



# 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

February 6, 2015

US FISH AND WILDLIFE SERVICE  
MALHEUR NATIONAL WILDLIFE REFUGE  
911 NE 11<sup>TH</sup> AVE  
PORTLAND, OR 97232-4181

Reference: File S-87945

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 use of 37.5 cubic feet per second (CFS) of water, being 4.5 CFS from Harney Lake Spring Area, 16.0 CFS from Hibbard aka Double "O" Spring, 1.0 CFS from Double "O" Cold Spring, 7.0 CFS from Barnyard Spring, 5.0 CFS from Stinking Lake Spring, and 4.0 CFS from Basque Spring, tributaries of Harney Lake for year-round wildlife refuge management.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The applicant submitted an estimate of water availability from the sources, pursuant to the requirements under the Malheur Lake Basin Program (OAR 690-512-0040), therefore the use of water from Harney Lake Spring Area, Hibbard aka Double "O" Spring, Double "O" Cold Spring, Barnyard Spring, Stinking Lake Spring, and Basque Spring, tributaries of Harney Lake, for wildlife refuge management is allowable.
4. Surface water is available year-round from Harney Lake Spring Area; during the period August 1 through April 30 from Hibbard aka Double "O" Spring, Double "O" Cold Spring, Barnyard Spring, and Stinking Lake Spring; and during the period November 1 through April 30 from Basque Spring,
5. The proposed diversion falls within a high priority area for streamflow restoration under the Oregon Plan for Salmon & Watersheds.

### Summary of Initial Determinations

**The use of 37.5 CFS, being 4.5 CFS for year-round use from Harney Lake Spring Area, tributary of Harney Lake; 16.0 CFS from Hibbard aka Double "O" Spring, 1.0 CFS from Double "O" Cold Spring, 7.0 CFS from Barnyard Spring, and 5.0 CFS from Stinking Lake Spring, tributaries of Harney Lake, for use August 1 through April 30 of each year; and 4.0 CFS from Basque Spring tributary of Harney Lake, for use November 1 through April 30 of each year for wildlife refuge management.**

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.

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 \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, February 20, 2015**. 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 devices, and recording/reporting of annual water use 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 device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
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.

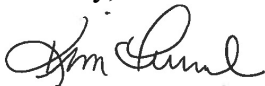
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that, 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](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: Kim French, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87945  
WAB 12-31200401, 12-31200408, 12-31200409  
POU 12-31200401, 12-31200408, 12-31200409

# APPLICATION FACT SHEET

Application File Number: S-87945

Applicant: US FISH AND WILDLIFE SERVICE; MALHEUR NATIONAL WILDLIFE REFUGE

County: Harney

Watermaster: 10

Priority Date: December 24, 2013

Sources: HARNEY LAKE SPRING AREA, HIBBARD aka DOUBLE "O" SPRING, DOUBLE "O" COLD SPRING, BARNYARD SPRING, STINKING LAKE SPRING, AND BASQUE SPRING, TRIBUTARIES OF HARNEY LAKE

Use: WILDLIFE REFUGE MANAGEMENT

Quantity: 37.50 CUBIC FEET PER SECOND, BEING 4.5 CFS FROM HARNEY LAKE SPRING AREA, 16.0 CFS FROM HIBBARD aka DOUBLE "O" SPRING, 1.0 CFS FROM DOUBLE "O" COLD SPRING, 7.0 CFS FROM BARNYARD SPRING, 5.0 CFS FROM STINKING LAKE SPRING, AND 4.0 CFS FROM BASQUE SPRING

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1A HARNEY L & MISC

Points of Diversion:

HARNEY LAKE SPRING AREA: SECTION 11, T27S, R29E, W.M.; E1/2, SECTION 11

HIBBARD aka DOUBLE "O" SPRING: SENE, SECTION 35, T26S, R28E, W.M.; 1970 FEET SOUTH AND 170 FEET EAST FROM N1/4 CORNER, SECTION 35

DOUBLE "O" COLD SPRING: SESE, SECTION 26, T26S, R28E, W.M.; 1115 FEET NORTH AND 40 FEET EAST FROM SE CORNER, SECTION 26

BARYARD SPRING: SENW, SECTION 36, T26S, R28E, W.M.; 1390 FEET SOUTH AND 2080 FEET EAST FROM NW CORNER, SECTION 36

STINKING LAKE SPRING: NWSE, SECTION 16, T26S, R28E, W.M.; 1920 FEET NORTH AND 200 FEET EAST FROM S1/4 CORNER, SECTION 16

BASQUE SPRING: SWSW, SECTION 31, T26S, R28E, W.M.; 1130 FEET NORTH AND 720 FEET EAST FROM SW CORNER, SECTION 31

Place of Use:

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 34

SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
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NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 36

TOWNSHIP 25 SOUTH, RANGE 28 EAST, W.M.

