



# 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

October 10, 2014

THOMAS E AND KAREN M AVINELIS  
QUIET MEADOWS FARM  
38615 DENSMORE RD  
JEFFERSON, OR 97352

Reference: File G-17788

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 2.42 cubic feet per second (CFS) of water from Well 1 (LINN 4166), Well 2 (LINN 61004), Well 3 (LINN 4165), and Well 4 (LINN 60537/L110124) in North Santiam River Basin for primary irrigation of 147.82 acres and supplemental irrigation of 45.7 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 (LINN 4166), Well 2 (LINN 61004), Well 3 (LINN 4165), and Well 4 (LINN 60537/L110124) in North Santiam River 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 have the potential for substantial interference with North Santiam River. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered.

Surface water **is not available** during the period August through October. By providing additional information, you may be able to pursue a limited permit. Please refer to the Additional Information Opportunity section below for details.

5. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
6. The application proposed supplemental irrigation on lands currently covered by ground water Certificate 33850. The Department determined the source proposed by Application G-17788 and the authorized source allowed by Certificate 33850 is likely the same ground water aquifer. Because this well develops water from the same ground water source, Application G-17788 may not be used as a supplemental source to Certificate 33850.
7. The Department has determined that Well 1 (LINN 4166), Well 2 (LINN 61004) and Well 3 (LINN 4165) do not meet current minimum well construction standards. Prior to the issuance of any permit, evidence demonstrating compliance with well construction standards must be submitted and approved by the Department. In repairing the wells, 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 wells 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 wells 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 Allowable Water Use

**Because not all items above are favorable, the appropriation of 2.42 CFS of water from Well 1 (LINN 4166), Well 2 (LINN 61004), Well 3 (LINN 4165), and Well 4 (LINN 60537/L110124) in North Santiam River Basin for primary irrigation of 147.82 acres and supplemental irrigation of 45.7 acres is not allowable, and it appears unlikely that you will be issued a permit.**

**However, if you would like to pursue a limited permit allowing the appropriation of 1.85 CFS of water for primary irrigation of 147.82 acres March 1 through July 31, please see the Additional Information Opportunity section below for details.**

**Keep in mind that any permit that may be issued would be contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 1, Well 2 and Well 3.**

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

### Additional Information Opportunity

If you would like to use water when it is available, you must submit information showing the proposed use requires water only during the limited period and that you can make beneficial use of the water from March 1 through July 31.

**Please submit the information no later than Thursday, November 13, 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.

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.

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 24, 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. 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 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 keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
  - 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.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

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

Sincerely,



Kim French  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

WAB 2-141  
POU 2-141  
GW

# APPLICATION FACT SHEET

Application File Number: G-17788

Applicant: THOMAS E AND KAREN M AVINELIS AND QUIET MEADOWS FARM

County: Linn

Watermaster: 16

Priority Date: March 7, 2014

Source: WELL 1 (LINN 4166), WELL 2 (LINN 61004), WELL 3 (LINN 4165), AND WELL 4 (LINN 60537/L110124) IN NORTH SANTIAM RIVER BASIN

Use: PRIMARY IRRIGATION OF 147.82 ACRES AND SUPPLEMENTAL IRRIGATION OF 45.7 ACRES

Quantity: 2.42 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 8 N SANTIAM R MISC

Well Locations:

WELL 1 (LINN 4166): SWNW, SECTION 17, T10S, R2W, W.M.; 1425 FEET SOUTH AND 775 FEET EAST FROM NW CORNER, SECTION 17

WELL 2 (LINN 61004): NENW, SECTION 17, T10S, R2W, W.M.; 275 FEET SOUTH AND 1810 FEET EAST FROM NW CORNER, SECTION 17

WELL 3 (LINN 4165): NWNW, SECTION 17, T10S, R2W, W.M.; 457 FEET SOUTH AND 770 FEET EAST FROM NW CORNER, SECTION 17

WELL 4 (LINN 60537/L110124): NWSW, SECTION 17, T10S, R2W, W.M.; 237 FEET SOUTH AND 487 FEET EAST FROM W1/4 CORNER, SECTION 17

Place of Use:

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ NE ¼	13.4 ACRES	
SW ¼ NE ¼	0.5 ACRE	
NE ¼ NW ¼	33.8 ACRES	
NE ¼ NW ¼		4.4 ACRES
NW ¼ NW ¼		38.6 ACRES
SW ¼ NW ¼	39.75 ACRES	
SW ¼ NW ¼		2.4 ACRES
SE ¼ NW ¼	8.15 ACRES	
SE ¼ NW ¼		0.3 ACRE
NE ¼ SW ¼	14.12 ACRES	
NW ¼ SW ¼	37.05 ACRES	
	SECTION 17	
SE ¼ NE ¼	0.55 ACRE	

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$                     0.5 ACRE  
SECTION 18  
TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 24, 2014**

**PUBLIC NOTICE DATE: Tuesday, October 14, 2014**

**30 DAY COMMENT DEADLINE DATE: Thursday, November 13, 2014**

# Mailing List for IR Copies

Application #G-17788

IR Date: October 10, 2014

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## Original and map mailed to applicant:

THOMAS E AND KAREN M AVINELIS AND QUIET MEADOWS FARM, 38615 DENSMORE RD, JEFFERSON, OR 97352

## SENT VIA EMAIL:

1. Agent - [ericpond@agricare.com](mailto:ericpond@agricare.com)
2. WRD - Watermaster # 16
3. ODFW
4. DEQ

## Copies sent to:

1. WRD - Water Availability: Shawn Turner

## IR, Map, and Fact Sheet Copies sent to:

2. WRD - File # G-17788
3. Department of Agriculture

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
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## Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. Will McGill Surveying, LLC, 15333 Pletzer Rd SE, Turner, OR 97392

Caseworker: Kim French

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](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