

Dean Freeborn
Kathy Freeborn
1235 N. Greenwood Rd.
Rickreall, OR 97371

Sarah Deumling
4550 Oak Grove Rd.
Rickreall, OR 97371
April 20, 2007

To: Dan Thorndike, Chair
Oregon Water Resources Commission
cc. Phil Ward, OWRD Director

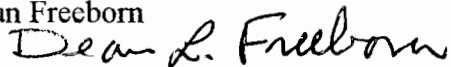
Concern about the declining water resource in the Eola Hills Groundwater Limited Area of Polk County and subsequent conversations about this with ODWR director Phil Ward have led to this petition. Water levels are declining, numbers of long time domestic wells are no longer adequate and long standing agricultural water rights are seriously threatened. The signers of this petition feel that this problem is of the utmost urgency and MUST be dealt with sooner rather than later. We are convinced that the cost, both political and financial, will be far greater if more time elapses and more development takes place before this problem is addressed.

We found unanimous affirmation of this petition and the number of signatures has only been limited by the time needed to collect them. Please find attached the 93 signatures and a short list of water stories from the area.

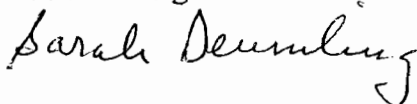
Sincerely,

Kathy Freeborn

Dean Freeborn



Sarah Deumling



A Few of Many Water Stories From the Polk County
Eola Hills Groundwater Limited Area

Original well 450' deep, gradually decreasing, started running out of water in summer of 2006, worse in November, January 4, 2007 no water at all.

Drilled three wells, all are inadequate, put in 4000 gallon cistern, must monitor use carefully.

40+ year residents have had to reduce water usage in the last few years due to declining productivity of well.

20+ year old well, 450' deep declining, after midsummer only enough for drinking water, if used for vegetable garden water becomes undrinkable because of sulfur taste and smell.

Have had to put in large holding tank because of inadequate well supply.

Have had to drill second well, still inadequate, ½ gallon per minute. Must supplement by hauling in water.

Well produces ½ gallon per minute, have installed a water retention system and must ration water every year between June and October.

Three wells on property, used to raise turkeys and water continuously from the wells. Now can only pump from one well for 10 minutes before turning pump off to let well recharge. Were fortunate and had the opportunity to switch to Rickreall Water. McNary Branch of Mud Slough runs through this property and summer flows are much lower than they used to be.

Home along McNary Branch of Mud Slough; have never seen creek dry up so close to the hills (where it originates) as the last two summers. Winter flows also decreasing.

Goodwin Branch of Mud Slough dries up in summers now. Resident remembers fishing in that creek year round – it never dried up.

Three separate water rights affected; two from the McNary Branch of Mud Slough and one from Mud Slough itself, the latter dating back to the 1890s. The last two summers there was no water in this creek and domestic water had to be purchased from the Rickreall Water System. They used to catch up to 10" trout in Mud Slough and the Goodwin Branch but with it drying up none of the trout survived.

PETITION REQUESTING FURTHER RESTRICTION OF EXEMPT WELLS IN POLK COUNTY'S EOLA HILLS GROUNDWATER LIMITED AREA

BACKGROUND

Protection of groundwater and existing water rights should be a crucial component when reviewing new development plans. OAR 660-023-0140(1)(c) refers to the protection of groundwater to “provide a reasonable level of certainty that the carrying capacity of the groundwater resources will not be exceeded,” by further development and water usage. ORS 340 and 536 allow the Oregon Water Resources Commission, to designate critical groundwater areas and restrictively classified areas to help protect these groundwater resources.

Goal 5 states “local governments shall adopt programs that will protect natural resources... for present and future generations.” This includes section (f) groundwater resources, which expands government duties by requiring that “... local governments shall determine significant sites for inventoried resources (e.g. groundwater limited areas) and develop programs to achieve this goal.” Guidelines for Goal 5 planning include discussion that plans providing for water resources should not exceed the carrying capacity of such resources. To our knowledge, Polk County has not developed any management plans or inventory systems pertaining to the Eola Hills Groundwater Limited Area, a significant groundwater resource, and development within that area should be halted at least until these requirements are met.