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 4  
SECTION 31

TOWNSHIP 25 SOUTH, RANGE 29 EAST, W.M.

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  GOV'T LOT 1  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  GOV'T LOT 2  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 3  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 4  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
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SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 1

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 2

TOWNSHIP 26 SOUTH, RANGE 28 EAST, W.M.

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 1

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 2

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

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

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 3

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 4

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

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

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

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

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$

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

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

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

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

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

SECTION 3

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$

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

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

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

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

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SECTION 4

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

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

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

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

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

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$

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

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

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

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SECTION 9

TOWNSHIP 26 SOUTH, RANGE 28 EAST, W.M.

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SECTION 10

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SECTION 11

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SECTION 12

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SECTION 13

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SECTION 14

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SECTION 15



NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
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SECTION 16

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
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SECTION 22

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
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SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
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NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
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SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
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SECTION 23

TOWNSHIP 26 SOUTH, RANGE 28 EAST, W.M.

NE ¼ NE ¼  
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SECTION 24

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SECTION 25

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SECTION 26

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 34

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
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SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
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SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 35

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
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SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 36

TOWNSHIP 26 SOUTH, RANGE 28 EAST, W.M.

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 3  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 4  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 5  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 6  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 7  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 6

TOWNSHIP 26 SOUTH, RANGE 29 EAST, W.M.

NW ¼ NW ¼ GOV'T LOT 1  
SW ¼ NW ¼ GOV'T LOT 2  
NW ¼ SW ¼ GOV'T LOT 3  
SW ¼ SW ¼ GOV'T LOT 4  
SE ¼ SW ¼  
SECTION 7

SE ¼ SW ¼  
SECTION 17

NE ¼ NW ¼  
NW ¼ NW ¼ GOV'T LOT 1  
SW ¼ NW ¼ GOV'T LOT 2  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼ GOV'T LOT 3  
SW ¼ SW ¼ GOV'T LOT 4  
SE ¼ SW ¼  
SECTION 18

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼ GOV'T LOT 1  
SW ¼ NW ¼ GOV'T LOT 2  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼ GOV'T LOT 3  
SW ¼ SW ¼ GOV'T LOT 4  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 19

SW ¼ NE ¼  
NE ¼ NW ¼  
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NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
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NE ¼ SE ¼  
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SECTION 20

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 25

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SECTION 28

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 29

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 1  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 2  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 3  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 4  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$

SECTION 30

TOWNSHIP 26 SOUTH, RANGE 29 EAST, W.M.

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼ GOV'T LOT 1  
SW ¼ NW ¼ GOV'T LOT 2  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼ GOV'T LOT 3  
SW ¼ SW ¼ GOV'T LOT 4  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 31

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 32

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 33

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 34

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 35

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 36

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
SECTION 26

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 3  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 4  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 5  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 1  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 2  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 6  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 7  
SECTION 27

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 3  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 4  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 1  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 2  
SECTION 28

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 3  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 4  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 1  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 2  
SECTION 29

TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.



NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ SW ¼ GOV'T LOT 7  
NW ¼ SW ¼ GOV'T LOT 3  
SW ¼ SW ¼ GOV'T LOT 4  
NE ¼ SE ¼ GOV'T LOT 8  
SW ¼ SE ¼ GOV'T LOT 5  
NW ¼ SE ¼ GOV'T LOT 6  
SW ¼ SE ¼ GOV'T LOT 9

SECTION 30

NE ¼ NW ¼ GOV'T LOT 1  
NW ¼ NW ¼ GOV'T LOT 2

SECTION 31

NW ¼ NW ¼ GOV'T LOT 1

SECTION 34

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼ GOV'T LOT 3  
SE ¼ NE ¼ GOV'T LOT 4  
NE ¼ NW ¼ GOV'T LOT 1  
NW ¼ NW ¼ GOV'T LOT 2

SECTION 35

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NE ¼ SW ¼ GOV'T LOT 3  
NW ¼ SW ¼ GOV'T LOT 4  
NE ¼ SE ¼ GOV'T LOT 1  
NW ¼ SE ¼ GOV'T LOT 2

SECTION 36

TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.

