



## Water Right Application Initial Review

August 16, 2019

JLPN INC.  
C/O JEREMY POWELL  
1118 LANCASTER DR NE, PMB 409  
SALEM OR 97301

Reference: Application G-18766

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-18766 proposes the appropriation of 1.63 cubic feet per second (CFS) of water from Well 1 (MARI 59533/L79515) and Well 2 in Fruitland Creek Basin for nursery use on 65.1 acres 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. Uses included in nursery use are included in irrigation and agriculture use, both of which are 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 The points of appropriation are not located within a critical, limited, or withdrawn groundwater area.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 been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.

## Summary of Preliminary Determinations

**The appropriation of 1.63 CFS of water from Well 1 (MARI 59533/L79515) and Well 2 in Fruitland Creek Basin for nursery use on 65.1 acres is allowable January 1 through December 31 of each year.**

Because of the favorable determinations described herein, Application G-18766 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.

### **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. 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. 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.

**5. Groundwater production shall be only from the Columbia River Basalt groundwater reservoir between 200 and 600 feet below land surface.**

## 6. Groundwater Conditions:

- A. Upon drilling the proposed Well 2 well, whenever possible drill cuttings shall be collected at 10 foot intervals and at changes in lithology, with a labeled split of each sampled interval provided to the Department.
- B. The proposed Well 2 well shall be open to a single aquifer in the Columbia River Basalt Group and shall meet applicable well construction standards (OAR 690-200 and OAR 690-210). In addition, the open interval in the proposed Well 2 well shall be no greater than 50 feet. However, a larger open interval may be approved by the Department if the applicant can demonstrate to the satisfaction of the Department that the well is only open to a single aquifer. Following well completion, the wells shall be thoroughly developed to remove cuttings and drilling fluids. Substantial evidence of a single aquifer completion may be collected by video log, downhole flowmeter, water chemistry and temperature, or other downhole geophysical methods approved by the Department. 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.
- C. The proposed Well 2 well shall be continuously cased and continuously sealed at least 5 feet into the confining flow interior overlying the water-bearing zone accessed by the well to prevent commingling with shallower aquifers and hydraulic connection to local surface waters.

## 7. Well Identification Tag Condition:

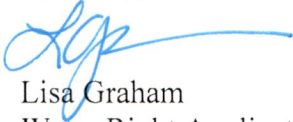
Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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 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-18766  
WAB: No PSI

# APPLICATION FACT SHEET

Application File Number: G-18766

Applicant: JLPN INC.

County: MARION

Watermaster: JOEL PLAHN, 16, NWR

Priority Date: NOVEMBER 28, 2018

Source: WELL 1 (MARI 59533/L79515) AND WELL 2 IN FRUITLAND CREEK BASIN

Use: NURSERY (INCLUDING IRRIGATION AND AGRICULTURE) USE ON 65.1 ACRES

Quantity: 1.63 CUBIC FEET PER SECOND

Basin Name & Number: WILLAMETTE, #2

WAB: PUDDING R > MOLALLA R - AB MILL CR

Well Locations:

POA Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 1 (MARI 59533/L79515)	7 S	2 W	WM	33	NW NW	110 FEET SOUTH AND 410 FEET EAST FROM NW CORNER, SECTION 33
WELL 2	7 S	2 W	WM	29	SE SE	360 FEET NORTH AND 240 FEET WEST FROM SE CORNER, SECTION 29

Place of Use:

Twps	Rng	Mer	Sec	Q-Q	Acres
7 S	2 W	WM	28	SW SW	9.2
7 S	2 W	WM	29	SE SE	9.2
7 S	2 W	WM	32	NE NE	30.8
7 S	2 W	WM	32	SE NE	3.2
7 S	2 W	WM	33	NW NW	12.7

**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-18766**.
- 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-18766

IR Date: August 16, 2019

**Original and map mailed to applicant:**

JLPN INC.  
C/O JEREMY POWELL  
1118 LANCASTER DR NE PMB 409  
SALEM OR 97301

**Sent via auto email:**

1. Applicant - jeremy@jlpnliners.com
2. Agent - phgdmh@gmail.com
3. WRD – Watermaster Joel Plahn # 16

**Copies sent to:**

1. WRD - File G-18766
2. ALO – Johnathon and Crystal Lewis; 1118 Lancaster Dr NE PMB 409; Salem OR 97301
3. ALO – Stephen Lewis Trust; 2760 NW McCook CT; Bend OR 97703

Application Specialist: Lisa Graham

Copies Mailed

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

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