



April 10, 2015

MICHAEL FRANK
SUSAN FRANK
12489 SW KAME TERRACE COURT
SHERWOOD, OR 97140

Reference: File G-17948

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 0.13 cubic foot per second (CFS) of water from Well 1 (YAMH 56904/L114518) in Spring Brook Basin for irrigation of 10.4 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 (YAMH 56904/L114518) in Spring Brook Basin for irrigation is allowable under the Willamette Basin Program (OAR 690-502). However, the well is located within the Chehalem Mountain Ground Water Limited Area and produces water from a basalt aquifer, therefore is subject to the rules under OAR 690-502-0200.
 - A. Permits may be issued for a period not to exceed five years.
 - B. The amount of water used for irrigation is limited to an appropriation of 1.0 acre foot for each acre irrigated during the irrigation season of each year.
 - C. Irrigation allowed under a permit shall be by drip irrigation or by an equally efficient method.
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.

Summary of Initial Determinations

The appropriation of 0.13 CFS from Well 1 (YAMH 56904/L114518) in Spring Brook Basin for irrigation of 10.4 acres is allowable during the full period requested, March 1 through October 31 of each year, if limited to drip or equally efficient irrigation; 1.0 acre-foot per acre per year; and for a period of five years.

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 17, 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

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.

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. The source of water for this permit shall be the water-bearing zones in the Columbia River Basalt Group that occur in Well 1 (YAMH 56904/L114518) between depths of 421 and 509 feet. The well shall not be deepened or altered such that water is produced from other aquifers in the Columbia River Basalt Group.
4. Irrigation allowed under this permit shall be by drip irrigation or by an equally efficient method.
5. This permit expires in five years from date of issuance. This permit may be renewed for additional periods of time, not to exceed five years, if the Director finds the groundwater resource can likely support the continued use. The following conditions shall have been met by the permittee in order for the Department to consider renewal.

- A. Within two years of permit issuance, the permittee shall prepare a plan for the Director which shall indicate the steps for obtaining a long term water supply.
 - B. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.
6. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of one-eightieth of one cubic foot per second and 1.0 acre foot for each acre irrigated during the irrigation season of each year.
7. 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 contact me at Barbara.J.Park@wrd.state.or.us or 503-986-0859 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: Barbara Park, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Barbara Park
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17948
WAB 2-no PSI
POU 2-
GW

APPLICATION FACT SHEET

Application File Number: G-17948

Applicant: MICHAEL FRANK AND SUSAN FRANK

County: Yamhill

Watermaster: 16 & 18

Priority Date: October 22, 2014

Source: Well 1 (YAMH 56904/L114518) IN SPRING BROOK BASIN

Use: IRRIGATION OF 10.4 ACRES

Quantity: 0.13 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 18 SPRING BROOK CR & MISC

Well Location: NWNW SECTION 10, T3S, R2W, W.M.; 360 FEET SOUTH AND 1310 FEET EAST FROM NW CORNER, SECTION 10

Place of Use:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.4 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0 ACRES
SECTION 10
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 24, 2015

PUBLIC NOTICE DATE: Tuesday, April 14, 2015

30 DAY COMMENT DEADLINE DATE: Thursday, May 14, 2015

Mailing List for IR Copies

Application #G-17948

IR Date: April 10, 2015

Original and map mailed to applicant:

MICHAEL AND SUSAN FRANK , 12489 SW KAME TERRACE COURT, SHERWOOD, OR 97140

SENT VIA EMAIL:

1. WRD - Watermaster # 16
2. WRD - Watermaster #18
3. Agent - Greg Kupillas, PHGGEK@BCTONLINE.COM
4. Applicant - MSFRANKB2@GMAIL.COM

IR, Map, and Fact Sheet Copies sent to:

2. WRD - File # G-17948
3. Department of Agriculture

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