



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

## **Water Right Application Initial Review**

October 6, 2017

BANFIELD PET HOSPITAL  
18101 SE 6TH WAY  
VANCOUVER WA 98683

Reference: G-18423

Application G-18423 proposes the appropriation of 0.12 cubic foot per second (CFS) of water from Well 1 (MULT 78361/L78328) in Columbia Slough Basin for commercial use and irrigation of 1.2 acres, March 1 through October 31 of each year.

### Summary

Because of the favorable determinations described herein, Application G-18423 can move to the next phase of the water-rights application review process, which includes a public interest review. This initial review does not address various public interest issues or public comments. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

### 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, October 20, 2017**. For your convenience you may use the enclosed "STOP PROCESSING" form.

**Initial Review Preliminary Determinations (Oregon Administrative Rule (OAR) 690-310-0080)**

1. The application proposed the appropriation of 0.12 CFS of water from a well (MULT 78361/L78328) in Columbia Slough Basin for commercial use and irrigation on 1.2 acres, March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Commercial use and irrigation are allowed under the Willamette Basin Program Oregon Administration Rule (OAR) (690-502).
4. 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.
5. The proposed use is not located within or above any state or federal scenic waterway.
6. The point of appropriation is not located within a Critical, Limited or Withdrawn Groundwater Area.
7. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision is being pursued. 537.621(3)(b); 690-310-0150(2)(b)
8. The standard basin-wide allowable rate for irrigation 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 0.02 CFS for primary irrigation of 1.2 acres.
9. The Department has determined a portion of the proposed place of use has underlying groundwater rights evidenced by Permit G-15987 (see attached map). Further review of the source of water, Well 2 under Application G-16402, and the proposed point of appropriation, Well 1 (MULT 8361/L78328) under Application G-18423, are the same well.
  - Because these wells are the same, Well 1 (MULT 8361/L78328) may not be used as a supplemental source to Permit G-15986.
  - In addition, because Permit G-15987 allows the maximum rate of 1/80 CFS per acre, application G-18423 may not be used to make up a deficiency in rate for permit G-15987.

If you would like to use Well 1 (MULT 8361/L78328) to irrigate the lands that conflict with underlying permit, the Department must receive one of the following by **Thursday, October 19, 2017**:

- A completed form authorizing cancellation of the conflicting portions of the existing rights, along with maps describing those portions; or

- A transfer application addressing the conflicting portions of the existing rights; or
- Another means of dealing with the conflict between the existing rights and the use proposed under this application.

**If you would like to continue to use the well assigned Well 1 (MULT 8361/L78328) under Permit G-15987, and only use Well 1 (MULT 8361/L78328) under Application G-18423 to irrigate the lands that *do not conflict*, the Department must receive a revised map for Application G-18423 indicating the place of use that does not have underlying rights by Thursday, October 19, 2017. If we do not receive a resolution to the conflicting lands, they will be omitted from the application at issuance of the Proposed Final Order.**

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. Annual Measurement Condition:

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 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 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.

5. Irrigation allowed under this permit shall be by drip irrigation or by an equally efficient method.

**6. Well Identification Tag Condition:**

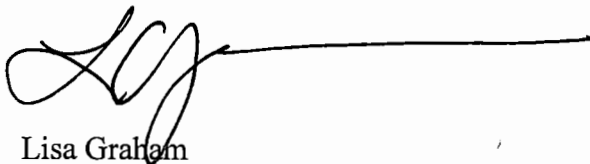
Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including 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 contact me at [Elisabeth.A.Graham@oregon.gov](mailto:Elisabeth.A.Graham@oregon.gov) or 503-986-0808 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: Lisa Graham, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Lisa Graham  
Water Right Application Specialist

enclosures: Application Process Description and Stop Processing Request Form  
Copy of App G-16402/Permit G-15987 and Map

G-18423  
WAB: No PSI

# APPLICATION FACT SHEET

Application File Number: G-18423

Applicant: BANFIELD PET HOSPITAL

County: MULTNOMAH

Watermaster: AMY KIM, 20, NWR

Priority Date: DECEMBER 29, 2016

Source: A WELL (MULT78361/L78328) IN COLUMBIA SLOUGH BASIN

Quantity and Use: 0.12 CUBIC FOOT PER SECOND FOR COMMERCIAL USE, FURTHER LIMITED TO 0.02 CFS FOR IRRIGATION OF 1.2 ACRES

Basin Name & Number: WILLAMETTE, #2

WAB: WILLAMETTE R > COLUMBIA R - AT MOUTH

Well Location:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 1 (MULT 78361/L78328)	1 N	2 E	WM	29	SE SE	1280 FEET NORTH AND 130 FEET WEST FROM THE SE CORNER, SECTION 29

Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	2 E	WM	29	SE SE	1.2

COMMERCIAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 N	2 E	WM	29	SE SE

**PUBLIC NOTICE DATE: October 10, 2017**

**14 DAY STOP PROCESSING DEADLINE DATE: October 20, 2017**

**30 DAY COMMENT DEADLINE DATE: November 11, 2017**

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

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our web site at [www.wrd.state.or.us](http://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.
- An 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, the 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-18423

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, October 20, 2017**

Return the notice to:

OWRD, Water Rights Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A,  
Salem OR, 97301-1271