



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

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June 30, 2017

ROBERT GABRIEL
ROBERT W GABRIEL TRUST
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Reference: File G-18430

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 0.46 cubic foot per second (CFS) of water from Well 1 (MARI 58798/(L75483), Well 2 (MARI 17269/L125719), and Well 3 in unnamed stream basin for year-round nursery use on 18.5 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Uses included in nursery use are fully included in irrigation and agriculture uses, both of which are allowed under the Willamette Basin Program (OAR 690-502). Therefore, the appropriation of water from Well 1 (MARI 58798/(L75483), Well 2 (MARI 17269/L125719), and Well 3 in unnamed stream basin for nursery use is allowable.
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.
5. 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.

Summary of Initial Determinations

The appropriation of 0.46 CFS of water from Well 1 (MARI 58798/L75483), Well 2 (MARI 17269/L125719), and Well 3 in unnamed stream basin for nursery use on 18.5 acres is allowable.

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, July 14, 2017**. 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. Groundwater production shall be allowed only from the alluvial groundwater reservoir.
3. 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.

4. Dedicated Measuring Tube Condition

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. Well Identification Tag Condition

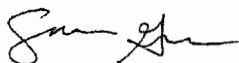
Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The water source identified in 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 the proposed water use.

If you have any questions:

Feel free to call me at 503-986-0899 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: Scott Grew, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Scott Grew
Water Right Application Specialist

enclosures: Application Process Description and Stop Processing Request Form

G-18430
WAB 2-no PSI
POU 2-no PSI
GW

APPLICATION FACT SHEET

Application File Number: G-18430

Applicant: ROBERT GABRIEL / ROBERT W GABRIEL TRUST

County: Marion

Watermaster: 16

Priority Date: JANUARY 9, 2017

Source: WELL 1 (MARI 58798/L75483), WELL 2 (MARI 17269/L125719), AND WELL 3 IN UNNAMED STREAM BASIN

Use: NURSERY USE ON 18.5 ACRES

Quantity: 0.46 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 18A CLEAR LAKE & MISC

Point of Diversion or Well Location(s):

WELL 1 (MARI 58798/L75483): NWNE SECTION 24, T6S, R3W, W.M.; 1085 FEET SOUTH AND 865 FEET EAST FROM N1/4 CORNER, SECTION 24

WELL 2 (MARI 17269/L125719): NWNE SECTION 24, TS, R3W, W.M.; 330 FEET SOUTH AND 1690 FEET EAST FROM SW CORNER, DLC 66

WELL 3: NWNE SECTION 24, T6S, R3W, W.M.; 215 FEET SOUTH AND 1235 FEET EAST FROM N 1/4 CORNER, SECTION 24

Place of Use:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.5 ACRES
SECTION 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16.7 ACRES
SECTION 24

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 14, 2017

PUBLIC NOTICE DATE: Tuesday, July 4, 2017

30 DAY COMMENT DEADLINE DATE: Thursday, August 3, 2017