



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

MEDELEZ TRUCKING LLC
ATTENTION: KELLY MEDELEZ
1190 E PUNKIN CENTER RD
HERMISTON, OR 97838

September 12, 2008

Reference: File G-17060

Dear Mr. Medelez:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit 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 you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the use of 1.0 cubic foot per second (CFS) of water from either Well 1 (UMAT 54837) or Well 2 in Umatilla River Basin for irrigation use on 44.99 acres from March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (UMAT 54837) or Well 2 in Umatilla River Basin for irrigation use is allowable under the Umatilla Basin Program.
4. Ground water will not likely be available in the amounts requested without injury to prior rights and/or within the capacity of the resource.

The Department has determined, based upon OAR 690-009, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

5. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. Your application requested 1.0 CFS for 44.99 acres. If the application is approved, the rate allowed will be limited to 0.56 CFS.

6. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 0.56 CFS of water from either Well 1 (UMAT 54837) or Well 2 in Umatilla River Basin for irrigation use on 44.99 acres is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Required:

Although it is unlikely that a permit will be issued, if the Department’s findings change, additional information will be required. Those items are:

- The Department has determined additional fees are needed to continue processing your application. The Department must receive exam fees in the amount of \$200.00. Please include your application number on your check made out to the Oregon Water Resources Department. Your exam requirements consisted of:

Base fee	\$500.00
Up to 1 st CFS.....	\$200.00
One additional point of appropriation.....	<u>\$200.00</u>
Total Exam Fee Required.....	\$900.00
Total Exam Fee Paid.....	\$700.00

- The number of acres to be used for each use in each quarter-quarter section must be clearly indicated on the map and identified by shading or hatchuring. On the enclosed copy of your application map, please show the number of acres to be used in each quarter-quarter section by hatchuring, specifically the number of acres to be irrigated in the NWNE and NENE of Section 2, Township 2 North, Range 28 East, W.M.

Please submit this information no later than October 16, 2006. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, September 26, 2008**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically 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.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1.Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water source identified in your 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/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0816 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in cursive script that reads "K Kavanagh".

Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17060
WAB 7-221
POU 7-221
GW no psi

APPLICATION FACT SHEET

Application File Number: G-17060

Applicant: MEDELEZ TRUCKING LLC; KELLY MEDELEZ

County: Umatilla

Watermaster: 5

Priority Date: May 27, 2008

Source: WELL 1 (UMAT 54837) OR WELL 2 IN UMATILLA RIVER BASIN

Use: IRRIGATION USE ON 44.99 ACRES

Quantity: 1.0 CUBIC FOOT PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 3 UMATILLA R MISC

Well Locations:

WELL 1 (UMAT 54837) - NWN, SECTION 2, T4N, R28E, W.M.; 200 FEET SOUTH AND 660 FEET EAST FROM N1/4 CORNER, SECTION 2

WELL 2 - NWN, SECTION 2, T4N, R28E, W.M.; 770 FEET SOUTH AND 660 FEET EAST FROM N1/4 CORNER, SECTION 2

Place of Use:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 22.62 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 22.37 ACRES
SECTION 2
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 26, 2008

PUBLIC NOTICE DATE: Tuesday, September 16, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, October 16, 2008

Mailing List for IR Copies

Application #G-17060

IR Date: September 12, 2008

Original mailed to applicant:

MEDELEZ TRUCKING LLC
ATTENTION: KELLY MEDELEZ
1190 E PUNKIN CENTER RD
HERMISTON, OR 97838

Copies sent to:

1. WRD - File # G-17060
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies

3. WRD - Watermaster #5
4. WRD - Regional Manager: NC

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

5. Wattenburger, Paul E, CWRE #57194
IRZ, 505 East Main Street, Hermiston, OR 97838

Caseworker: Kerry Kavanagh

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<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>

REMINDER: Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)