



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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158 12th Street NE
Salem, OR 97301-4172
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FAX (503) 378-8130
www.wrd.state.or.us

November 30, 2001

TOM AND BEV MALLAMS
PO BOX 249
BEATTY, OREGON 97621

(541) 533-2580

Reference: File G-15484

Dear Mr. and Mrs. Mallams:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit 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 proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN SYCAN RIVER BASIN for IRRIGATION OF 139.7 ACRES is allowable under ORS 542.610 - 542.630, the Klamath River Basin Compact.
3. Water in the amount of 2.0 CUBIC FEET PER SECOND for IRRIGATION OF 139.7 ACRES will if properly conditioned, avoid injury to existing rights and the groundwater resource.
4. A review of existing water rights indicates there are existing water rights, Permit 44513, Permit 49262, and Certificate 50502, that cover a portion of the same lands for irrigation as proposed under this application, #G-15484.

83.8 acres of the acreage requested under this application, G-15484, are covered as primary irrigation under Permit 44513. The location and acreage covered by this permit is: 38.8 ACRES, SW SW, Section 35, T35S, R12E; 8.1 ACRES, SW SW, Section 35, T35S, R12E; 12.4 ACRES NE NW, Section 2, T36S, T12E; 24.5 ACRES, NW NW,

Section 2, T36S, R12E

25.2 acres are covered as primary irrigation under **Permit 49262**. The location and the acreage covered by this permit is: 25.2 ACRES, NW SW, Section 35, T35S, R12E

0.7 acre, Section 2, NW NW, T36S, R12E, of the acreage requested under this application, G-15484, is covered as primary under **Certificate 50502**, and the acreage allowed under this certificate is at the full rate and duty allowed from the same source, **therefore not allowed**.

Therefore, prior to approving primary irrigation for the acreage listed above, the Department must receive a completed form authorizing cancellation of the existing rights, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate and the use proposed under this application. Please refer to the Conflict Resolution section below for more information. If you have any further questions concerning the Conflict Resolution procedure, please contact Greg Nelson, in Salem at telephone #503-378-8455, extension 285.

Summary of Initial Determinations

The use of 2.0 CUBIC FEET PER SECOND from A WELL IN SYCAN RIVER BASIN for IRRIGATION OF 139.7. ACRES, is allowable from April 1 through October 31 of each year.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. However, due to #4 above, your application will likely be as summarized above.

Conflict Resolution Information:

According to Department records, there are existing rights, Permit 44513, Permit 49262, and Certificate # 50502, covering a portion of land proposed under this application. Prior to proceeding with Application #G-15484, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application. Please refer to the Conflict Resolution section below for more information. **Please submit this information no later than *Thursday, January 17, 2002* or The Department may issue the Final Order and permit with the land in question made supplemental to the existing right, which will limit and/or jeopardize that portion of the right as follows:**

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.

- ◆ You may only use the supplemental right after the primary right becomes unavailable. The primary right must be exhausted first.

If you are unable to submit the above listed information, you may request a “time out from processing” 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 a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

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 \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, December 14, 2001**. 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, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded 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.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. If substantial interference with a senior water right occurs due to withdrawal of water


from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

3. 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.
4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is MAY 3, 2001.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (503) 378-8455 extension 201. Feel free to call me at (503) 378-8455 extension ^{EXT.}458 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-6203.

Sincerely,


Jerry Gainey
Water Rights Technician

cc: Regional Manager, Watermaster District 17, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15484
wab 14-70805
pou 14-70805
gw

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-15484

Applicant: TOM MALLAMS MALLAMS, BEV

County: KLAMATH

Watermaster: District 17

Priority Date: MAY 3, 2001

Source: A WELL IN SYCAN RIVER BASIN

Use: IRRIGATION OF 140.4 ACRES

Quantity: 2.0 CUBIC FEET PER SECOND

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 2A SYCAN R BL SYCAN MARSH

Point of Diversion Location: NWSW, SECTION 35, T35S, R12E, W.M.; NORTH 2 DEGREES
12 MINUTES EAST, 2037 FEET FROM SE CORNER, SECTION 35

Place of Use: NWSW 39.68 ACRES, SWSW 40.47 ACRES, SESW 10.85 ACRES, SECTION
35, TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M., NENW 24.2 ACRES, NWNW 25.2
ACRES, SECTION 2, TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 7, 2001

PUBLIC NOTICE DATE: Tuesday, December 11, 2001

30 DAY COMMENT DEADLINE DATE: Thursday, January 10, 2002