



# 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

### **CERTIFIED MAIL RETURN RECEIPT REQUESTED**

NORM BUNDGARD  
PO BOX 430  
VALE, OR 97918

January 30, 2009

Reference: File G-17118

Dear Mr. Bundgard:

### **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 10.8 cubic feet per second (CFS) of water, further limited to 2.5 CFS from well 1, 3.0 CFS from well 2, 2.0 CFS from well 3 (HARN 50684), and 3.3 CFS from well 4 in Alvord Lake Basin for irrigation use on 809.0 acres from 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. The use of water from well 1, well 2, well 3 (HARN 50684), and well 4 in Alvord Lake Basin for irrigation use is allowable under the Malheur Lake Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and 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 of ground water is 1/80 CFS per acre. Your application requested 10.8 CFS for irrigation use on 809.0 acres. If the application is approved, the rate allowed will be limited to 10.11 CFS.

The application proposed to further limit 10.8 CFS to 2.5 CFS from well 1, 3.0 CFS from well 2, 2.0 CFS from well 3 (HARN 50684), and 3.3 CFS from well 4. Since the total rate for these wells is 10.8, which exceeds the standard allowable rate of 10.11 CFS, if the

application is approved, the rate allowed will not be further limited by well unless you notify the Department of requested rates by well no later than **March 5, 2009.**

6. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

### **Summary of Initial Determinations**

**The use of 10.11 CFS from well 1, well 2, well 3 (HARN 50684), and well 4 in Alvord Lake Basin for irrigation use on 809.0 acres is allowable from March 1 through October 31 of each year.**

Because of these favorable determinations, the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

### **Additional Information Required:**

Prior to issuance of a Proposed Final Order that may recommend approval of a permit, additional information is required.

Under OAR 690-005-0035 (2)(d), the Department must receive a completed Land Use Information Form or a receipt signed and dated by the relevant planning jurisdiction that states the proposed use of water and location(s) where water will be diverted, conveyed, and used comply with the local acknowledged comprehensive land-use plan.

The map submitted with your application indicates that water will be used within taxlot 401, Section 9 & 10 and taxlot 301, Sections 4 & 9, Township 37 South, Range 33 East. However, the Land Use Information Form submitted with your application does not include these lands.

If you would like these lands to be considered as part of your application, please submit a Land Use Information Form that states the proposed use of water within these lands complies with the local acknowledged comprehensive land-use plan **no later than March 5, 2009.**

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.

A copy of the submitted Land Use Information Form has been included for your convenience.

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.

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.

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, February 13, 2009**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.
2. 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.
3. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or

pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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](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 503-986-0808 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: Brook Geffen, 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 black ink that reads "Brook Geffen" followed by a horizontal flourish.

Brook Geffen  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form  
G-17118  
WAB 12- NA POU 12-NA

# APPLICATION FACT SHEET

Application File Number: G-17118

Applicant: NORM BUNDGARD

County: HARNEY

Watermaster: 10

Priority Date: OCTOBER 3, 2008

Source: WELL 1, WELL 2, WELL 3 (HARN 50684), AND WELL 4 IN ALVORD LAKE BASIN

Use: IRRIGATION USE ON 809.0 ACRES

Quantity: 10.8 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1A ALVORD LAKE & MISC

Well Location(s):

WELL 1: NENW, SECTION 4, T37S, R33E, W.M.; 290 FEET SOUTH AND 1450 FEET EAST FROM NW CORNER, SECTION 4

WELL 2: SWNE, SECTION 4, T37S, R33E, W.M.; 2270 FEET SOUTH AND 2770 FEET EAST FROM NW CORNER, SECTION 4

WELL 3 (HARN 50684): SWSE, SECTION 4, T37S, R33E, W.M.; 200 FEET NORTH AND 2770 FEET EAST FROM SW CORNER, SECTION 4

WELL 4: SWNE, SECTION 9, T37S, R33E, W.M.; 2350 FEET SOUTH AND 2780 FEET EAST FROM NW CORNER, SECTION 9

Place of Use:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  40.0 ACRES

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES

SECTION 33

TOWNSHIP 36 SOUTH, RANGE 33 EAST, W.M.

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  28.9 ACRES

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  29.7 ACRES

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES

SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  30.4 ACRES

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES

NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES

SECTION 4

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  40.0 ACRES  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  40.0 ACRES

SECTION 9

NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  40.0 ACRES  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  40.0 ACRES

SECTION 10

TOWNSHIP 37 SOUTH, RANGE 33 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 13, 2009**

**PUBLIC NOTICE DATE: Tuesday, February 3, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, March 5, 2009**

# Mailing List for IR Copies

Application #G-17118

IR Date: January 30, 2009

## Original mailed to applicant:

NORMAN BUNDGARD , PO BOX 430, VALE, OR 97918

### Copies sent to:

1. WRD - File # G-17118
2. WRD - Water Availability: Ken Stahr

### IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: ER
4. WRD - Watermaster # 10 (include Division 33 form)
5. Department of Agriculture

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

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

Copies Mailed

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

on: \_\_\_\_\_  
(DATE)

Caseworker: Brook Geffen

COPYSH.T.IR

**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.)