



October 20, 2017

CARL ST HILAIRE
ST HILAIRE BROTHERS HERMISTON FARM LLC
84186 HIGHWAY 37
HERMISTON, OR 97838

Reference: File S-88458

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 the water-use permit application and to describe the 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 supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the diversion of 66.44 cubic feet per second (CFS) of water from Columbia River, a tributary of Pacific Ocean being 20.99 CFS for primary irrigation of 839.65 acres and 45.45 CFS for supplemental irrigation on 3635.85 acres October 1 through April 14 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water from Columbia River, a tributary of Pacific Ocean for primary irrigation and supplemental irrigation is allowable under the Umatilla Basin Program (OAR 690-519-0000).
4. Surface water is available year-round.
5. OAR 690-033-0120(2) prohibits the diversion of water from April 15 through September 30 of each year.
6. Supplemental irrigation indicates lands that have an existing irrigation right(s) and another water authorization *from a different source* is being sought. The Department has determined that supplemental irrigation on 521.29 acres of the 3635.85 acres requested for this application are not allowable because the source is the same as the underlying right.

7. The standard allowable rate for irrigation use from surface water is 1/80 CFS per acre. If the application is approved, the rate allowed will be limited to 55.94 CFS.
8. Because this application will have an impact on surface water flows where the Oregon Department of Fish and Wildlife (ODFW) has identified that sensitive, threatened or endangered fish are present, this application will be reviewed by at least ODFW and the Department of Environmental Quality in accordance with OAR 690-033 rules. This review could have an impact on the eventual outcome of your application. This review could cause your application to be proposed for denial, the season of use to be shortened or impacted in some other way when the Department issues a proposed final order at the next stage of processing.

Summary of Initial Determinations

The diversion of 55.94 CFS of water from Columbia River, a tributary of Pacific Ocean for primary irrigation and supplemental irrigation on the following:

Acres	Use	Availability
839.65	Primary Irrigation	October 1 to April 14
3635.85	Primary Irrigation	November 1 - February 28
521.29	Supplemental Irrigation	October 1 - 31 & March 1- April 14

To Proceed With the Application:

If you choose to proceed with the application, you do not have to notify the Department. The 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 the application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, November 3, 2017**. 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 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.
3. 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. Be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of the application.

The water source identified in the 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/programs/NaturalResources/Pages/AgWaterQuality.aspx> to learn more about the plans and how they may affect the proposed water use.

If you have any questions:

Feel free to call me at 503-986-0899 if you have any questions regarding the contents of this letter or the application. Please have the 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: Scott Grew, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Scott Grew
Water Right Application Specialist

enclosures: Application Process Description and Stop Processing Request Form

S-88458
WAB 7- Columbia
POU 7- Columbia
GW

APPLICATION FACT SHEET

Application File Number: S-88458

Applicant: CARL ST HILAIRE / ST HILAIRE BROTHERS HERMISTON FARM LLC

County: Umatilla

Watermaster: 5

Priority Date: September 8, 2017

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: PRIMARY IRRIGATION OF 839.65 ACRES; SUPPLEMENTAL IRRIGATION OF 3635.85 ACRES

Quantity: 55.94 CUBIC FEET PER SECOND

Basin Name & Number: UMATILLA, #7

Stream Index Reference: Volume 3A COLUMBIA R & MISC

Point of Diversion or Well Location(s): SWNW SECTION 8, T5N, R30E, W.M.; 2920 FEET NORTH AND 150 FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

Township	Range	Sec	Q-Q	Acres	Primary Irrigation	Supplemental Irrigation
4 North	30 East	3	NE NE	27.68	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	NW NE	23.03	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SW NE	28.56	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SE NE	33.32	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	NE NW	29.00	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	NW NW	29.48	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SW NW	26.56	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SE NW	21.89	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	NE SW	31.50	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	NW SW	40.65	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SW SW	39.97	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SE SW	39.56	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	NE SE	38.27	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	NW SE	33.39	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SW SE	39.46	November 1 - February 28/29	October 1 - 31 & March 1- April 14
4 North	30 East	3	SE SE	38.97	November 1 - February 28/29	October 1 - 31 & March 1- April 14
5 North	30 East	15	NE SW	33.70	November 1 - February 28/29	
5 North	30 East	15	NW SW	31.60	November 1 - February 28/29	
5 North	30 East	15	SW SW	34.50	November 1 - February 28/29	
5 North	30 East	15	SE SW	32.40	November 1 - February 28/29	
5 North	30 East	20	SW NE	2.40	November 1 - February 28/29	

