



# 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

May 24, 2019

SIEGFRIED LEMKE  
SIECOR LLC  
PO BOX 1170  
MULINO, OR 97042

Reference: Application G-18644

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Water Resources Department has made the following preliminary determinations:

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

1. Application G-18644 proposes the appropriation of 0.134 cubic foot per second (CFS) of water from Well 1 (CLAC15683), Well 2 (CLAC 15718), Well 4 (CLAC 66671), Well 5, and Well 6 in Eagle Creek Basin for year-round quasi-municipal use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Quasi-municipal use is allowed under the Willamette Basin Program. (OAR 690-502-0160)
4. Groundwater from Well 4 (CLAC 66671), Well 5, and Well 6 in the **basalt** aquifer will **not** likely be available within the capacity of the resource.
5. Groundwater from Well 1 (CLAC15683), Well 2 (CLAC 15718), Well 5, and Well 6 in the **alluvial** aquifer 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 Department's Groundwater/Hydrology section determined that, although groundwater will likely be available within the capacity of the resource in the alluvial aquifer, the total maximum rate allowed from Well 1 (CLAC15683), Well 2 (CLAC 15718), Well 5, and Well 6 shall be limited to 0.067 CFS.
7. 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.

8. The proposed use is located above the Clackamas Scenic Waterway, as designated under Oregon Revised Statute 390.826. The Department has determined, based upon OAR 690-310-0260, that there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.
9. The points of appropriation are not located within a critical, limited, or withdrawn groundwater area.
10. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.
11. After further review, the Department has determined that a Water Management and Conservation plan is not required at this time.
12. The Department has determined that Well 1 (CLAC15683) does not meet current minimum well construction standards because the annular seal is not adequate. The well must be sealed to a minimum depth of at least 55 feet below ground surface. Prior to the issuance of a permit, evidence demonstrating compliance with well construction standards must be submitted and approved by the Department. In repairing the well(s), you should work closely with the Department and/or a licensed well constructor to ensure that repairs are carried out in a manner that will not violate well construction or other rules. You are encouraged to contact Joel Jeffery in the Department's Well Construction and Compliance Section at 503-986-0852 to determine how to proceed.

Please also note that regardless of the outcome of this application, you will need to work with the Department to either repair or abandon the well(s) to comply with the minimum standards for the construction, conversion, alteration, maintenance, and abandonment of water supply wells in order to protect the state's groundwater supply (OAR 690-200).

### Summary

**The appropriation of 0.067 CFS of water from Well 2 (CLAC 15718), Well 5, and Well 6, in the alluvial aquifer only, in Eagle Creek Basin for quasi-municipal use is allowable January 1 through December 31 of each year.**

**The appropriation of 0.067 CFS of water from Well 1 (CLAC15683), in the alluvial aquifer, in Eagle Creek Basin for quasi-municipal use may be allowable January 1 through December 31 of each year, contingent on the submission of evidence demonstrating compliance with well construction standards.**

**The appropriation of 0.134 CFS of water from Well 4 (CLAC 66671), Well 5, and Well 6, in the basalt aquifer, in Eagle Creek Basin for quasi-municipal use is not allowable.**

Because of the favorable determinations described herein, Application G-18644 can move to the next phase of the water-rights application review process, which includes a public interest review.

Public interest issues and/or public comments will be addressed as the Department 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 fee per application). You must notify the Department **in writing** by **June 7, 2019**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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 construction deadline to begin 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 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.
  - 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 Condition:**

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to have the permit holder, a certified water rights examiner, a registered professional geologist, a registered professional engineer, a licensed well constructor or pump installer licensed by the Construction

Contractors Board periodically measure monthly static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared.

If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user'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.

5. **Groundwater production shall only be from the alluvial groundwater reservoir between 0 and 300 feet below ground surface.**

6. **Dedicated Measuring Tube Condition:**

A dedicated water-level measuring tube shall be installed in each permitted well. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, access to the wells shall be provided to Department staff in order to make water-level measurements.

7. **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.

8. **Scenic Water Way Condition:**

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.)

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 [Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov) or 503-986-0816 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: Kim French, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French  
Water Right Application Specialist  
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form

G-18644  
WAB: No PSI

# APPLICATION FACT SHEET

Application File Number: G-18644

Applicant: SIEGFRIED LEMKE AND SIECOR LLC

County: CLACKAMAS

Watermaster: AMY LANDVOIGT, 20, NWR

Priority Date: APRIL 9, 2018

Source: WELL 1 (CLAC15683), WELL 2 (CLAC 15718), WELL 4 (CLAC 66671), WELL 5, AND WELL 6 IN EAGLE CREEK BASIN

Use: QUASI-MUNICIPAL USE

Quantity: 0.134 CUBIC FOOT PER SECOND

Basin Name & Number: WILLAMETTE, #2

WAB: EAGLE CR > CLACKAMAS R - AT MOUTH

Well Location(s):

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 1 (CLAC 15683)	3 S	4 E	WM	5	NE SW	1650 FEET NORTH AND 2420 FEET EAST OF SW CORNER, SECTION 5
WELL 2 (CLAC 15718)	3 S	4 E	WM	5	NW SE	1550 FEET NORTH AND 2720 FEET EAST OF SW CORNER, SECTION 5
WELL 4 (CLAC 66671)	3 S	4 E	WM	5	NE SW	1660 FEET NORTH AND 2390 FEET EAST OF SW CORNER, SECTION 5
WELL 5	3 S	4 E	WM	5	NE SW	1660 FEET NORTH AND 1830 FEET EAST OF SW CORNER, SECTION 5
WELL 6	3 S	4 E	WM	5	NE SW	1800 FEET NORTH AND 2490 FEET EAST OF SW CORNER, SECTION 5

Place of Use:

Twp	Rng	Mer	Sec	Q-Q
3 S	4 E	WM	5	NE SW
3 S	4 E	WM	5	NW SE

**PUBLIC NOTICE DATE: May 28, 2019**

**14 DAY STOP PROCESSING DEADLINE DATE: June 7, 2019**

**30 DAY COMMENT DEADLINE DATE: June 27, 2019**

## 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 REQUEST FORM**

**FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

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- Stop processing deadline is within 14 days of Initial Review.
- Applicant notification to withdraw Water Right Application **G-18644**.
- After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$260 processing 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:

**June 7, 2019**

- Return the notice to:

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

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# Mailing List for IR Copies

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Application G-18644

IR Date: May 24, 2019

**Original and map mailed to applicant:**

SIEGFRIED LEMKE  
SIECOR LLC  
PO BOX 1170  
MULINO, OR 97042

**Sent via auto email:**

1. WRD – Watermaster Amy Landvoigt # 20
2. Agent – Steve Bruce – [steve@skookumwater.com](mailto:steve@skookumwater.com)

**Copies sent to:**

1. WRD - File G-18644
2. WRD – SW Section (INCLUDE COPY OF YELLOW SHEET!)

Application Specialist: Kim French

Copies Mailed

By: \_\_\_\_\_  
(SUPPORT STAFF)

On: \_\_\_\_\_  
(DATE)