

Water Resources Department

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

June 27, 2008

ECHO IRRIGATION DISTRICT ATTN: CRAIG REEDER 73120 HWY 207 ECHO, OR 97826

Reference: File S-87076

Dear Mr. Reeder:

# 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 50.0 cubic feet per second (CFS) of water from Columbia River, a tributary of Pacific Ocean, for irrigation use on 1351.0 acres and supplemental irrigation use on 5065.7 acres year-round.
- 2. The proposed use is not prohibited by law or rule except where otherwise noted below.
- 3. The use of water from Columbia River, a tributary of Pacific Ocean, for irrigation use and supplemental irrigation use is allowable under the Umatilla Basin Program.
- 4. Surface water is available in the amount and for the full period requested.
- 5. OAR 690-033-0120(2) prohibits the diversion of water from April 15 through September 30 of each year.
- 6. The updated map submitted with your application shows that you are applying for 1222.9 acres of irrigation use and 4805.2 acres of supplemental irrigation use, whereas your application shows that you are applying for 1351.0 acres of irrigation use and 5065.7 acres of supplemental irrigation use. Please submit information to clarify the intended acreage. If the map is incorrect, you will need to submit an updated map. If you do not

submit clarification by July 17, 2008, on this matter, we will rely on acreage shown on your map.

7. Per OAR 690-350, a separate application for use of water for aquifer storage and recovery projects shall be submitted to the Department. Water use for aquifer storage and recovery projects will not be considered a part of the review for application S-87076.

#### 8. Newspaper Publication Requested

You indicated on the application form that you do not own all the land where you propose to divert, transport, and use water. OAR 690-310-0020(1) requires that the Department provide notice to all affected landowners prior to issuing a permit. OAR 690-310-0020(2) specifies that if there are more than 25 landowners involved in the proposed use, the notice may be satisfied by publishing a notice of the application for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The cost of the publication is to be paid by the applicant.

The Department requests that you have the required notice published. The language to be used in the notice is attached. A copy of the affidavit of publication must be submitted to the Department following completion of the notice period. If the three weekly notices have not been published within 45 days from the date of this Initial Review, please submit a receipt demonstrating that this process has been initiated.

#### **Summary of Initial Determinations**

Because not all items above are favorable, the use of 50.0 CFS of water from Columbia River, a tributary of Pacific Ocean, for irrigation use on 1351.0 acres and supplemental irrigation use on 5065.7 acres year-round 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.

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**, **July 11**, **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 diversion. 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. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
- 3. The use allowed herein may be made when water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season.
- 4. The use of water for out-of-season irrigation allowed herein shall not establish priority of right against future appropriations for beneficial uses or storage for such beneficial uses, other than rights for irrigation during the allowed period of use.
- 5. Should this permit be used as the base right for an aquifer storage and recovery project, the limited period of use stipulated herein shall not apply to water withdrawn from storage.
- 6. The season of use for all acreage for supplemental irrigation use under this application shall be limited to the underlying primary right, being the irrigation season.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

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 503-986-0808 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,

Brook Geffen Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87076 WAB 1-Columbia River POU 1-Columbia River GW

