



## Water Right Application Initial Review

August 16, 2019

DIVERSIFIED SHELTERS INC. DBA CONSER HOMES INC.  
C/O MATTHEW J CONSER  
1010 AIRPORT ROAD SE  
ALBANY OR 97322

Reference: Application G-18780

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:

### **Preliminary Determinations under Oregon Administrative Rule (OAR) 690-310-0080:**

1. Application G-18780 proposes the appropriation of 0.078 cubic foot per second (CFS) of water from Well 1 (LINN 62180/L126084), Well 2 (LINN 62490/L131428), and Well 3 (LINN 62477/L131427) in Truax Creek Basin for quasi-municipal use January 1 through December 31 of each year.
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(2))
4. 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.
5. 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.
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 The points of appropriation are not located within a critical, limited, or withdrawn groundwater area.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 not been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision is being pursued.

9. The Department has determined that Well 1 (LINN 62180/L126084) does not meet current minimum well construction standards. According to the Well Log, the lower portion of the well was permanently decommissioned from a depth of 142 feet to the bottom of the well at 342 feet. The cased interval from 142 feet to 162 feet was not ripped or perforated prior to decommissioning. In order to meet minimum well construction standards, the well must be redrilled to a depth of at least 162 feet and the casing must be thoroughly ripped or perforated from 142 feet to 162 feet and resealed with cement grout.

Prior to the issuance of a Proposed Final Order recommending approval, 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 of 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).

10. See **Additional Information Required** section below for deficiencies with the application.

<b>Summary of Preliminary Determinations</b>
<b>The appropriation of 0.078 CFS of water from Well 2 (LINN 62490/L131428) and Well 3 (LINN 62477/131427) in Truax Creek Basin for quasi-municipal use is allowable January 1 through December 31 of each year, contingent upon the Additional Information Required.</b>

Because of the favorable determinations described herein, Application G-18780 can move to the next phase of the water-rights application review process, which includes a public interest review.

**Public Comment & Further 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.

**Additional Information Required**

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following items:

1. The Form M for Municipal and Quasi-Municipal Water Supplies submitted with the application currently has no determination due to insufficient information supplied. The Form M needs to be completed.
2. Well 1 (LINN 62180/L126084) does not meet current well construction standards and will need to be brought up to current well construction standards to be considered for this application.



Please submit the requested information listed above no later than **September 19, 2019**. If the Department does not receive the items listed above by **September 19, 2019**, the Department may reject the application and may refund fees.

**At this time, you must decide whether to proceed or to withdraw the application.**

- To 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.
- To 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 **August 30, 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. **Water Use Measurement, Recording, and Reporting Condition:**
  - 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. **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 website at <https://www.oregon.gov/ODA/programs/NaturalResources/AgWQ/Pages/AgWQPlans.aspx> to learn more about the plans and how they may affect the proposed water use.

**For Further Information:**

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 503-986-0900. 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  
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form

G-18780  
WAB: No PSI

# APPLICATION FACT SHEET

Application File Number: G-18780

Applicant: DIVERSIFIED SHELTERS INC. DBA CONSER HOMES INC.

County: LINN

Watermaster: LANAYA BLAKELY, 2, NWR

Priority Date: JANUARY 17, 2019

Source: WELL 1 (LINN 62180/L126084), WELL 2 (LINN 62490/L131428), AND WELL 3 (LINN 62477/131427) IN TRUAX CREEK BASIN

Use: QUASI-MUNICIPAL USE

Quantity: 0.078 CUBIC FOOT PER SECOND

Basin Name & Number: WILLAMETTE, #2

WAB: WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000

Well Locations:

POA Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 1 (LINN 62180/L126084)	11 S	3 W	WM	2	NW NW	530 FEET SOUTH AND 1065 FEET WEST FROM S1/4 CORNER, SECTION 35
WELL 2 (LINN 62490/L131428)	11 S	3 W	WM	2	NW NW	480 FEET SOUTH AND 955 FEET WEST FROM S1/4 CORNER, SECTION 35
WELL 3 (LINN 62477/L131427)	11 S	3 W	WM	2	NW NW	545 FEET SOUTH AND 900 FEET WEST FROM S1/4 CORNER, SECTION 35

Place of Use:

Twp	Rng	Mer	Sec	Q-Q
10 S	3 W	WM	35	SE SW
10 S	3 W	WM	35	SW SE
11 S	3 W	WM	2	NE NW
11 S	3 W	WM	2	NW NW

**PUBLIC NOTICE DATE: August 20, 2019**

**14 DAY STOP PROCESSING DEADLINE DATE: August 30, 2019**

**30 DAY COMMENT DEADLINE DATE: September 19, 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.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

### *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) 986-0900.

### *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-18780**.
- 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:

**August 30, 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-18780

IR Date: August 16, 2019

**Original and map mailed to applicant:**

DIVERSIFIED SHELTERS INC. DBA CONSER HOMES INC.  
C/O MATTHEW J CONSER  
1010 AIRPORT ROAD SE  
ALBANY OR 97322

**Sent via auto email:**

1. Applicant - matthew@consercommercial.com
2. Agent - phgdmh@gmail.com
3. WRD – Watermaster Lanaya Blakely # 2

**Copies sent to:**

1. WRD - File G-18780

Application Specialist: Lisa Graham

Copies Mailed

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

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