



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

**CERTIFIED MAIL
Return Receipt Requested**

September 19, 2014

CITY OF PRAIRIE CITY
PO BOX 370
PRAIRIE CITY, OR 97869

Reference: File G-17789

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 0.06 cubic foot per second (CFS) of water from Well 1 (GRAN 51033/L103004) and Well 2 in Slyfe Creek Basin for supplemental irrigation of 2.5 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 water from Well 1 (GRAN 51033/L103004) and Well 2 in Slyfe Creek Basin for supplemental irrigation is allowable under the John Day 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 proposed use is located above the John Day Scenic Waterway, as designated under Oregon Revised Statute 390.826.
6. The proposed supplemental use shall be limited to match that of the primary water right which allows the use of water for irrigation April 1 through September 30. If the application is approved, the season allowed for supplemental irrigation will be April 1 through September 30.

7. The application proposed a water use duty that is higher than the underlying primary water right. If the application is approved, the duty allowed for supplemental irrigation will be limited to 5.0 AF.
8. The Department has determined that Well 1 (GRAN 51033/L103004) does not meet 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, 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 note that repair of the well will not necessarily overcome the potential for substantial interference with surface water and might not result in the issuance of a permit.

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).

9. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The appropriation of 0.06 CFS from Well 1 (GRAN 51033/L103004) and Well 2 in Slyfe Creek Basin for supplemental irrigation of 2.5 acres may be allowed from April 1 through September 30 of each year, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 1 (GRAN 51033/L103004).

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following items:

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map drawn to a standard, even scale of not less than 4 inches = 1 mile (example 1" = 400 ft or 1" = 1320 ft, etc).
- Also, the map must show the location of the wells by reference to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

Please submit this information no later than Friday, October 17, 2014 . If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application .

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.

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, October 3, 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 devices, and recording/reporting of annual water use conditions:
 - A. The Director may require the permittee to install a totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of appropriation. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order, and shall allow the watermaster access to the device.
 - B. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
2. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
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 email me at Barbara.J.Park@ wrd.state.or.us if you have any questions regarding the contents of this letter or your application. Please refer to your application number with all correspondence. 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: Barbara Park, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Park". The signature is fluid and cursive, with the first name "Barbara" being more prominent than the last name "Park".

Barbara Park
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17789
WAB 6-no PSI
POU 6-
GW

APPLICATION FACT SHEET

Application File Number: G-17789

Applicant: CITY OF PRAIRIE CITY

County: Grant

Watermaster: 4

Priority Date: March 10, 2014

Source: WELL 1 (GRAN 51033/L103004) AND WELL 2 IN SLYFE CREEK BASIN

Use: SUPPLEMENTAL IRRIGATION OF 2.5 ACRES

Quantity: 0.06 CUBIC FOOT PER SECOND

Basin Name & Number: John Day, #6

Stream Index Reference: Volume 1 JOHN DAY AB KIMBERLY MISC

Point of Diversion or Well Location(s):

WELL 1 (GRAN 51033/L103004): NENW, SECTION 11, T13S, R33E, W.M.; 910 FEET SOUTH AND 40 FEET WEST FROM N1/4 CORNER, SECTION 11

WELL 2: NENW, SECTION 11, T13S, R33E, W.M.; 900 FEET SOUTH AND 90 FEET WEST FROM N1/4 CORNER, SECTION 11

Place of Use:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 ACRES
SECTION 11
TOWNSHIP 13 SOUTH, RANGE 33 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 3, 2014

PUBLIC NOTICE DATE: Tuesday, September 23, 2014

30 DAY COMMENT DEADLINE DATE: Wednesday, October 22, 2014

Mailing List for IR Copies

Application #G-17789

IR Date : September 19, 2014

Original e-mailed to applicant:

~~CITY OF PRAIRIE CITY, PO BOX 370, PRAIRIE CITY, OR 97869~~

SENT VIA EMAIL:

1. Applicant - PWORKS@ORTELCO.NET
2. Agent - MIKE@BENCHMARKLS.COM
3. WM#4

IR, Map, and Fact Sheet Copies sent to:

1. WRD - File # G-17789
2. WRD - Regional Manager: NC: Michael Ladd

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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Affected Landowners (include "Notice of Initial Review--Affected Landowner")

1. Grant County Court, Scott W. Myers, 201 S. Humbolt St. No. 280, Canyon City, OR 97820

Caseworker: Barbara Park

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