



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

April 3, 2015

MARK KRAUTMANN AND HERITAGE SEEDLINGS INC
4194 71ST AVE SE
SALEM, OR 97301

Reference: File G-17954

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 1.10 cubic feet per second (CFS) of water from a well (MARI 9910/L75019) in Little Pudding River Basin for year-round nursery use on 100.5 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Uses included in nursery use are included in irrigation and agriculture uses, both of which are allowed by OAR 690-502, the Willamette Basin Program. Therefore the appropriation of water from a well (MARI 9910/L75019) in Little Pudding River Basin for nursery use is allowable.
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 application is subject to Section 4(d) of the Endangered Species Act.

Summary of Initial Determinations

The appropriation of 1.10 CFS from a well (MARI 9910/L75019) in Little Pudding River Basin for year-round nursery use on 100.5 acres is allowable during the full period requested.

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 10, 2015**. 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, 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. Static Water Level Conditions
 - (1) 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 15 or more feet; or

- (c) A hydraulic interference decline of 15 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) 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 is 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 (1) are evidenced by the well measurement required in section (2).
3. Groundwater production in the well shall be limited to a single aquifer within the Columbia River Basalt Group.
4. The source of water for this permit shall be the water-bearing zones in the Columbia River Basalt Group that occur in a well (MARI 9910/L75019) between depths of 90 and 204 feet. The well shall not be deepened or altered such that water is produced from other aquifers in the Columbia River Basalt Group.
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.

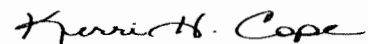
The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture

(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/programs/NaturalResources/Pages/AgWaterQuality.aspx> 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 503-986-0806 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: Kerri H. Cope, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerri H. Cope
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17954
WAB 2-No PSI
POU 2-No PSI
GW

APPLICATION FACT SHEET

Application File Number: G-17954

Applicant: MARK KRAUTMANN AND HERITAGE SEEDLINGS INC

County: Marion

Watermaster: 16

Priority Date: October 30, 2014

Source: A WELL (MARI 9910/L75019) IN LITTLE PUDDING RIVER BASIN

Use: NURSERY USE ON 100.5 ACRES

Quantity: 1.10 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 13A LT PUDDING R

Point of Diversion or Well Location(s): DLC 41 (11), SECTION 11, T8S, R2W, W.M.; 650 FEET SOUTH AND 1040 FEET EAST FROM N1/4 CORNER, SECTION 11

Place of Use:

DLC 41 (1) 1.3 ACRES
SECTION 1

DLC 41 (2) 0.4 ACRE
DLC 41 (2) 12.2 ACRES
DLC 41 (2) 20.3 ACRES
SECTION 2

DLC 41 (11) 22.5 ACRES
DLC 41 (11) 1.2 ACRES
DLC 41 (11) 11.4 ACRES
DLC 41 (11) 5.7 ACRES
DLC 41 (11) 1.1 ACRES
SECTION 11

DLC 41 (12) 17.8 ACRES
DLC 41 (12) 6.6 ACRES
SECTION 12

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

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 10, 2015

PUBLIC NOTICE DATE: Tuesday, March 31, 2015

30 DAY COMMENT DEADLINE DATE: Thursday, April 30, 2015

Mailing List for IR Copies

Application #G-17954

IR Date: March 27, 2015

Original and map mailed to applicant:

MARK KRAUTMANN AND HERITAGE SEEDLINGS INC , 4194 71ST AVE SE, SALEM, OR
97301

SENT VIA EMAIL:

1. WRD - Watermaster # 16
2. Agent - PHG@BCTONLINE.COM

IR, Map, and Fact Sheet Copies sent to:

1. WRD - File # G-17954
2. Department of Agriculture

Caseworker: Kerri H. Cope

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