



Water Right Application Initial Review

May 22, 2020

CAROL LEE
3705 BALLYNTYNE RD S
SALEM OR 97302

Reference: Application G-18854

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-18854 proposes the appropriation of 0.09 cubic foot per second (CFS) of water being 0.04 CFS from Well 1 (MARI 14751) and 0.05 CFS from Well 2 (MARI 14754) in Petti John Creek Basin for irrigation of 8.4 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 690-502-0160(2)). However, the well is located within the South Salem Hills Groundwater Limited Area, therefore is subject to the rules under OAR 690-502-0200(1) as follows:
 - A. Permits may be issued for a period not to exceed five years.
 - B. The amount of water used for irrigation is limited to an appropriation of 1.0 acre-foot (AF) for each acre irrigated during the irrigation season of each year.
 - C. Irrigation allowed under a permit shall be by drip irrigation or by an equally efficient method.
4. Groundwater will **not** likely be available in the amounts requested without causing 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. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.
8. The Department has determined that Well 1 (MARI 14751) and Well 2 (MARI 14754) do not meet current minimum well construction standards. The casing and seal in both wells are not to the appropriate depth.

The well report for Well 1 (MARI 14751/L20572) indicates that the well is cased and sealed to a depth of 49 feet below land surface. To meet minimum well construction standards, the well must be continuously cased and continuously sealed to a minimum depth of 196 feet below land surface.

The well report for Well 2 (MARI 1475/L20580) indicates that the well is cased and sealed to a depth of 46 feet below land surface. To meet minimum well construction standards, the well must be continuously cased and continuously sealed to a minimum depth of 193 feet below land surface.

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 Travis Kelly 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).

| Summary of Preliminary Determinations |
|--|
| The appropriation of 0.09 CFS of water, being 0.04 CFS from Well 1 (MARI 14751) and 0.05 CFS from Well 2 (MARI 14754) in Petti John Creek Basin for irrigation of 8.4 acres March 1 through October 31 of each year is not allowable. |

Not all determinations herein are favorable; therefore **it is unlikely that Application G-18854 will be approved.**

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.

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 5, 2020**. 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. This permit shall expire **October 31, 2025**. This permit may be renewed for additional periods of time, not to exceed five years, if the Director finds the groundwater resource can likely support the continued use. The following conditions shall have been met by the permittee in order for the Department to consider renewal:
 - A. Within two years of permit issuance, the permittee shall prepare a plan for the Director which shall indicate the steps for obtaining a long term water supply.

- B. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

5. 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.
- E. 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.

6. **Groundwater production shall only be from the Columbia River Basalt Group groundwater reservoir.**

7. **Groundwater Conditions:**

- A. Best management practices shall be used to maximize the efficiency of water use. Drip irrigation or low-pressure sprinklers shall be used. Use shall be limited to one acre-foot per acre per year.

- B. The wells shall be continuously cased and continuously sealed to at least 240 feet below land surface (bls), or as approved by a Department hydrogeologist.
- C. The wells shall be open to a single aquifer in the Winter Water Unit of the Grande Ronde Basalt Formation 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 shall be no greater than 100 feet. However, a larger open interval may be approved by the Department if the applicant can demonstrate to the satisfaction of the Department that each well is only open to a single aquifer. Following well completion, the well 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.
- D. A dedicated water-level measuring tube shall be installed in the production wells. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, access to the well shall be provided to Department staff in order to make water-level measurements.
- 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.
- F. For any well operated under a permit issued pursuant to this application, **a constant-rate aquifer test shall be conducted before beneficial use of the well begins** to determine aquifer properties and to assess the potential impacts from use of the well. The test shall be designed and conducted by an Oregon Registered Geologist and the test design shall be subject to the approval of the Groundwater Section of the Department prior to the test. At a minimum, the test shall include discharge and water-level measurements in the pumping well and simultaneous water-level measurements in all other wells operated under this water right. **Simultaneous water-level measurements shall also be made in MARI 63710 and MARI 59485. The applicant will be responsible for obtaining permission from the owners of MARI 63710 and MARI 59485 to monitor the wells throughout the aquifer test.** Additionally, water-level measurements shall be made at a minimum of one observation well that is constructed to a similar bottom elevation as the pumping well and with a similar open interval. The observation well shall be at least 500 feet from the production well. Pumping duration for the test shall be determined by the Groundwater Section of the Department after well yield and specific capacity are determined. The requirement for a constant-rate aquifer test on each well may be waived if a multiple-well aquifer test is performed involving all permitted wells on this water right within five years of the date of permit issuance. The results of each aquifer test shall be presented in a report to the Department that includes an analysis of aquifer properties, aquifer boundaries, and the potential impact on nearby wells that is likely to occur over the duration of an irrigation season if the well is used at the proposed rate and duty. The permittee shall allow Department staff access to install water-level monitoring equipment for the duration of this permit.

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 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

Lisa Graham
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form

G-18854
WAB: No PSI

APPLICATION FACT SHEET

Application File Number: G-18854

Applicant: CAROL LEE

County: MARION

Watermaster: GREG WACKER, 16, NWR

Priority Date: AUGUST 13, 2019

Source: WELL 1 (MARI 14751) AND WELL 2 (MARI 14754) IN PETTI JOHN CREEK BASIN

Use: IRRIGATION OF 8.4 ACRES

Quantity: 0.09 CUBIC FOOT PER SECOND

Basin Name & Number: WILLAMETTE, #2

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

Well Locations:

| POD Name | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|----------|-----|-----|-----|-----|-------|---|
| WELL 1 | 8 S | 3 W | WM | 18 | NE NW | 1250 FEET SOUTH AND 1540 FEET EAST FROM NW CORNER, SECTION 18 |
| WELL 2 | 8 S | 3 W | WM | 18 | NE NW | 780 FEET SOUTH AND 1890 FEET EAST FROM NW CORNER, SECTION 18 |

Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|-----|-----|-----|-----|-------|-------|
| 8 S | 3 W | WM | 18 | NE NW | 8.4 |

PUBLIC NOTICE DATE: May 26, 2020

14 DAY STOP PROCESSING DEADLINE DATE: June 5, 2020

30 DAY COMMENT DEADLINE DATE: June 25, 2020

Mailing List for IR Copies

Application G-18854

IR Date: May 22, 2020

Original and map mailed to applicant:

CAROL LEE
3705 BALLYNTYNE RD S
SALEM OR 97302

Sent via auto email:

1. Applicant - leeja1028@yahoo.com
2. WRD - Greg Wacker - # 16
3. WRD - Mike McCord NWR

Copies sent to:

1. WRD - File G-18854

Application Specialist: Lisa Graham

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|------------------------------|
| Copies Mailed |
| By: _____ (SUPPORT STAFF) |
| On: _____ (DATE) |

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 REQUEST FORM

FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

- Stop processing deadline is within 14 days of Initial Review.
- Applicant notification to withdraw Water Right Application **G-18854**.
- 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 5, 2020

- Return the notice to:

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