



August 28, 2015

DENNIS FLYNN RANCH  
31259 CLOVER FLAT ROAD  
LAKEVIEW, OR 97630

Reference: File G-18102

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 the water-use permit application and to describe the 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 supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the appropriation of 1.60 cubic feet per second (CFS) of water from Well 1 (LAKE 52274/L94396) in Crooked Creek Basin for primary irrigation of 67.96 acres and supplemental irrigation of 60.0 acres April 1 through October 15 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 (LAKE 52274/L194396) in Crooked Creek Basin for irrigation is allowable under the Goose & Summer Lake Basin Program (OAR 690-513-0050).
4. Groundwater will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of groundwater will avoid injury to existing groundwater rights.

The Department has determined, based upon OAR 690-009, that the proposed groundwater use will have the potential for substantial interference with Crooked Creek. 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 June 1 through August 31.

5. Because surface water is not available for the entire period requested, the use of 0.21 CFS of water from Well 1 (LAKE 52274/L94396) in Crooked Creek Basin for primary irrigation of 67.96 acres and supplemental irrigation of 60.0 acres is not allowable.
6. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

**Summary of Allowable Water Use**

**Because not all items above are favorable, the appropriation of 1.60 CFS of water from Well 1 (LAKE 52274/L94396) in Crooked Creek Basin for primary irrigation of 67.96 acres and supplemental irrigation of 60.0 acres is not allowable, and it appears unlikely that a permit will be issued unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw the application as described below.**

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 the application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, September 11, 2015**. For your convenience you may use the enclosed "STOP PROCESSING" form.

**To Proceed With The Application:**

If you choose to proceed with the application, you do not have to notify the Department. The 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 at each point of appropriation. The flow meter shall be located within 50 feet of the wellhead with a clearly visible sign adjacent to the flow meter identifying 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 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**

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 Department may require the discontinuance of groundwater use, 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. Each permitted well shall obtain groundwater solely from the predominantly basalt unit (which may contain some sedimentary layers) that underlies the predominantly basin-fill sediment unit (which may contain some basalt layers). Each well shall have continuous casing and continuous seal from land surface, through the predominantly basin-fill unit, and a minimum of five (5) feet into the predominantly basalt unit.

4. **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.
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.

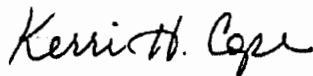
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. Be aware that, if significant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

The water source identified in the 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 the application. Please have the 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-18102  
WAB 13-31300602  
POU 13-31300602  
GW

# APPLICATION FACT SHEET

Application File Number: G-18102

Applicant: DENNIS FLYNN RANCH

County: Lake

Watermaster: 12

Priority Date: June 10, 2015

Source: WELL 1 (LAKE 52274/L94396) IN CROOKED CREEK BASIN

Use: PRIMARY IRRIGATION OF 67.96 ACRES AND SUPPLEMENTAL IRRIGATION OF 60.0 ACRES

Quantity: 1.60 CUBIC FEET PER SECOND

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

Stream Index Reference: Volume 2 CROOKED CR & MISC

Well Location: SENW SECTION 31, T35S, R21E, W.M.; 1395 FEET SOUTH AND 1324 FEET EAST FROM NW CORNER, SECTION 31

Place of Use:

<u>OO</u>	<u>Primary</u>	<u>Supplemental</u>
SW ¼ SW ¼ SE ¼ SW ¼	24.29 ACRES SECTION 30	21.16 ACRES
NE ¼ NW ¼ NW ¼ NW ¼ SW ¼ NW ¼ SE ¼ NW ¼	38.0 ACRES  5.67 ACRES SECTION 31	34.14 ACRES 4.7 ACRES
TOWNSHIP 35 SOUTH, RANGE 21 EAST, W.M.		

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 11, 2015**

**PUBLIC NOTICE DATE: Tuesday, September 1, 2015**

**30 DAY COMMENT DEADLINE DATE: Thursday, October 1, 2015**