



**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

BRYAN SCHURTER  
AMY SCHURTER  
2913 HIBBARD RD NE  
SILVERTON OR 97381

Reference: G-18554

Application G-18554 proposes the appropriation of 1.12 cubic feet per second (CFS) of water from Well 1 and Well 2 in Beaver Creek Basin for primary irrigation of 4.4 acres and supplemental irrigation of 84.88 acres March 1 through October 31 of each year.

### Summary

Application G-18554 has been found to have favorable determinations and 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.

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**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 15, 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 1.12 CFS of water from Well 1 and Well 2 in Beaver Creek Basin for primary irrigation of 4.4 acres and supplemental irrigation of 84.88 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. Irrigation is allowed under the Willamette Basin Program (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 if properly conditioned (and if authorized), 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 points of appropriation are 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)
9. The 84.88 acres proposed for supplemental irrigation in this application is underlain by primary irrigation acreage covered under Certificates 28253, 20059, 33904, and 20056; and included in transfer, T-12559, which has not been completed at the time of this Initial Review. The transfer will need to be completed prior to any permit issued for supplemental irrigation for this application.

## **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. 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. Groundwater production shall occur only from the basalt groundwater reservoir.**

**6. Well Construction Conditions:**

- A. Each basalt well shall be open to a single aquifer of the Columbia River Basalt Group and shall meet the applicable well construction standards (OAR 690-200 and OAR 690-210). In addition, the open interval in each well shall be no greater than 100 feet. However, an open interval of greater than 100 feet may be allowed if substantial evidence of a single aquifer completion can be demonstrated to the satisfaction of the Department hydrogeologists, using information from a video log, downhole flowmeter, water chemistry and temperature, or other downhole geophysical methods. These methods shall characterize the nature of the basalt rock and assess whether water is moving in the borehole. Any discernable movement of water within the well bore when the well is not being pumped shall be assumed as evidence of the presence of multiple aquifers in the open interval.
- B. Each basalt well shall be cased and continuously sealed from land surface to a depth of at least 250 feet below land surface to reduce the chances of forming a hydraulic connection to nearby streams.

- C. If during well construction it becomes apparent that the well can be constructed to eliminate interference with hydraulically connected streams in a manner other than specified in this permit (including but not limited to SPECIAL CONDITIONS 1 and 2 above), the permittee can contact the Department Hydrogeologist for this permit or the Groundwater Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the request is made after casing and seal are placed, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.
- D. The applicant shall coordinate with the driller to ensure that drill cuttings are collected at 10-ft intervals and at changes in formation in each well. A split of each sampled interval shall be provided to the Department.
- E. Copies of all geologic and hydrogeologic reports completed for the permittee during the development of the wells, including geophysical well logs and borehole video logs, shall be provided to the Department. Except for borehole video logs, two paper copies, or a single electronic copy, shall be provided of each report. Digital tables of any data shall be provided upon request.

**7. Static Water Level Conditions:**

Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:

- A. An average water-level decline of 3 or more feet per year for five consecutive years; or
- B. A total water-level decline of 15 or more feet; or
- C. A hydraulic interference decline of 15 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).

- A. Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
- B. In addition to the measurement required in the subsection above, a water-level measurement shall be made each year during the period March 1 through March 31.
- C. All water-level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.

- D. Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment is available from the Department.

The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited herein are evidenced by the well measurement required in the static water level condition.

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

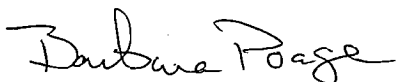
Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including 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 [Barbara.J.Poage@oregon.gov](mailto:Barbara.J.Poage@oregon.gov) or 503-986-0859 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: Barbara Poage, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Barbara Poage  
Water Right Application Specialist

enclosures: Application Process Description and Stop Processing Request Form  
G-18554  
WAB: no psi

# APPLICATION FACT SHEET

Application File Number: G-18554

Applicant: BRYAN SCHURTER AND AMY SCHURTER

County: MARION

Watermaster: Joel Plahn, 16, NWR

Priority Date: SEPTEMBER 14, 2017

Source: WELL 1 AND WELL 2 IN BEAVER CREEK BASIN

Use: PRIMARY IRRIGATION OF 4.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 84.88 ACRES

Quantity: 1.12 CUBIC FEET PER SECOND

Basin Name & Number: Willamette, #2

Well Location(s):

POA Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 1	7 S	1 W	WM	17	NW NE	1130 FEET NORTH AND 580 FEET WEST FROM SE CORNER, MCALLISTER DLC 49
WELL 2	7 S	1 W	WM	17	NW NE	1095 FEET NORTH AND 580 FEET WEST FROM SE CORNER, MCALLISTER DLC 49

Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	
					Supplemental Irrigation	Primary Irrigation
7 S	1 W	WM	16	NW NW	12.80	
7 S	1 W	WM	16	SW NW	9.40	
7 S	1 W	WM	17	NW NE	16.80	
7 S	1 W	WM	17	SW NE	25.80	
7 S	1 W	WM	17	SE NE	15.80	4.40
7 S	1 W	WM	17	SE NW	4.28	

**PUBLIC NOTICE DATE: December 12, 2017**

**14 DAY STOP PROCESSING DEADLINE DATE: December 22, 2017**

**30 DAY COMMENT DEADLINE DATE: January 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-18554

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**

**December 22, 2017**

Return the notice to:

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