



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 15, 2017

SCM PROPERTIES LLC
ATTN: MIKE NELSON
5933 MONFRONTON SCHOOL ROAD
BOZEMAN MT 59718

Reference: G-18461

Application G-18461 proposes the appropriation of 0.013 cubic foot per second (CFS) of water from a well (WASC 3417) in Eightmile Creek Basin for nursery use on 1.0 acre, outside of the irrigation season.

Summary

Not all determinations herein are favorable, therefore **it is unlikely that Application G-18461 will be approved.**

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.

Additional Information Required

Before continuing to process the application, additional information is required:

- “Nursery use” is not an allowable use per the Hood River Basin Program (OAR 690-504); therefore you will need to clarify your requested use within the definitions of allowable uses in the Basin Program. Both “irrigation” and “agricultural uses” could include components of “nursery use” depending on your intentions. Please clarify if the application is for “irrigation” and “agricultural” uses, or one or the other. Any additional use will incur a \$350 fee.

- The application requests use “outside of the irrigation season”. Please clarify specific dates for the proposed use(s).

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 29, 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 0.013 CFS of water from a well (WASC 3417) in Eightmile Creek Basin for nursery use on 1.0 acre, outside of the irrigation season.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Uses included in nursery may be fully included in irrigation and agriculture uses, both of which are allowed under the Hood Basin Program (OAR 690-504). With clarification on use, the appropriation of water from a well (WASC 3417) in Eightmile Creek Basin for irrigation and/or agricultural uses may be allowable.
4. Groundwater will **not** likely be available within the capacity of the resource, and/ or the proposed use of groundwater will cause injury to existing groundwater rights.
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 has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

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

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 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-18461
WAB: no psi

APPLICATION FACT SHEET

Application File Number: G-18461

Applicant: SCM PROPERTIES LLC

County: WASCO

Watermaster: Robert Wood, 3, NCR

Priority Date: February 21, 2017

Source: A WELL (WASC 3417) IN EIGHTMILE CREEK BASIN

Use: NURSERY USE ON 1.0 ACRE

Quantity: 0.013 CUBIC FOOT PER SECOND

Basin Name & Number: Hood, #4

Well Location(s):

POA Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WASC 3417	1 S	13 E	WM	21	NW NE	800 FEET SOUTH AND 1870 FEET WEST FROM NE CORNER, SECTION 21

Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acre
1 S	13 E	WM	21	NW NE	1.0

PUBLIC NOTICE DATE: DECEMBER 19, 2017

14 DAY STOP PROCESSING DEADLINE DATE: DECEMBER 29, 2017

30 DAY COMMENT DEADLINE DATE: JANUARY 18, 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

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-18461

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 29, 2017

Return the notice to:

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