# **APPLICATION FACT SHEET**

Application File Number: S-87076

Applicant: ECHO IRRIGATION DISTRICT

County: UMATILLA

Watermaster: 7

Priority Date: JANUARY 30, 2008

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: IRRIGATION USE ON 1351.0 ACRES AND SUPPLEMENTAL IRRIGATION USE ON

5065.7 ACRES

Quantity: 50.0 CUBIC FEET PER SECOND

Basin Name & Number: Umatilla #7

Stream Index Reference: Volume 3A COLUMBIA R & MISC

Point of Diversion: SWNW, SECTION 8, T5N, R30E, W.M.; 2910 FEET NORTH AND 120

FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

PRIMARY IRRIGATION	SU	PPI	LEMI	ZN I	'AL	IRRIGATION
	NE	1/4	NE	1/4	14.	3 ACRES
	NW	1/4	NE	1/4	25.	1 ACRES
	SW	1/4	NE	1/4	26.	6 ACRES
	SE	1/4	NE	1/4	14.	3 ACRES
	NE	1/4	NW	1/4	35.	8 ACRES
	NW	1/4	NW	1/4	38.	7 ACRES
	SW	1/4	NW	1/4	37.	2 ACRES
	SE	1/4	NW	1/4	33.	4 ACRES
	NE	1/4	SW	1/4	39.	0 ACRES
	NW	1/4	SW	1/4	40.	0 ACRES
	SW	1/4	SW	1/4	40.	0 ACRES
	SE	1/4	SW	1/4	40.	0 ACRES
	NE	1/4	SE	1/4	9.	1 ACRES
	NW	1/4	SE	1/4	35.	8 ACRES
	SW	1/4	SE	1/4	18.	4 ACRES
	SE	1/4	SE	1/4	10.	6 ACRES

SECTION 1

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PRIMARY IRRIGATION
                         SUPPLEMENTAL IRRIGATION
                         NE ¼ NE ¼ 29.3 ACRES
                         NW ¼ NE ¼ 34.0 ACRES
                          SW ¼ NE ¼ 29.3 ACRES
                          SE ¼ NE ¼ 40.0 ACRES
                         NE ¼ SE ¼ 40.0 ACRES
                         NW ¼ SE ¼ 38.1 ACRES
                          SW 4 SE 4 27.1 ACRES
                          SE ¼ SE ¼ 40.0 ACRES
                  SECTION 2
                         NW ¼ NE ¼ 3.6 ACRES
                          SW ¼ NE ¼ 37.5 ACRES
                         SE ¼ NE ¼ 0.6 ACRE
                         NW ¼ SE ¼ 26.2 ACRES
                  SECTION 9
                          SW ¼ NE ¼ 2.2 ACRES
                          SE ¼ NW ¼ 3.8 ACRES
                         NE ¼ SW ¼ 36.7 ACRES
                         NW 4 SW 4 6.9 ACRES
                          SW 4 SW 4 4.7 ACRES
                          SE ¼ SW ¼ 32.4 ACRES
                         NW ¼ SE ¼ 33.6 ACRES
                          SW 4 SE 4 25.1 ACRES
                  SECTION 10
                         NE ¼ NE ¼ 40.0 ACRES
                         NW ¼ NE ¼ 36.4 ACRES
                         SW 14 NE 14 24.4 ACRES
                          SE ¼ NE ¼ 40.0 ACRES
                         NE ¼ NW ¼ 30.7 ACRES
                         NW ¼ NW ¼ 30.7 ACRES
                         SW ¼ NW ¼ 27.2 ACRES
                          SE ¼ NW ¼ 26.0 ACRES
                         NE ¼ SW ¼ 21.2 ACRES
                         NW 4 SW 4 25.8 ACRES
                         SW 4 SW 4 30.5 ACRES
                          SE ¼ SW ¼ 30.7 ACRES
                         NE ¼ SE ¼ 22.6 ACRES
                         NW ¼ SE ¼ 17.1 ACRES
                         SW 1/4 SE 1/4 38.6 ACRES
                          SE ¼ SE ¼ 38.6 ACRES
                  SECTION 11
                         NE ¼ NE ¼ 40.0 ACRES
                         NW 14 NE 14 40.0 ACRES
                         SW ¼ NE ¼ 30.0 ACRES
                          SE ¼ NE ¼ 23.4 ACRES
                         NE ¼ NW ¼ 36.7 ACRES
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# PRIMARY IRRIGATION SUPPLEMENTAL IRRIGATION NW ¼ NW ¼ 39.3 ACRES SW ¼ NW ¼ 39.4 ACRES SE ¼ NW ¼ 36.7 ACRES NE ¼ SW ¼ 28.3 ACRES NW 4 SW 4 25.4 ACRES SW 1/4 SW 1/4 29.8 ACRES SE ¼ SW ¼ 24.5 ACRES NE ¼ SE ¼ 40.0 ACRES NW 4 SE 4 40.0 ACRES SW 4 SE 4 12.8 ACRES SE ¼ SE ¼ 16.4 ACRES SECTION 12 NE ¼ NE ¼ 30.0 ACRES NW 1/4 NE 1/4 30.0 ACRES SW ¼ NE ¼ 29.5 ACRES SE 1/4 NE 1/4 30.0 ACRES NE ¼ NW ¼ 30.8 ACRES NW 4 NW 4 31.6 ACRES SW ¼ NW ¼ 32.8 ACRES SE ¼ NW ¼ 30.4 ACRES NE ¼ SW ¼ 31.4 ACRES NW 1/4 SW 1/4 25.9 ACRES SW 1/4 SW 1/4 32.4 ACRES SE ¼ SW ¼ 37.7 ACRES NE ¼ SE ¼ 30.2 ACRES NW 4 SE 4 30.2 ACRES SW ¼ SE ¼ 30.2 ACRES SE 1/4 SE 1/4 30.2 ACRES SECTION 13 NE ¼ NE ¼ 30.4 ACRES NW 4 NE 4 40.0 ACRES SW ¼ NE ¼ 40.0 ACRES SE ¼ NE ¼ 38.0 ACRES NE ¼ NW ¼ 39.8 ACRES NW ¼ NW ¼ 33.6 ACRES SW 14 NW 14 40.0 ACRES SE ¼ NW ¼ 39.0 ACRES NE ¼ SW ¼ 31.7 ACRES NW 14 SW 14 33.3 ACRES SW ¼ SW ¼ 20.4 ACRES SE ¼ SW ¼ 26.0 ACRES NE ¼ SE ¼ 25.9 ACRES SE ¼ SE ¼ 25.9 ACRES SECTION 14 SW ¼ NE ¼ 18.3 ACRES