OAR 690-502-0200, the “Chehalam Mountain, Eola Hills, and South Salem Hills Groundwater Limited Areas,” govern the management of the Eola Hills Groundwater Limited Area. It provides that irrigation permits are allowed for 5 years or less if the proposed use and amount do not pose a threat to the groundwater resource or an existing permit holder (1 ac ft/ac/year). Applications may be rejected and/or all extensions denied if an aquifer displays any of the adverse impacts defined in OAR 690.008. We believe if this administrative rule has groundwater-protective wording for irrigation wells, that domestic wells should be subject to the same requirements.

The Polk County Eola Hills are not only a site of underground aquifers, but also a site for springs that form creeks draining into 3 different watersheds. This hydrologic connection impacts the surface water right holders, in addition to those affected by changes to the aquifers themselves. One adverse impact, as defined by the Water Resources Department, is “overdraw,” whose definition involves both harm to the groundwater and surface water users:

*OAR 690-008-001 Water Resources Department Division 8 Statutory Ground
Water Terms
Definition and Policy Statements*

...(7) “Overdraw” means to artificially produce water in any 1-year period from a groundwater reservoir, or part thereof, at an annual rate that:

- (a) Exceeds the average annual recharge to that groundwater supply over the period of record; or,*
- (b) Reduces surface water availability resulting in:*
 - A. 1 or more senior appropriators being unable to use either their permitted or customary quantity of surface water, whichever is less; or*
 - B. Failure to satisfy an adopted minimum streamflow or instream water right with an effective date senior to the causative groundwater appropriation(s).*

It is our belief that harm has already occurred from overdrawn aquifers in the Eola Hills (see attached appendix for testimonials from petitioners), and that negative impacts will be compounded with further exploitation of the water resources in the Eola Hills Groundwater Limited Area.

We request a revision of OAR 690-502-0200, to further restrict Groundwater Limited Areas by eliminating the domestic well exemption. Specifically, we request the elimination of the exempt wells category from the Basin Program for the Eola Hills.

As per a March 6th discussion with Phil Ward, Director of the Oregon Water Resources Department, at and after the Polk County Farm Bureau meeting, further scientific data is required to further restrict a groundwater limited area. This petition seeks the necessary actions to further protect the Eola Hills Groundwater Limited Area.

**PETITION REQUESTING FURTHER RESTRICTION OF EXEMPT WELLS IN
POLK COUNTY'S EOLA HILLS GROUNDWATER LIMITED AREA**

March 27, 2007

To: Dan Thorndike, Chairman
Oregon Water Resources Commission
CC: Phil Ward, Oregon Water Resources Department Director

We, the undersigned, request more stringent restrictions regarding domestic exempt well drilling in the groundwater limited area that includes Polk County's Eola Hills (OAR 690-502-0200, "Chehalam Mountain, Eola Hills, and South Salem Hills Groundwater Limited Areas"). This request stems from landowners' previously observed impact on hydrologically connected wells, springs, and creeks, including but not limited to the Glenn/Gibson, Spring Valley, and Rickreall Watersheds. We request a moratorium on well drilling of any kind until sufficient scientific data can be obtained to support our request.

The undersigned are affected landowners with water rights from streams in the above-mentioned watersheds, adjacent properties to these streams, and/or hydrologically connected domestic and irrigation wells.

1. Name: Nancy Walker Signature: Nancy Walker
Address: 690 55th Ave NW, Salem, OR 97304
2. Name: Karen Farmer Signature: Karen Farmer
Address: 7255 Farmer Rd Rickreall OR 97304
3. Name: Bill Farmer Signature: Bill Farmer
Address: 7255 Farmer Rd Rickreall OR 97371
4. Name: Randy McCall Signature: Randy McCall
Address: 3575 Eagle Crest Rd NW Salem, OR 97304
5. Name: Nancy J. Bonney Signature: Nancy J. Bonney
Address: 4085 Eagle Crest Rd. Salem, OR 97304
6. Name: Calvin C. Bonney Signature: Calvin C. Bonney
Address: 4085 Eagle Crest Rd Salem OR 97304

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The undersigned are affected landowners with water rights from streams in the above-mentioned watersheds, adjacent properties to these streams, and/or hydrologically connected domestic and irrigation wells.

