



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

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July 14, 2017

DALE HULT
EUDENE HULT
39711 SE ALLGEIER RD
SANDY, OR 97055

Reference: File G-18471

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 0.06 cubic foot per second (CFS) of water from Well 1 (CLAC 64751/L84619) and Well 2 in Deep Creek Basin for year-round nursery use on 20.0 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 (CLAC 64751/L84619) and Well 2 in Deep Creek 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 have the potential for substantial interference with an unnamed stream. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface-water availability must also be considered.
6. Surface water is not available during the period July 1 through November 30.

7. Because surface water is not available for the entire period requested, the appropriation of 0.06 CFS of water from Well 1 (CLAC 64751/L84619) and Well 2 for year-round nursery use on 20.0 acres is not allowable. However, by providing additional information you may be able to pursue a limited permit. Please refer to the **Additional Information Opportunity** section below for details.
8. The proposed diversion falls within a high-priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.
9. Because this application will have an impact on surface-water flows where the Oregon Department of Fish and Wildlife (ODFW) has identified that sensitive, threatened or endangered fish are present, this application will be reviewed by at least ODFW and the Department of Environmental Quality in accordance with OAR 690-033 rules, which may affect the outcome of the application. This review could cause the application to be proposed for denial, the season of use to be shortened or impacted in some other way when the Department issues a proposed final order at the next stage of processing.

Summary of Initial Determinations

Because not all items above are favorable, the appropriation of 0.06 CFS of water from Well 1 (CLAC 64751/L84619) and Well 2 in Deep Creek Basin for year-round nursery use is not allowable, and it appears unlikely that you will be issued a permit. However, by providing additional information you may be able to pursue a limited permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Opportunity

If you would like to use water for year-round nursery use on 20.0 acres, you may amend your application to reduce the proposed rate to 0.03 CFS. By reducing the rate 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. Please be aware that the reduced rate may be insufficient to meet your needs; if so, you may wish to either withdraw the application or submit an amended map with depicting less acreage as the place-of-use.

Please submit this information no later than Friday, August 17, 2017. If you are unable to submit the information listed above, you may request an administrative hold 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 an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive additional information or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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 \$260 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, July 28, 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 from no shallower than 110 feet below land surface.
3. Well Identification Tag Condition

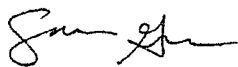
Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including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

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. Be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of the application.

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-18471
WAB 2- 89
POU 2- 89
GW

APPLICATION FACT SHEET

Application File Number: G-18471

Applicant: DALE HULT

County: CLACKAMAS

Watermaster: 20

Priority Date: MARCH 1, 2017

Source: WELL 1 (CLAC 64751/L84619) AND WELL 2 IN DEEP CREEK BASIN

Use: NURSERY USE ON 20.0 ACRES

Quantity: 0.06 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 23A DEEP CR MISC

Point of Diversion or Well Location(s):

WELL 1: SESE SECTION 25, T2S, R4E, W.M.; 400 FEET NORTH AND 850 FEET WEST FROM SE CORNER, SECTION 25

WELL 2: SESE SECTION 25, T2S, R4E, W.M.; 700 FEET NORTH AND 850 FEET WEST FROM SE CORNER, SECTION 25

Place of Use:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 ACRES
SECTION 25

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

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

PUBLIC NOTICE DATE: Tuesday, July 18, 2017

30 DAY COMMENT DEADLINE DATE: Thursday, August 17, 2017