SE ¼ NE ¼ 14.7 ACRES

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PRIMARY IRRIGATION
                          SUPPLEMENTAL IRRIGATION
                          SW ¼ NW ¼ 3.4 ACRES
                          SE ¼ NW ¼ 32.5 ACRES
                          NE ¼ SW ¼ 38.0 ACRES
                          NW ¼ SW ¼ 5.5 ACRES
                          SE ¼ SW ¼ 1.7 ACRES
                          NE ¼ SE ¼ 30.6 ACRES
                          NW ¼ SE ¼ 38.1 ACRES
                          SW ¼ SE ¼ 25.4 ACRES
                          SE ¼ SE ¼ 30.1 ACRES
                  SECTION 15
                          NE ¼ NE ¼ 31.4 ACRES
                          NW ¼ NE ¼ 31.4 ACRES
                          SW ¼ NE ¼ 31.4 ACRES
                          SE ¼ NE ¼ 31.4 ACRES
                  SECTION 23
                          NE ¼ NE ¼ 40.0 ACRES
                          NW ¼ NE ¼ 40.0 ACRES
                          SW 14 NE 14 40.0 ACRES
                          SE 14 NE 14 40.0 ACRES
NE ¼ NW ¼ 34.3 ACRES
NW 4 NW 4 34.0 ACRES
SW ¼ NW ¼ 38.5 ACRES
SE ¼ NW ¼ 37.5 ACRES
NE ¼ SW ¼ 19.8 ACRES
NW 4 SW 4 20.4 ACRES
                          NE ¼ SE ¼ 36.6 ACRES
                          NW 4 SE 4 40.0 ACRES
                          SW 4 SE 4 40.0 ACRES
                          SE ¼ SE ¼ 40.0 ACRES
                  SECTION 24
    TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.
                          NE ¼ NW ¼ 32.8 ACRES
                          NW ¼ NW ¼ 46.1 ACRES
                          SW ¼ NW ¼ 49.2 ACRES
                          SE ¼ NW ¼ 40.0 ACRES
                          NE ¼ SW ¼ 37.5 ACRES
                          NW ¼ SW ¼ 36.4 ACRES
                          SW 4 SW 4 29.5 ACRES
                          SE ¼ SW ¼ 40.0 ACRES
                  SECTION 6
                          NE ¼ NW ¼ 40.0 ACRES
                          NW ¼ NW ¼ 39.8 ACRES
                          SW 4 NW 4 41.3 ACRES
                          SE ¼ NW ¼ 38.0 ACRES
                          NE ¼ SW ¼ 40.0 ACRES
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#### PRIMARY IRRIGATION