1. Name: April Callahan Signature: April Callahan
Address: 5220 Eola Dr NW Salem OR 97304
2. Name: [Signature] Signature: John T. Callahan
Address: 5220 Eola Dr NW Salem, OR 97304
3. Name: GREGORY M. THOMAS, JR Signature: [Signature]
Address: 4705 EOLA DRIVE NW, Salem 97304
4. Name: Heidi Thomas Signature: Heidi S. Thomas
Address: 4705 Eola Dr NW Salem OR 97304
5. Name: VON YODER Signature: [Signature]
Address: 7810 Spring Valley Rd NW Salem, OR 97304
6. Name: JODY MICHAEL BEERY Signature: Jody Beery
Address: 8477 CRAWLEY RD. RICKREALL, OR 97371

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The undersigned are affected landowners with water rights from streams in the above-mentioned watersheds, adjacent properties to these streams, and/or hydrologically connected domestic and irrigation wells.

1. Name: RAY ARONIA Signature: Raymond Aronia
Address: 6970 ZENA RD RICKREALL, OR.
2. Name: Jeff Reese Signature: Jeff Reese
Address: 1020 OAK GROVE RD NW SALEM
3. Name: Jim Rose Signature: J. Rose
Address: 1020 Oak Grove Rd NW Salem 97304
4. Name: MICHAEL BEERY Signature: Michael Beery
Address: 8477 CROWLEY RD RICKREALL, OR 97371
5. Name: Ann K Roluf Signature: Ann K Roluf
Address: 4395 2nd St NW Salem OR 97304
6. Name: Jon Roluf Signature: Jon Roluf
Address: 4395 2nd St NW, Salem OR 97304

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The undersigned are affected landowners with water rights from streams in the above-mentioned watersheds, adjacent properties to these streams, and/or hydrologically connected domestic and irrigation wells.

1. Name: Kathleen A. Noll Signature: Kathleen A. Noll
Address: 1920 Oak Grove Rd NW, Salem OR 97304
2. Name: PETER S. NOLL Signature: Peter S. Noll
Address: 1920 OAK GROVE RD NW, SALEM OR 97304
3. Name: Mary Paret Signature: Mary T. Paret
Address: 1895 OAK GROVE Rd NW Salem 97304
4. Name: JAEL PARET Signature: Jael Paret
Address: 1895 OAK GROVE Rd Salem
5. Name: HARVEY FIKESLOVE Signature: Harvey Fikeslove
Address: 1780 OAK GROVE RD NW Salem
6. Name: JUANITA STEVENS Signature: Juanita M. Stevens
Address: 296 N. Paterson Street, Newmouth, OR 97361