NE ¼ SW ¼ GOV'T LOT 4  
NW ¼ SW ¼ GOV'T LOT 3  
SE ¼ SW ¼ GOV'T LOT 5  
NW ¼ SE ¼  
SW ¼ SE ¼ GOV'T LOT 6

SECTION 31

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

NW ¼ NW ¼ GOV'T LOT 1  
SECTION 1

NE ¼ NE ¼ GOV'T LOT 1  
NW ¼ NE ¼ GOV'T LOT 2  
SW ¼ NE ¼ GOV'T LOT 5  
SE ¼ NE ¼

NE ¼ NW ¼ GOV'T LOT 3  
NW ¼ NW ¼ GOV'T LOT 4  
SW ¼ NW ¼  
SE ¼ NW ¼

NW ¼ SE ¼ GOV'T LOT 6  
SW ¼ SE ¼ GOV'T LOT 7  
SECTION 2

NE ¼ NE ¼ GOV'T LOT 1  
NW ¼ NE ¼ GOV'T LOT 2  
SW ¼ NE ¼  
SE ¼ NE ¼

NE ¼ NW ¼ GOV'T LOT 3  
NE ¼ NE ¼ GOV'T LOT 4  
SW ¼ NW ¼  
SE ¼ NW ¼  
SECTION 3

NE ¼ NE ¼ GOV'T LOT 1  
NW ¼ NE ¼ GOV'T LOT 2  
SW ¼ NE ¼  
SE ¼ NE ¼

NE ¼ NW ¼ GOV'T LOT 3  
NW ¼ NW ¼ GOV'T LOT 4  
SECTION 4

NW ¼ NE ¼ GOV'T LOT 2  
NE ¼ NW ¼ GOV'T LOT 3  
NW ¼ NW ¼ GOV'T LOT 4  
SECTION 6

NE ¼ NW ¼ GOV'T LOT 1  
SE ¼ NW ¼ GOV'T LOT 2  
NE ¼ NW ¼ GOV'T LOT 3  
NW ¼ SW ¼ GOV'T LOT 4  
SW ¼ SW ¼ GOV'T LOT 5  
SECTION 11

NW ¼ NW ¼ GOV'T LOT 1  
SW ¼ NW ¼ GOV'T LOT 2  
NE ¼ SW ¼ GOV'T LOT 3  
NW ¼ SW ¼  
SE ¼ SW ¼ GOV'T LOT 4  
SECTION 14

TOWNSHIP 27 SOUTH, RANGE 29 EAST, W.M.

NW ¼ NE ¼ GOV'T LOT 2  
SW ¼ NE ¼ GOV'T LOT 3  
SE ¼ NE ¼ GOV'T LOT 4  
NE ¼ NW ¼ GOV'T LOT 1  
    NW ¼ NW ¼  
    SE ¼ NW ¼  
    NE ¼ SE ¼  
    NW ¼ SE ¼  
    SE ¼ SE ¼  
SECTION 23

NW ¼ SW ¼ GOV'T LOT 1  
SW ¼ SW ¼ GOV'T LOT 2  
SE ¼ SW ¼ GOV'T LOT 3  
SECTION 24

NW ¼ NE ¼ GOV'T LOT 2  
    SW ¼ NE ¼  
SE ¼ NE ¼ GOV'T LOT 3  
    NE ¼ NW ¼  
    NW ¼ NW ¼  
    NE ¼ SE ¼  
SECTION 25

TOWNSHIP 27 SOUTH, RANGE 29 EAST, W.M.