#### SUPPLEMENTAL IRRIGATION

NW ¼ SW ¼ 57.9 ACRES SW ¼ SW ¼ 45.0 ACRES

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  30.0 ACRES

NW 14 SE 14 30.0 ACRES

SW 1/4 SE 1/4 30.0 ACRES

SE ¼ SE ¼ 30.0 ACRES

SECTION 7

NE ¼ SW ¼ 31.4 ACRES

NW ¼ SW ¼ 31.4 ACRES

SW ¼ SW ¼ 31.4 ACRES

SE ¼ SW ¼ 31.4 ACRES

#### SECTION 8

NE ¼ NW ¼ 40.0 ACRES

NW ¼ NW ¼ 53.2 ACRES

SW 4 NW 4 52.9 ACRES

SE ¼ NW ¼ 40.0 ACRES

NE ¼ SW ¼ 40.0 ACRES

NW 1/4 SW 1/4 50.1 ACRES

SW ¼ SW ¼ 52.8 ACRES

SE ¼ SW ¼ 40.0 ACRES

#### SECTION 19

NE ¼ NW ¼ 30.8 ACRES

NW ¼ NW ¼ 29.2 ACRES

SW ¼ NW ¼ 31.1 ACRES

SE ¼ NW ¼ 34.0 ACRES

NE ¼ SW ¼ 40.0 ACRES

NW ¼ SW ¼ 40.0 ACRES

SW ¼ SW ¼ 40.0 ACRES

SE ¼ SW ¼ 40.0 ACRES

#### SECTION 20

NE ¼ NW ¼ 33.5 ACRES

NW 4 NW 4 32.4 ACRES

SW ¼ NW ¼ 28.1 ACRES

SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  29.9 ACRES

NE ¼ SW ¼ 31.4 ACRES NW ¼ SW ¼ 30.7 ACRES

SW ¼ SW ¼ 31.4 ACRES

SE ¼ SW ¼ 30.8 ACRES

#### SECTION 21

NE ¼ NE ¼ 39.8 ACRES

NW ¼ NE ¼ 40.0 ACRES

SW ¼ NE ¼ 38.1 ACRES

SE 1/4 NE 1/4 37.8 ACRES

NE ¼ NW ¼ 39.8 ACRES

#### PRIMARY IRRIGATION

#### SUPPLEMENTAL IRRIGATION

NW ¼ NW ¼ 57.6 ACRES SW ¼ NW ¼ 56.8 ACRES SE ¼ NW ¼ 39.2 ACRES NE ¼ SW ¼ 22.7 ACRES

NW ¼ SW ¼ 38.4 ACRES

NE ¼ SE ¼ 28.8 ACRES

NW ¼ SE ¼ 7.3 ACRES

SW ¼ SE ¼ 17.8 ACRES SE ¼ SE ¼ 33.7 ACRES

SECTION 30

TOWNSHIP 3 NORTH, RANGE 30 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 11, 2008

PUBLIC NOTICE DATE: Tuesday, July 1, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, July 31, 2008

# Mailing List for IR Copies

Application #S-87076

# Original mailed to applicant:

ECHO IRRIGATION DISTRICT, ATTN: CRAIG REEDER 73120 HWY 207, ECHO, OR 97826

## Copies sent to:

- 1. WRD File # S-87076
- 2. WRD Water Availability: Ken Stahr

# Copies Mailed By:\_\_\_\_\_\_(SUPPORT STAFF) on:\_\_\_\_\_\_(DATE)

IR Date: June 27, 2008

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

- 3. WRD Regional Manager (not SCR): NC
- 4. WRD -Watermaster # 5 (include Division 33 form)
- 5. ODFW: Bill Duke (include Division 33 form)
- 6. DEQ: Mitch Wolgamott (include Division 33 form)
- 7. Department of Agriculture
- 8. Columbia River Intertribal Fish Commission
- 9. US Fish & Wildlife
- 10. NW Power Planning Council
- 11. Jennifer Hudson and Carl Merkle, Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801

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

- 12. Bill Porfily
- 13. Stanfield Hutterian, 36345 Despain Gulch Road, Stanfield, OR 97875
- 14. Golden Valley Farms LLC, Howell Prairie Rd NE, Silverton< OR 97381

COPYSHT.IR

Caseworker: Brook Geffen

**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.)