18. Name: KATHLEEN A JACOBSEN Signature: Kathleen A Jacobsen
Address: 411 53RD AVE NW SALEM OR 97304

19. Name: STEPHEN M. JACOBSEN Signature: Stephen M Jacobsen
Address: 411 53RD AVE NW SALEM OR 97304

20. Name: WILLA BURKE Signature: Willa H. Burke
Address: 411 53 AVE. N.W. SALEM, OR. 97304

21. Name: PAUL J. BURKE Signature: Paul J. Burke
Address: 411 53 AVE, N.W. SALEM OR 97304

22. Name: MALCOLM MCGREGOR Signature: Malcolm McGregor
Address: 730 21ST PLACE, NW SALEM, OR 97304

23. Name: Melody Haveny Signature: Melody Haveny
Address: 1632 Diamond Peak Ct NW, SALEM OR 97304

24. Name: BETTY SMcCaffrey Signature: Betty SM. Caffrey
Address: 2120 N. Greenwood Rd Rickreall OR 97371

25. Name: Keith D. Harris Signature: Keith D. Harris
Address: 2285 Oak Grove Rd NW Salem, Oregon 97304

26. Name: Carol Harris Signature: Carol Harris
Address: 2285 Oak Grove Rd. NW Salem, OR 97304

27. Name: Ron Bice Signature: Ron Bice
Address: 555 N Greenwood Rd Rickreall 97371

28. Name: Genaro Garcia Signature: Genaro Garcia
Address: 1990 N Greenwood Rd Rickreall OR 97371

7. Name: CONNIE FULTS Signature: Connie Fults
Address: 1675 OAK GROVE RD. N.W., SALEM, OR 97304

8. Name: Donna Hirt Signature: Donna Hirt
Address: 1690 Oak Grove Rd NW Salem OR 97304

9. Name: PAUL HIRT Signature: Paul Hirt
Address: 1690 OAK GROVE RD NW SALEM OR 97304

10. Name: Francis Nibler Signature: Francis Nibler
Address: 2045 Oak Grove Rd NW Salem OR 97304

11. Name: Ruby Hamilton Signature: _____
Address: 5515 N Pac Hwy W.

12. Name: AL LAMBERT Signature: Al Lambert
Address: 1315 OAK GROVE Rd. N.W.

13. Name: LINDA LAMBERT Signature: Linda Lambert
Address: 1315 OAK GROVE RD NW

14. Name: Jerry Domes Signature: Jerry W. Domes
Address: 8380 Bethel Rd Rickreall, Ore.

15. Name: William Domes Signature: William Domes
Address: 7000 Farmer Road Rickreall, Ore

16. Name: Glenda Serex Signature: Glenda Serex
Address: 5386 Aster St. NW Salem, Oregon

17. Name: VERN L. SEREX Signature: Vern L. Serex
Address: 5386 Aster St. NW Salem, Oregon

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1. Name: REN CASTEEL Signature: Ren Casteel
Address: 6060 Bethel Hts Rd. NW., Salem 97304
2. Name: Kathleen P. Feldman Signature: Kathleen P. Feldman
Address: 5930 Bethel Hts Rd NW, Salem, 97304
3. Name: ROBERT F. FELDMAN Signature: Robert F. Feldman
Address: 5930 BETHEL HTS RD NW SALEM OR 97304
4. Name: _____ Signature: _____
Address: _____
5. Name: _____ Signature: _____
Address: _____
6. Name: _____ Signature: _____
Address: _____

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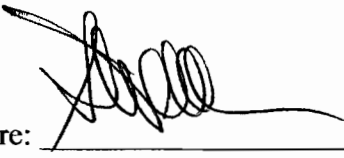
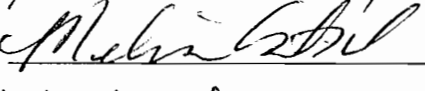
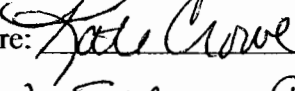
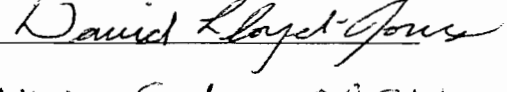
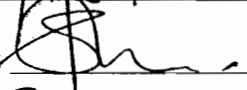
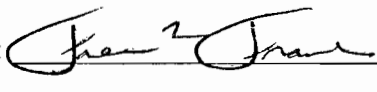
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The undersigned are affected landowners with water rights from streams in the above-mentioned watersheds, adjacent properties to these streams, and/or hydrologically connected domestic and irrigation wells.

1. Name: Ken Robinson Signature: [Signature]
Address: 4400 Brush College Rd NW Salem 97304
2. Name: Dean F. Freeborn Signature: [Signature]
Address: 1235 N. Greenwood Rickreall, Ore. 97371
3. Name: Andrena C Freeborn Signature: [Signature]
Address: 1235 N Greenwood Rd Rickreall OR 97371
4. Name: Kenneth Arkey Signature: [Signature]
Address: 4370 Eagle Creek, Salem, Or. 97304
5. Name: Bruce Bice Signature: [Signature]
Address: 555 N GREENWOOD RD, RICKREALL OR 97371
6. Name: JANET E FULTS Signature: [Signature]
Address: 1675 Oak Grove Rd NW Salem OR 97304

18. Name: KEN SLUSSER Signature: Kenneth Slusser
Address: 5739 orchard HT RD Salem OR
19. Name: DIANE GLOE Signature: Diane M Gloe
Address: 6046 ORCHARD HTS RD NW SALEM OR 97304
20. Name: GREGORY GLOE Signature: Gregory P Gloe
Address: 6046 ORCHARD HTS RD NW SALEM OR 97304
21. Name: Daniel S GLOE Signature: Daniel S Gloe
Address: 6046 Orchard Hts RD NW Salem OR 97304
22. Name: Douglas A. Knutson Signature: Douglas A Knutson
Address: 6046 ORCHARD HTS RD, SALEM, OR 97304
23. Name: Joanne E. Kowitz Signature: Joanne E Kowitz
Address: 4525 Oak Grove Rickreall, OR 97371
24. Name: Douglas John Kowitz Signature: Douglas John Kowitz
Address: 4525 OAK GROVE RD RICKREALL OR 97371
25. Name: TRUDY SWENSEN Signature: Trudy S Swensen
Address: 4986 ORCHARD HTS RD N.W.
26. Name: Anne Cupick Signature: Anne Cupick
Address: 5560 Lena Rd. NW, Salem, Or.
27. Name: Ben Deumling Signature: Ben Deumling
Address: 4550 Oak Grove Rd, Rickreall, OR 97371
28. Name: _____ Signature: _____
Address: _____

