



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
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Water Right Application Initial Review

August 11, 2017

NICHOLAS PATRICK MARRANT
7535 SAWTELL RD
SHERIDAN OR 97378

Reference: G-18491

Application G-18491 proposes the appropriation of 0.022 cubic foot per second (CFS) of water from a well (POLK 1520/L125742) in South Yamhill River Basin for year-round nursery use on 80.39 acres.

Summary

The appropriation of 0.022 CFS of water from a well (POLK 1520/L125742 in South Yamhill River Basin for year-round nursery use on 80.39 acres is allowable.

Because of the favorable determinations below, the Department can now move the application to the next phase of the water-rights application review process.

Proceed

If you choose to proceed with the application you do not have to notify the Department. The application will 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.

Withdraw

You may withdraw the application and receive a refund (minus a \$260 processing charge per application). You must notify the Department in writing by **Friday, August 25, 2017**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Initial Review Preliminary Determinations (OAR 690-310-0080)

- The application proposed the appropriation of 0.022 CFS of water from a well (POLK 1520/L125742) in South Yamhill River Basin for year-round nursery use on 80.39 acres.
- The proposed use is not prohibited by law or rule except where otherwise noted below.

- 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 a well (POLK 1520/L125742) in South Yamhill River Basin for nursery use is allowable.
- The proposed use is not located within or above any state or federal scenic waterway.
- Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright. 537.621(3)(b); 690-310-0150(2)(b)

Additional Information Required

The map submitted does not meet all the requirements of OAR 690-310-0050(4)(a). Please provide a new map that contains the all required information. The map was missing:

- The location of the well by reference to a **recognized public land survey corner**.
 - The application map identified a corner of the taxlot, which is not a recognized public land survey corner. A recognized public land survey corner is a point on the Public Land Survey System (PLSS) grid.
- The location may be shown by coordinates (distance north or south *and* distance east or west from the corner) or by distance and bearing.
 - The application map has the distance line pointing NNW and should be measured due North.
- Even map scale not less than 4" = 1 mile (1"= 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
 - The application map has a relative scale. The map must be scaled so that the base measurement is based on one inch measurable on paper.

Please submit the requested information listed above no later than September 14, 2017. If you are unable to submit the information you may request administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much 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 the items listed above or a request for administrative hold by September 14, 2017, the Department shall issue a Proposed Final Order denying the application as incomplete.

If a Permit is Issued it Will Likely Include the Following Conditions:

1. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin-construction deadline is missed.
2. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

3. **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 used each month, and shall submit an annual 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

4. **Static Water Level Conditions:**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water-level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Static Water Level Measurements:

The Department requires the permittee to report an initial water-level measurement in the month specified above once well construction is complete, and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Static Water Level Determination:

Following the first year of water use, the user shall report one static water-level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional static water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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 and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement;

- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface;
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, 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 non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until 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 senior water rights. The water user shall in no instance 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.

- 5. Ground water production shall only be from the Marine Sedimentary groundwater reservoir.
- 6. 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 contact me at scott.a.grew@oregon.gov or 503-986-0899 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. 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 Caseworker

enclosures: Application Process Description and Stop Processing Request Form
G-18491

WAB: No PSI

APPLICATION FACT SHEET

Application File Number: G-18491

Applicant: NICHOLAS PATRICK MARRANT

County: POLK

Watermaster: JOEL PLAHN, 16, NWR

Priority Date: April 10, 2017

Source: A WELL (POLK 1520/L125742) IN SOUTH YAMHILL RIVER

Use: NURSERY USES ON 80.39 ACRES

Quantity: 0.022 CUBIC FOOT PER SECOND

Basin Name & Number: WILLAMETTE, #2

WAB: S YAMHILL R > YAMHILL R - AB COZINE CR

Well Location(s):

POA	POA Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	POLK 1520	6 S	7 W	WM	24	SE NE	NONE GIVEN

Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	7 W	WM	24	NE NE	13.0
6 S	7 W	WM	24	SW NE	6.0
6 S	7 W	WM	24	SE NE	28.39
6 S	7 W	WM	24	NE SE	20.0
6 S	7 W	WM	24	NW SE	13.0

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 25, 2017

PUBLIC NOTICE DATE: Tuesday, August 15, 2017

30 DAY COMMENT DEADLINE DATE: Thursday, September 14, 2017

APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to take and use the waters of Oregon, a citizen must first obtain a permit from the Water Resources Department. The water must be used for beneficial purpose without waste. To become well-informed about water right topics, weekly public notice, forms and fees please visit our web site at www.wrd.state.or.us

1. Pre-application considerations

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0801.

2. Application filing

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant incomplete application and fees are returned to the applicant only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

3. Initial Review (IR)

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Contact the Caseworker if you have questions about the IR.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.
- **An administrative hold** may be requested in writing by Applicant.

4. Proposed Final Order (PFO)

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

5. Final Order (FO)

- If no protest is filed, Final Order is issued.

The protest process

If one or more protests are filed, permit process consists of:

- settlement discussion;
- contested case hearing;
- proposed order;
- period of time to file exceptions; or
- possible hearing by Water Resources Commission.
- final order is issued.

Permit holder responsibilities

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.

Stop Processing deadline is within 14 days of Initial Review - use the form below

Applicant may request no further action and fee refund of all but \$260

STOP PROCESSING REQUEST FOR

GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

Applicant notification to withdraw Water Right Application **G-18491**

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$260 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application

Signature _____ date _____

Signature _____ date _____

Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$260 examination fee) be returned.

This notice must be received at Water Resources Department by Friday, August 18, 2017

Return the notice to:

OWRD, Water Rights Division

STOP PROCESSING

725 Summer Street, NE - Suite A,

Salem OR, 97301-1271

Provide a map that each of the following items are included:

OAR 690-310-0050(4)(a)

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)