



December 4, 2015

PAUL DAVIS
46008 ALVORD RANCH LANE
PRINCETON, OR 97721

Reference: File G-18011

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 4.8 cubic feet per second (CFS) of water from Well 5 in Big Alvord Creek Basin for supplemental irrigation of 376.2 acres April 1 through October 1 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 5 in Big Alvord Creek Basin for supplemental irrigation is allowable under the Malheur Lake Basin Program (OAR 690-512).
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 not have the potential for substantial interference with any surface water source.

5. The application map proposed supplemental irrigation of 40.0 acres in the NW 1/4 of the SW 1/4 and 33.4 acres in the SW 1/4 of the SW 1/4, Section 35, however the underlying right SW-167 only allows irrigation of 39.1 acres and 30.7 acres, respectively. Therefore, the acreage for supplemental irrigation would be limited to 39.1 acres in the NW 1/4 of the SW 1/4 and 17.3 acres in the SW 1/4 of the SW 1/4, Section 35.

6. The standard allowable rate for irrigation use from groundwater is 1/80 CFS per acre. In the absence of other information, if the application is approved, the rate allowed will be limited to 4.7 CFS for supplemental irrigation of 372.6 acres. However, Oregon Revised Statute 537.621(4) allows the Department to consider and authorize a rate that is higher than the general basin-wide standard. If you would like to provide additional information for the Department to consider, please do so by **Thursday, July 2, 2015**. If you need additional time, you may send a written request for up to 180 days. **If we do not receive additional information to consider or a hold request by this date, the Department will limit the rate to 4.7 CFS for primary irrigation of 372.6 acres.**

Summary of Initial Determinations

The appropriation of 4.7 CFS of water from Well 5 in Big Alvord Creek Basin for supplemental irrigation of 372.6 acres is allowable during the full period requested, April 1 through October 1 of each year.

Because of these favorable determinations, the Department can now move the 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 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.

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, December 18, 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 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

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. **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.
4. The proposed well shall be constructed to develop groundwater from either the predominantly basin fill unit or the underlying predominantly volcanic/sedimentary bedrock unit, but not both.

If the well is to develop groundwater from the predominantly volcanic/sedimentary bedrock unit, the well shall be continuously cased and continuously sealed a minimum of five (5) feet into the predominantly volcanic/basalt bedrock beneath the predominantly basin fill unit. The well shall not be completed in such a manner that it allows ground water to be developed from the overlying basin fill. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, requested modification will not be approved. The new well depth and construction specifications will be incorporated into any certificate issued for this permit.

If the well is to develop groundwater from the predominantly basin fill unit, it shall not be completed in such a manner that it allows groundwater to be developed from the underlying predominantly volcanic/sedimentary bedrock unit. If, during the course of drilling, the well penetrates through the predominantly basin fill unit into the predominantly volcanic/sedimentary bedrock unit, the lower part of the well below the basin fill shall be properly abandoned (sealed).

5. The permittee shall construct one (1) minimum six-inch diameter observation well to penetrate the same aquifer as the production well(s). The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production well(s). The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

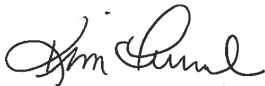
6. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, 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 503-986-0816 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: Kim French, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French
Water Right Application Caseworker

enclosures:

Application Process Description and Stop Processing Request Form

G-18011
WAB 12-No PSI
POU 12-No PSI
GW

APPLICATION FACT SHEET

Application File Number: G-18011

Applicant: PAUL DAVIS

County: Harney

Watermaster: 10

Priority Date: March 11, 2015

Source: WELL 5 IN BIG ALVORD CREEK BASIN

Use: SUPPLEMENTAL IRRIGATION OF 376.2 ACRES

Quantity: 4.80 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1A ALVORD DESERT & MISC

Well Location: NENW, SECTION 3, T34S, R34E, W.M.; 835 FEET SOUTH AND 3935 FEET WEST FROM NE CORNER, SECTION 3

Place of Use:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 16.3 ACRES
SECTION 34

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 26.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 33.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.0 ACRES
SECTION 35

TOWNSHIP 33 SOUTH, RANGE 34 EAST, W.M.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 21.6 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 ACRES
SECTION 2

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.3 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
SECTION 3
TOWNSHIP 34 SOUTH, RANGE 34 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 18, 2015

PUBLIC NOTICE DATE: Tuesday, December 8, 2015

30 DAY COMMENT DEADLINE DATE: Thursday, January 7, 2016

Mailing List for IR Copies

Application #G-18011

IR Date: December 4, 2015

Original and map mailed to applicant:

PAUL DAVIS , 46008 ALVORD RANCH LANE, PRINCETON, OR 97721

SENT VIA EMAIL:

1. WRD -Watermaster # 10

IR, Map, and Fact Sheet Copies sent to:

1. WRD - File # G-18011
2. WRD - Regional Manager:
3. Department of Agriculture

Caseworker: Kim French

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