



**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**

December 8, 2017

RIVERBEND SAND AND GRAVEL  
MARK GREGSON  
PO BOX 12095  
SALEM OR 97305

CPM DEVELOPMENT CORP.  
PO BOX 336  
SPOKANE WA 99220

Reference: G-18545

Application G-18545 proposes the appropriation of 0.008 cubic foot per second (CFS) of water from a well (MARI 66947/L126661) in Mill Creek Basin for year-round industrial use.

### **Summary**

**The appropriation of 0.008 CFS of water from a well (MARI 66947/L126661) in Mill Creek Basin for year-round industrial use is allowable.**

Because of the favorable determinations described herein, Application G-18545 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.

This initial review does not 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. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

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.

**At this time, you must decide whether to proceed or to withdraw 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 **December 21, 2017**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. The application proposed the appropriation of 0.008 cubic foot per second (CFS) of water from a well (MARI 66947/L126661) in Mill Creek Basin for year-round industrial use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Industrial use is 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 source.
5. Groundwater will likely be available within the capacity of the resource, and /or the proposed use of groundwater will avoid injury to existing groundwater rights.
6. The proposed use is not located within or above any state or federal scenic waterway.
7. The point of appropriation is not located within a Critical, Limited or Withdrawn groundwater area.
8. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)

**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. The Director may require the permittee to install a totalizing flow meter at each point of appropriation. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order, and shall allow the watermaster access to the device.
- b. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- c. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

4. Ground water production shall only be from the alluvial groundwater reservoir.

### **5. Well Identification Tag Condition:**

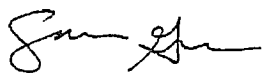
Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including 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 contact me at [scott.a.grew@oregon.gov](mailto: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,

A handwritten signature in black ink, appearing to read "Scott Grew". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Scott Grew  
Water Right Application Specialist

enclosures: Application Process Description and Stop Processing Request Form

G-18545  
WAB: no PSI

# APPLICATION FACT SHEET

Application File Number: G-18545

Applicant: RIVERBEND SAND AND GRAVEL (MARK GREGSON); AND CPM DEVELOPMENT CORP.

County: MARION

Watermaster: JOEL PLAHN, 16, NWR

Priority Date: AUGUST 14, 2017

Source: A WELL (MARI 66947/L126661) in MILL CREEK

Use: INDUSTRIAL USE

Quantity: 0.008 CUBIC FOOT PER SECOND

Basin Name & Number: WILLAMETTE, #2

WAB: MILL CR > WILLAMETTE R - AT MOUTH

Well Location(s):

POD	POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	MARI 66947 L126661	8 S	2 W	WM	6	SW SE	750 FEET NORTH AND 375 FEET EAST FROM S 1/4 CORNER, SECTION 6

Place of Use:

Twp	Rng	Mer	Sec	Q-Q
8 S	2 W	WM	7	NE NW

**PUBLIC NOTICE DATE: 12/12/2017**

**14 DAY STOP PROCESSING DEADLINE DATE: 12/22/2017**

**30 DAY COMMENT DEADLINE DATE: 1/11/2018**

## **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-18545

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 12/22/2017**

Return the notice to:

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