7. Name: Steve Aldrid Signature: 
Address: 2850 Zena Rd NW Salem, OR 97304
8. Name: Patricia Dudley Signature: PATRICIA DUDLEY
Address: 6060 Bethel Hts Rd NW Salem 97304
9. Name: Melissa Casteel Signature: 
Address: 6130 Bethel Hts Rd NW Salem 97304
10. Name: Kate Crowe Signature: 
Address: 5940 Bethel Hts Rd NW Salem 97304
11. Name: David Lloyd-Jones Signature: 
Address: 5955 Bethel Hts Rd NW Salem OR 97304
12. Name: Mary Jane Cagle Signature: Mary Jane Cagle
Address: 11640 Oak Grove Rd, NW Salem, OR 97304
13. Name: Joan E. Erickson Signature: JOAN E. ERICKSON
Address: 3901 OAK GROVE Rickreall, OR 97371
14. Name: Ken Erickson Signature: ER
Address: 3901 OAK GROVE Rd. Rickreall OR 97371
15. Name: Thron Riley Signature: Thron Riley
Address: 8350 Spring Valley Rd NW Salem OR 97304
16. Name: JACQUELINE FRANK Signature: 
Address: 4725 Edla Dr NW, Salem, OR 97304
17. Name: Fred Frank Signature: 
Address: 4725 Edla Dr., NW Salem, OR 97304

7. Name: Julith M. Pope Signature: Julith M. Pope
Address: 12680 S. Pacific Hwy W Monmouth, OR 97361
8. Name: RAY STEEBE Signature: Ray Steebe
Address: 970 Greenwood Independence, Or.
9. Name: NORBERT HARTMAN Signature: Norbert A Hartmann Jr
Address: 4935 MATNEY RD, MONMOUTH, OR 97361
10. Name: TINA ANDERSEN Signature: Tina R. Anderson
Address: 3983 Kings Valley Hwy Dallas OR 97371
11. Name: LEON ESHLEMAN Signature: Leon Eskleman
Address: 4275 DEERWOOD LN, N.W., SALEM, OR 97304
12. Name: Joyce Yoder Signature: Joyce Yoder
Address: 7810 Spring Valley Rd NW Salem OR 97304
13. Name: _____ Signature: _____
Address: _____
14. Name: _____ Signature: _____
Address: _____
15. Name: _____ Signature: _____
Address: _____
16. Name: _____ Signature: _____
Address: _____
17. Name: _____ Signature: _____
Address: _____
18. Name: _____ Signature: _____

7. Name: STEVEN B. CYRUS Signature: St B. Cyrus
Address: 4345 OAK GROVE RD, RICKREALL, OR 97371
8. Name: Joan F. Cyrus Signature: Joan F. Cyrus
Address: 2400 Oak Grove Rd. NW Salem, OR 97304
9. Name: JUDY MICKELSON Signature: J Mickelson
Address: 6435 Crowley Rd Rickreall 97371
10. Name: Tamara Bonnett Signature: Tamara D. Bonnett
Address: 3555 Oak Grove Rd. Rickreall, OR 97371
11. Name: Heather Webber Signature: H Webber
Address: 3215 Brush College Rd., NW Salem 97304
12. Name: Richard + Jacque, Shellito Signature: Richard W Shellito
Address: 8475 Crowley Rd Rickreall, OR 97371
13. Name: JOHN RICE Signature: John Rice
Address: 9020 CROWLEY, RICKREALL, OR 97371
14. Name: Patrick M Shellito Signature: Patrick M Shellito
Address: 8445 Crowley Road, Rickreall
15. Name: Jacqueline A. Imholz Signature: Jacqueline A. Imholz
Address: 9020 Crowley Rd; Rickreall, OR 97371
16. Name: SARAH DEWMLING Signature: Sarah Dewmling
Address: 4550 OAK GROVE RD. RICKREALL OR 97371
17. Name: Susan Snyder Signature: Susan Snyder
Address: 1600 SE Amity Rd Amity, OR 97101