NW ¼ SW ¼ GOV'T LOT 1  
SW ¼ SW ¼ GOV'T LOT 2  
SECTION 25

NW ¼ SW ¼ GOV'T LOT 1  
SW ¼ SW ¼ GOV'T LOT 2  
SECTION 28

NE ¼ SW ¼ GOV'T LOT 3  
NW ¼ SW ¼ GOV'T LOT 4  
    SW ¼ SW ¼  
    SE ¼ SW ¼  
NE ¼ SE ¼ GOV'T LOT 1  
NW ¼ SE ¼ GOV'T LOT 2  
    SW ¼ SE ¼  
    SE ¼ SE ¼  
SECTION 29

SW ¼ SW ¼ GOV'T LOT 4  
SW ¼ SW ¼ GOV'T LOT 5  
SE ¼ SW ¼ GOV'T LOT 3  
SW ¼ SE ¼ GOV'T LOT 2  
SE ¼ SE ¼ GOV'T LOT 1  
SECTION 30

TOWNSHIP 27 SOUTH, RANGE 29.5 EAST, W.M.

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 32

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 1  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  GOV'T LOT 2  
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 3  
    NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
    SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
    SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 4  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 5  
SECTION 33

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 1  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 2  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 3  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 4  
SECTION 34

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 1  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 2  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 3  
SECTION 35

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  GOV'T LOT 1  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  GOV'T LOT 2  
    SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 4  
    NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  GOV'T LOT 3  
SECTION 36

TOWNSHIP 27 SOUTH, RANGE 29.5 EAST, W.M.

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  GOV'T LOT 6  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  GOV'T LOT 7  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  GOV'T LOT 5  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 1  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 4  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 8  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 9  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 2  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  GOV'T LOT 3  
SECTION 8

TOWNSHIP 27 SOUTH, RANGE 30 EAST, W.M.

NE ¼ NE ¼ GOV'T LOT 1  
NE ¼ NE ¼ GOV'T LOT 5  
SE ¼ NE ¼ GOV'T LOT 6  
SE ¼ NE ¼ GOV'T LOT 2  
NW ¼ SW ¼ GOV'T LOT 11  
SW ¼ SW ¼  
SE ¼ SW ¼ GOV'T LOT 10  
NE ¼ SE ¼ GOV'T LOT 3  
NE ¼ SE ¼ GOV'T LOT 7  
SW ¼ SE ¼ GOV'T LOT 9  
SE ¼ SE ¼ GOV'T LOT 8  
SE ¼ SE ¼ GOV'T LOT 4  
SECTION 17

SE ¼ NE ¼ GOV'T LOT 1  
SE ¼ NE ¼ GOV'T LOT 2  
SW ¼ SE ¼ GOV'T LOT 3  
SE ¼ SE ¼  
SECTION 18

NE ¼ NE ¼  
NW ¼ NE ¼ GOV'T LOT 4  
SW ¼ NE ¼  
SE ¼ NE ¼  
SE ¼ NW ¼ GOV'T LOT 1  
NE ¼ SW ¼ GOV'T LOT 2  
SW ¼ SW ¼ GOV'T LOT 3  
SE ¼ SW ¼  
SECTION 19

SE ¼ NW ¼ GOV'T LOT 1  
NE ¼ SW ¼ GOV'T LOT 2  
NW ¼ NE ¼ GOV'T LOT 8  
SW ¼ NE ¼ GOV'T LOT 3  
SE ¼ NE ¼  
NE ¼ NW ¼ GOV'T LOT 7  
NW ¼ NW ¼ GOV'T LOT 6  
SW ¼ NW ¼ GOV'T LOT 5  
SE ¼ NW ¼ GOV'T LOT 4  
SECTION 20

NE ¼ NW ¼  
NW ¼ NW ¼ GOV'T LOT 1  
SW ¼ NW ¼ GOV'T LOT 2  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼ GOV'T LOT 3  
SW ¼ SW ¼ GOV'T LOT 4  
SE ¼ SW ¼  
SECTION 30

TOWNSHIP 27 SOUTH, RANGE 30 EAST, W.M.

