



Oregon

John A. Kitzhaber, MD, 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

HELEN DEN HOED
DEN HOED HAY FARMS, LLC
1831 N COUNTY LINE RD
GRANDVIEW, WA 98930

March 1, 2013

Reference: File G-17578

Dear Applicant:

**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 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 you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the appropriation of 9600.0 gallons per minute of water, which is 21.4 cubic feet per second (CFS), from Well 1, Well 2, Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, and Well 11 in Malheur Lake Basin for irrigation of 1280.0 acres March 1 through October 1 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of ground water in Malheur Lake Basin for irrigation is allowable under the Malheur Lake Basin Program.
4. Ground water will not likely be available in the amount requested without injury to existing ground water rights. In addition, ground water will not likely be available within the capacity of the ground water 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. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Allowable Water Use

Because not all items above are favorable, the appropriation of 21.4 CFS of water from Well 1, Well 2, Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, and Well 11 in Malheur Lake Basin for irrigation of 1280.0 acres March 1 through October 1 of each year is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. 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 prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following item(s):

- \$500 in exam fees
- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map that shows the location of each well by reference to a recognized public land survey corner (such as the NE 1/4 corner of Section 3). The location may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).
- The Department has determined a portion of the proposed place of use has underlying ground water rights evidenced by Permit G-16376 (see attached map). Although it is unlikely the application will be approved, if it is, this conflict will need to be addressed prior to the next processing step. A few options may be:
 - remove these lands from Application g-17578;
 - transfer the permitted lands to another area (permit amendment); or
 - cancel this portion of Permit G-16376.

Please submit this information no later than Thursday, April 4, 2013. 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.

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 \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, March 15, 2013**. 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.
 - B. The permittee shall keep a complete record of the amount of water diverted 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.
 - C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
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.

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 503-986-0859 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: Jeana Eastman, 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, appearing to read 'Jeana Eastman'.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17578
WAB 12-no psi
POU 12-
GW

APPLICATION FACT SHEET

Application File Number: G-17578

Applicant: HELEN DEN HOED DEN HOED HAY FARMS, LLC

County: Harney

Watermaster: 10

Priority Date: August 30, 2012

Source: WELL 1, WELL 2, WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, AND WELL 11 IN MALHEUR LAKE BASIN

Use: IRRIGATION OF 1280.0 ACRES

Quantity: 21.4 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 2 MALHEUR L & MISC

Point of Diversion or Well Location(s):

WELL 1: SWNW, SECTION 5, T26S, R31E, W.M.;

WELL 2: SENW, SECTION 5, T26S, R31E, W.M.;

WELL 3: SWNE, SECTION 5, T26S, R31E, W.M.;

WELL 4: NESE, SECTION 5, T26S, R31E, W.M.;

WELL 5: SWNW, SECTION 3, T26S, R31E, W.M.;

WELL 6: NWNE, SECTION 3, T26S, R31E, W.M.;

WELL 7: SWNW, SECTION 4, T26S, R31E, W.M.;

WELL 8: NESW, SECTION 4, T26S, R31E, W.M.;

WELL 9: SWNW, SECTION 5, T26S, R31E, W.M.;

WELL 10: SENW, SECTION 9, T26S, R31E, W.M.;

WELL 11: NWNE, SECTION 9, T26S, R31E, W.M.;

Place of Use:

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

SECTION 3

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

SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 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 $\frac{1}{4}$ 20.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 ACRES

SECTION 5

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

SECTION 9

TOWNSHIP 26 SOUTH, RANGE 31 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 15, 2013

PUBLIC NOTICE DATE: Tuesday, March 5, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, April 4, 2013

Mailing List for IR Copies

Application #G-17578

IR Date: March 1, 2013

Original mailed to applicant:

HELEN DEN HOED DEN HOED HAY FARMS, LLC, 1831 N COUNTY LINE RD,
GRANDVIEW, WA 98930

SENT VIA EMAIL:

1. Agent - lilrobey@yahoo.com
2. WM 10

Copies sent to:

1. WRD - File # G-17578
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:

1. WRD - Regional Manager (not SCR): E

Caseworker: Jeana Eastman

VCOPYSHT.IR