



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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November 26, 1999

WINEMAKERS LLC
MAX ZELLWEGER
PO BOX 1019
SUNNYSIDE, WA 98944 -1019

(509)836-2524

Reference: File G-15037

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 and potential limitations to 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, LOCATED IN THE BASALT FORMATIONS of the BATTLE CREEK BASIN, for IRRIGATION OF 30.0 ACRES is **allowable** under OAR 690-502-160(2)(d), the Willamette Basin Program.
3. Based upon the Division 09 groundwater review, the Department has determined that the proposed use of groundwater **will not** have the potential for substantial interference with the nearest surface water source, namely Battle Creek.
4. Water in the amount of 168.0 GALLONS PER MINUTE (0.374 CUBIC FOOT PER SECOND) from a well, in the Battle Creek Basin, for IRRIGATION OF 30.0 ACRES **will**, if properly conditioned, avoid injury to existing rights or to the groundwater resource.



5. Permits may be issued, **for a period of not to exceed five years, for drip or equally efficient irrigation** provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. **The amount of water used for irrigation shall be further limited to one acre-foot per acre per year.** Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08.

Summary of Initial Determinations

The use of 0.374 CUBIC FOOT PER SECOND (168.0 GALLONS PER MINUTE) from A WELL, IN THE BASALT FORMATIONS of the BATTLE CREEK BASIN, for DRIP OR EQUALLY EFFICIENT IRRIGATION OF 30.0 ACRES may be allowed from March 1 through October 31 of each year. The amount of water used for irrigation under this application shall be limited to one acre-foot per acre per year, and if a permit is issued, it will be limited to a five-year period.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #5 above, your application will likely be limited as summarized above.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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 10, 1999**. 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 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.

If A Permit Is Issued It Will Likely Include The Following Conditions:

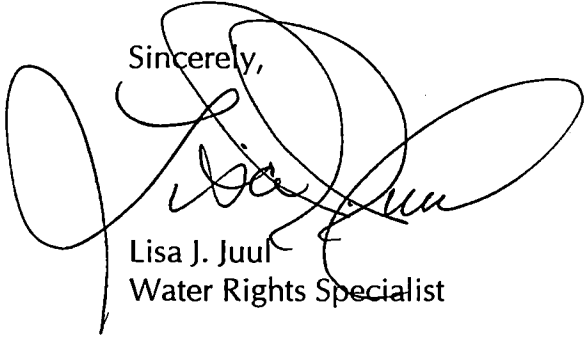
1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete 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. A permit may be issued, **for a period of not to exceed five years, for drip or equally efficient irrigation** provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. **The amount of water used for irrigation shall be further limited to one acre-foot per acre per year.** Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is September 24, 1999.
5. 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.
6. (1) Use of water from the 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 fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted 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 shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the 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 (3).

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 (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455, extension 264, 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)378-2496.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Lisa J. Juul', is written over the typed name and title.

Lisa J. Juul
Water Rights Specialist

cc: Regional Manager, Watermaster District 16, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15037
wab 02-
pou 02-
gw b