NE ¼ NE ¼ GOV'T LOT 1  
NE ¼ NE ¼ GOV'T LOT 5  
NE ¼ NW ¼ GOV'T LOT 3  
NW ¼ NE ¼ GOV'T LOT 4  
NW ¼ NE ¼ GOV'T LOT 2  
SW ¼ NE ¼ GOV'T LOT 7  
SE ¼ NE ¼ GOV'T LOT 6  
SW ¼ NW ¼ GOV'T LOT 9  
SE ¼ NW ¼ GOV'T LOT 8  
SECTION 1

NE ¼ NE ¼ GOV'T LOT 1  
NW ¼ NE ¼ GOV'T LOT 2  
NW ¼ NE ¼ GOV'T LOT 7  
SW ¼ NE ¼ GOV'T LOT 10  
NE ¼ NE ¼ GOV'T LOT 8  
SE ¼ NE ¼ GOV'T LOT 9  
SECTION 2

TOWNSHIP 28 SOUTH, RANGE 29.75 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 20, 2015**

**PUBLIC NOTICE DATE: Tuesday, February 10, 2015**

**30 DAY COMMENT DEADLINE DATE: Thursday, March 12, 2015**

# Mailing List for IR Copies

Application #S-87945

IR Date: February 6, 2015

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**Original and map mailed to applicant:**

US FISH AND WILDLIFE SERVICE; MALHEUR NATIONAL WILDLIFE REFUGE, 911 NE 11<sup>th</sup> Ave, PORTLAND, OR 97232-4181

**SENT VIA EMAIL:**

1. WRD -Watermaster # 10
2. ODFW
3. DEQ
4. Applicant - tim\_mayer@fws.gov

Copies sent to:

1. WRD - Water Availability: Shawn Ortiz-Turner

IR, Map, and Fact Sheet Copies sent to:

2. WRD - File # S-87945
3. Department of Agriculture

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

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

1. Gary Ball ?

Caseworker: Kim French

COPYSHT.IR

## APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to take and use the waters of Oregon, a citizen must first obtain a permit from the Water Resources Department. The water must be used for beneficial purpose - without waste. To become well-informed about water right topics, weekly public notice, forms and fees please visit our web site at [www.wrd.state.or.us](http://www.wrd.state.or.us)

**1. Pre-application considerations**

- follow instructions in the application packet
- if you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Information Group (WRIG) at 503-986-0801

**2. Application filing**

- application with fee is received by the Department
- Department determines completeness of application
- if use is not allowed by statute (ORS 538), the application and fees are returned to the applicant
- incomplete application and fees are returned to the applicant
- only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing

**3. Initial Review (IR)**

- caseworker reviews application by considering basin plans, water availability, statutory restrictions and all other appropriate factors
- caseworker sends IR report to applicant
- contact the caseworker if you have questions about the IR
- seven days after date of the IR, it is included in Department's weekly Public Notice
- public comments must be submitted within 30 days after the Public Notice
- **administrative hold** may be requested in writing by applicant

**4. Proposed Final Order (PFO)**

- caseworker evaluates application against required criteria and develops draft permit, if appropriate
- PFO includes instructions for filing of protests
- caseworker considers public comments and mails PFO to applicant
- the PFO is included in Department's weekly Public Notice
- public protests to the PFO must be submitted within 45 days after the Public Notice

**Stop Processing deadline is within 14 days of Initial Review - use the form below**  
 - applicant may request no further action and fee refund of all but \$225

**STOP PROCESSING REQUEST FOR  
GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

Applicant notification to withdraw Water Right Application # \_\_\_\_\_

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$225 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application

Signature \_\_\_\_\_ date \_\_\_\_\_

Signature \_\_\_\_\_ date \_\_\_\_\_

*Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$225 examination fee) be returned.*

This notice must be received at Water Resources Department by \_\_\_\_\_

Return the notice to: OWRD, Water Rights Division  
 STOP PROCESSING



725 Summer Street, NE - Suite A  
Salem OR 97301-1271

**5. Final Order (FO)**

- if no protest is filed, Final Order is issued

***The protest process***

If one or more protests are filed, permit process consists of:

- settlement discussion
- contested case hearing
- proposed order
- period of time to file exceptions
- possible hearing by Water Resources Commission
- final order issued

***Permit holder responsibilities***

- comply with all water use conditions of the permit
- advise Department of address change or assignment to new permit holder
- if need arises, request extension of time or authorize cancellation of permit
- submit timely claim of beneficial use (COBU) to Department
- most permits require COBU to be prepared by a Certified Water Right Examiner
- permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions