



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

December 19, 2006

LLOYD AND LOIS PIERCY
33927 RIVERVIEW DR
HERMISTON, OR 97838

Reference: File S-86717

Dear Mr. and Mrs. Piercy:

**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 proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from Columbia River, a tributary of Pacific Ocean for primary irrigation use on 960.0 acres and supplemental irrigation use on 2289.4 acres is allowable under the Columbia Basin Program.
3. Surface water is available in the amount (52.6 cubic feet per second) and for the full period requested (October 1 through April 14).
4. The period of use allowed for primary irrigation and supplemental irrigation, which includes raising the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season, is October 1 through April 14.
5. The Department has determined portions of the underlying primary water right for which supplemental irrigation was requested have been temporarily transferred to other lands. Use of water for supplemental irrigation as allowed herein may not occur until or unless there is an underlying primary water right.

Summary of Initial Determinations

The use of 52.6 cubic feet per second (CFS), being 24.0 CFS for primary irrigation use on 960.0 acres, and 28.6 CFS for supplemental irrigation use on 2289.4 acres, which includes raising the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season, from Columbia River, a tributary of Pacific Ocean, may be allowed October 1 through April 14.

Because of these favorable determinations, the Department can now move your application to the next phase of the 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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, January 2, 2007**. 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 meter or other suitable measuring device as approved by the Director. 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 amount of water used for *primary irrigation* under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second and 1.5 acre-feet for each acre irrigated during the period from November 1 through February 29, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.5 acre-feet for each acre irrigated in any one year.
 5. The amount of water used for *supplemental irrigation* under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 1.5 acre-feet for each acre irrigated during the period from November 1 through February 29, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 3.0 acre-feet for each acre irrigated in any one year.
 6. 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.
 7. The supplemental use allowed herein may, in the interest of conserving ground water supplies, be exercised at times even when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.
 8. 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.

The applicant structured the requested period of use to avoid limitations on water availability under OAR 690-033, however, 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 503-986-0859 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,



Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86717
WAB 7-Columbia River
POU 7-Columbia River
GW

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86717

Applicant: LLOYD PIERCY

County: Umatilla

Watermaster: 5

Priority Date: November 17, 2006

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: PRIMARY IRRIGATION USE ON 960.0 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 2289.4 ACRES

Quantity: 81.2 CUBIC FEET PER SECOND

Basin Name & Number: Columbia, #19

Stream Index Reference: Volume 3A COLUMBIA R & MISC

Point of Diversion or Well Location(s): SWNW, SECTION 8, T5N, R30E, W.M.;2910 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼		18.8 ACRES
NW ¼ NE ¼		36.4 ACRES
SW ¼ NE ¼		17.6 ACRES
SE ¼ NE ¼		33.2 ACRES
NE ¼ NW ¼		27.6 ACRES
NW ¼ NW ¼		0.6 ACRES
SW ¼ NW ¼		0.2 ACRES
SE ¼ NW ¼		7.2 ACRES
	SECTION 4	
NE ¼ NE ¼		35.4 ACRES
NW ¼ NE ¼		28.0 ACRES
SW ¼ NE ¼		29.6 ACRES
SE ¼ NE ¼		27.2 ACRES

SECTION 5

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NW ¼		30.4 ACRES
NW ¼ NW ¼		35.4 ACRES
SW ¼ NW ¼		36.6 ACRES
SE ¼ NW ¼		33.2 ACRES
NE ¼ SW ¼		32.0 ACRES
NW ¼ SW ¼		35.4 ACRES
SW ¼ SW ¼		39.9 ACRES
SE ¼ SW ¼		28.8 ACRES

SECTION 27

NE ¼ NE ¼	39.2 ACRES
NW ¼ NE ¼	39.6 ACRES
SW ¼ NE ¼	36.4 ACRES
SE ¼ NE ¼	34.0 ACRES
NE ¼ NW ¼	34.4 ACRES
NW ¼ NW ¼	31.6 ACRES
SW ¼ NW ¼	32.2 ACRES
SE ¼ NW ¼	30.8 ACRES
NE ¼ SW ¼	40.0 ACRES
NW ¼ SW ¼	31.6 ACRES
SW ¼ SW ¼	30.9 ACRES
SE ¼ SW ¼	40.0 ACRES
NE ¼ SE ¼	40.0 ACRES
NW ¼ SE ¼	38.0 ACRES
SW ¼ SE ¼	32.4 ACRES
SE ¼ SE ¼	39.8 ACRES

SECTION 28

NE ¼ NE ¼	38.4 ACRES
NW ¼ NE ¼	31.1 ACRES
SW ¼ NE ¼	32.0 ACRES
SE ¼ NE ¼	33.0 ACRES
NE ¼ SE ¼	32.0 ACRES
NW ¼ SE ¼	30.4 ACRES
SW ¼ SE ¼	31.4 ACRES
SE ¼ SE ¼	42.2 ACRES

SECTION 29

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼	40.0 ACRES	
NW ¼ NE ¼	40.0 ACRES	
SW ¼ NE ¼	40.0 ACRES	
SE ¼ NE ¼	40.0 ACRES	
NE ¼ SE ¼	40.0 ACRES	
NW ¼ SE ¼	40.0 ACRES	
SW ¼ SE ¼	40.0 ACRES	
SE ¼ SE ¼	40.0 ACRES	
	SECTION 30	
NE ¼ NE ¼	40.0 ACRES	
NW ¼ NE ¼	40.0 ACRES	
SW ¼ NE ¼	40.0 ACRES	
SE ¼ NE ¼	40.0 ACRES	
NE ¼ SE ¼	40.0 ACRES	
NW ¼ SE ¼	40.0 ACRES	
SW ¼ SE ¼	40.0 ACRES	
SE ¼ SE ¼	40.0 ACRES	
	SECTION 31	
NE ¼ NE ¼		31.4 ACRES
NW ¼ NE ¼		15.2 ACRES
SW ¼ NE ¼		38.8 ACRES
SE ¼ NE ¼		35.0 ACRES
NE ¼ NW ¼	40.0 ACRES	
NW ¼ NW ¼	40.0 ACRES	
SW ¼ NW ¼	40.0 ACRES	
SE ¼ NW ¼	40.0 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	
NE ¼ SE ¼		36.0 ACRES
NW ¼ SE ¼		35.2 ACRES
SW ¼ SE ¼		10.5 ACRES
SE ¼ SE ¼		16.0 ACRES
	SECTION 32	

<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼	37.2 ACRES
NW ¼ NE ¼	38.8 ACRES
SW ¼ NE ¼	40.0 ACRES
SE ¼ NE ¼	34.4 ACRES
NE ¼ NW ¼	38.1 ACRES
NW ¼ NW ¼	39.4 ACRES
SW ¼ NW ¼	38.5 ACRES
SE ¼ NW ¼	39.1 ACRES
NE ¼ SW ¼	24.1 ACRES
NW ¼ SW ¼	40.0 ACRES
SW ¼ SW ¼	24.4 ACRES
SE ¼ SW ¼	17.4 ACRES
NE ¼ SE ¼	18.8 ACRES
NW ¼ SE ¼	39.0 ACRES
SW ¼ SE ¼	13.2 ACRES
SE ¼ SE ¼	22.4 ACRES

SECTION 33

NE ¼ NW ¼	38.6 ACRES
NW ¼ NW ¼	38.5 ACRES
SW ¼ NW ¼	37.0 ACRES
SE ¼ NW ¼	34.0 ACRES
NE ¼ SW ¼	12.8 ACRES
NW ¼ SW ¼	27.9 ACRES
SW ¼ SW ¼	2.8 ACRES

SECTION 34

TOWNSHIP 4 NORTH, RANGE 30 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, January 2, 2007

PUBLIC NOTICE DATE: Tuesday, December 19, 2006

30 DAY COMMENT DEADLINE DATE: Monday, January 22, 2007