



# Oregon

Kate Brown, 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

November 20, 2015

CASCADE ACADEMY OF CENTRAL OREGON  
19860 TUMALO RESERVOIR RD  
BEND OR 97701

Reference: File G-18028

### INITIAL REVIEW

#### **THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE DURING PROCESSING**

Dear CASCADE ACADEMY OF CENTRAL OREGON:

This letter is to inform you that processing of your water-use permit application has begun, 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 if the proposed use is to be allowed. Based on the information you supplied, the Department has made the following initial determinations:

1. The application requested the appropriation of 0.114 cubic foot per second (CFS) for primary irrigation of 3.0 acres April 1 through October 31 and year-round commercial use, from Well 1 (DESC 59549/L109021) in Deschutes River Basin.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (DESC 59549/L109021), tributary to Deschutes River, in the Deschutes Basin for irrigation and commercial uses is allowable under the Deschutes Basin Program (OAR 690-505-0400).
4. If properly conditioned, the proposed use of ground water will avoid injury to existing rights and the resource.
5. The Department has determined, based upon OAR 690-09, that the proposed ground water source is hydraulically connected to Deschutes River, and will have the potential for substantial interference with surface water. Therefore, in accordance with OAR 690-410-0070(1) and 690-400-0010(11)(a), surface water availability and public-interest considerations related to the surface-water source must be considered.
6. Surface water is not available at any time of the year due to senior water rights on downstream waters.

7. The proposed use of hydraulically-connected ground water with the potential for substantial interference is not allowable in the Deschutes Basin from April 15 through September 30 of each year (OAR 690-33-120(2)(b)).
8. The mainstem Deschutes River is a State Scenic Waterway. The proposed use will measurably reduce scenic waterway flows as defined in ORS 390.835.
9. Because the proposed well, located in the Deschutes Ground Water Study Area, has the potential for substantial interference and will interfere with scenic waterway flows, by law, the Department is required to deny your application unless you provide mitigation.
10. Typically, this Initial Review would have unfavorable findings to be overcome by providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules (OAR 690-505-0500 through 0630), however because this application is proposing only an increase in instantaneous rate and no additional volume above what was approved in Permit G-16947, therefore additional mitigation is not required for use under this application.
11. The mitigation obligation for water use under this application is provided under Instream Lease IL-1144 (Mitigation Project MP-151), approved on June 20, 2012. MP-151 provides 6.4 mitigation water credits in the General Zone of Impact. No additional mitigation obligation is required under this application because the total volume of 15.75 AF, approved under Permit G-16947, will not be exceeded. The entire combined consumptive use, 6.4 acre-feet of mitigation water in the General Zone of Impact, was required under Permit G-16947.

#### **Summary of Initial Review**

The use of 0.114 cubic foot per second (CFS), being 0.013 CFS for primary irrigation of 3.0 acres to make up a deficiency in rate April 1 through October 31, and 0.101 CFS for year-round commercial use; further limited to, and together with the volume secured under Permit G-16947 existing for the same lands, a total volume of 15.75 acre-feet (AF), being 9.0 AF for irrigation of 3.0 acres and 6.75 AF for commercial use, from Well 1 (DESC 59549/L109021) in Deschutes River Basin is allowable because you have demonstrated that sufficient mitigation water is in place for this application under OAR 690-505-0610.

#### **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, December 4, 2015**. 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 do anything at this time. 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:

**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 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.

**Ground Water Mitigation Conditions**

1. Mitigation Obligation: No additional mitigation obligation is required under this application because the total volume of 15.75 AF, approved under Permit G-16947, will not be exceeded. The entire combined consumptive use, 6.4 acre-feet of mitigation water in the General Zone of Impact, was required under Permit G-16947.
2. Mitigation Source: 6.4 mitigation credits, provided under Mitigation Project MP-151 (Instream Lease IL-1144).
3. Mitigation water must be legally protected instream in the General Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
4. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.
5. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.
6. Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).


### **Scenic Waterway Condition**

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 reduced subsequently. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

### **If you have questions:**

This Initial Review was produced by Kim French. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0816 or kim.r.french@wr.d.state.or.us. Please have your application number available if you call. If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

Sincerely,



Kim French  
Water Rights Application Caseworker

enclosures: Stop Processing Request Form;

G-18028  
WAB 5-30530112  
POU 5-30530112  
GW

# Application Fact Sheet

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Mail to: Applicant, Watermaster, District Biologist (ODFW)

Application Number: G-18028

Applicant: CASCADE ACADEMY OF CENTRAL OREGON, 19860 TUMALO RESERVOIR RD,  
BEND OR 97701

County: DESCHUTES

Watermaster: District 11, Jeremy T. Giffin

Priority Date: APRIL 2, 2015

Source: Well 1 (DESC 59549/L109021) in Deschutes Basin

Use: IRRIGATION OF 3.0 ACRES AND COMMERCIAL USE

Period of Use Requested: IRRIGATION – APRIL 1 THROUGH OCTOBER 31  
COMMERCIAL USE – YEAR-ROUND

Rate requested: 0.11 CUBIC FOOT PER SECOND, FURTHER LIMITED TO, AND IN  
CONJUNCTION WITH PERMIT G-16947, A TOTAL VOLUME OF 15.75 ACRE-FEET (AF), BEING  
9.0 AF FOR IRRIGATION AND 6.75 AF FOR COMMERCIAL USE.

Basin Name & Number: Deschutes, #5

Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	6	SW NE	625 FEET NORTH AND 620 FEET EAST FROM C1/4 CORNER, SECTION 6

Place of Use:

COMMERCIAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	6	SW NE

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	12 E	WM	6	SW NE	3.00

**14-day Stop Processing Deadline: Friday, December 4, 2015**

**Public Notice Date: Tuesday, November 24, 2015**

**End of 30-day Comment Period: Thursday, December 24, 2015**

# Mailing List for IR Copies

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Application: G-18028

IR Date: November 20, 2015

## Original mailed to:

Applicant: CASCADE ACADEMY OF CENTRAL OREGON  
19860 TUMALO RESERVOIR RD  
BEND OR 97701

Copies Mailed
by: _____ ( STAFF)
on: _____ (DATE)

## Copies sent to:

1. WRD - File G-18028
2. WRD - Water Availability: Shawn Ortiz-Turner
3. WRD - Laura Wilke
4. DRC – Genevieve Hubert

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

*(NOTE: please send only one copy per office, even if there is more than one name on the list)*

1. Watermaster District 11
2. ODFW District Biologists: Brett Hodgson and Amy Stuart
3. ODFW: Rick Kepler
4. Columbia River Intertribal Fish Commission:
5. US Fish & Wildlife: Nancy Gilbert, 63095 Deschutes Market Rd, Bend OR 97701-9794
6. NW Power Planning Council
7. DEQ: Eric Nigg & Bonnie Lamb, Eastern Region
8. DOA: Salem: Jim Johnson & Paul Measeles
9. DSL: Shawn Zumwalt
10. Confederated Tribes of the Umatilla Indian Reservation: Jennifer Hudson and Carl Merkle

## Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.):

1. Bruce Brody-Heine, 2600 NW Crossing Drive, Bend, OR 97701

Caseworker: Kim French