NOTICE DATE: Tuesday, April 1, 2014

30 DAY COMMENT DEADLINE DATE: Thursday, May 1, 2014