5 North	30 East	20	NE NW	0.30	November 1 - February 28/29	
5 North	30 East	20	NW NW	1.20	November 1 - February 28/29	
5 North	30 East	20	SW NW	37.60	November 1 - February 28/29	
5 North	30 East	20	SE NW	24.10	November 1 - February 28/29	
5 North	30 East	20	NE SW	35.00	November 1 - February 28/29	
5 North	30 East	20	NW SW	32.40	November 1 - February 28/29	
5 North	30 East	20	SW SW	38.40	November 1 - February 28/29	
5 North	30 East	20	SE SW	30.40	November 1 - February 28/29	
5 North	30 East	20	NE SE	16.00	November 1 - February 28/29	
5 North	30 East	20	NW SE	40.40	November 1 - February 28/29	
5 North	30 East	20	SW SE	39.60	November 1 - February 28/29	
5 North	30 East	20	SE SE	33.60	November 1 - February 28/29	
5 North	30 East	21	NE NE	31.60	November 1 - February 28/29	
5 North	30 East	21	NW NE	33.80	November 1 - February 28/29	
5 North	30 East	21	SW NE	39.20	November 1 - February 28/29	
5 North	30 East	21	SE NE	30.80	November 1 - February 28/29	
5 North	30 East	21	NE NW	31.60	November 1 - February 28/29	
5 North	30 East	21	NW NW	33.60	November 1 - February 28/29	
5 North	30 East	21	SW NW	34.40	November 1 - February 28/29	
5 North	30 East	21	SE NW	37.80	November 1 - February 28/29	
5 North	30 East	21	NE SW	39.40	November 1 - February 28/29	
5 North	30 East	21	NW SW	34.20	November 1 - February 28/29	
5 North	30 East	21	SW SW	30.20	November 1 - February 28/29	
5 North	30 East	21	SE SW	26.40	November 1 - February 28/29	
5 North	30 East	21	NE SE	38.80	November 1 - February 28/29	
5 North	30 East	21	NW SE	35.60	November 1 - February 28/29	
5 North	30 East	21	SW SE	37.60	November 1 - February 28/29	
5 North	30 East	21	SE SE	33.20	November 1 - February 28/29	
5 North	30 East	22	NE NE	4.90	October 1 to April 14	
5 North	30 East	22	NW NE	16.28	October 1 to April 14	
5 North	30 East	22	SE NE	28.00	October 1 to April 14	
5 North	30 East	22	SE SW	3.67	October 1 to April 14	
5 North	30 East	22	NE SE	40.35	October 1 to April 14	
5 North	30 East	22	NW SE	32.56	October 1 to April 14	
5 North	30 East	22	SW SE	33.78	October 1 to April 14	
5 North	30 East	22	SE SE	21.87	October 1 to April 14	
5 North	30 East	22	NE NW	33.20	November 1 - February 28/29	
5 North	30 East	22	NW NW	32.50	November 1 - February 28/29	
5 North	30 East	22	SW NW	34.40	November 1 - February 28/29	
5 North	30 East	22	SE NW	30.80	November 1 - February 28/29	
5 North	30 East	22	NE SW	33.30	November 1 - February 28/29	
5 North	30 East	22	NW SW	34.50	November 1 - February 28/29	
5 North	30 East	22	SW SW	34.10	November 1 - February 28/29	
5 North	30 East	22	SE SW	30.90	November 1 - February 28/29	
5 North	30 East	23	NE NE	17.16	October 1 to April 14	
5 North	30 East	23	NW NE	13.05	October 1 to April 14	
5 North	30 East	23	SW NE	30.09	October 1 to April 14	
5 North	30 East	23	SE NE	36.95	October 1 to April 14	
5 North	30 East	23	NE NW	20.13	October 1 to April 14	
5 North	30 East	23	NW NW	36.55	October 1 to April 14	

5 North	30 East	23	SW NW	37.63	October 1 to April 14	
5 North	30 East	23	SE NW	20.91	October 1 to April 14	
5 North	30 East	23	NE SW	12.05	October 1 to April 14	
5 North	30 East	23	NW SW	22.15	October 1 to April 14	
5 North	30 East	23	SW SW	40.12	October 1 to April 14	
5 North	30 East	23	SE SW	33.52	October 1 to April 14	
5 North	30 East	23	NE SE	21.32	October 1 to April 14	
5 North	30 East	23	NW SE	31.45	October 1 to April 14	
5 North	30 East	23	SW SE	38.66	October 1 to April 14	
5 North	30 East	23	SE SE	27.34	October 1 to April 14	
5 North	30 East	26	NE NE	1.17	October 1 to April 14	
5 North	30 East	26	NW NE	33.95	October 1 to April 14	
5 North	30 East	26	SW NE	20.98	October 1 to April 14	
5 North	30 East	26	NE NW	27.72	October 1 to April 14	
5 North	30 East	26	NW NW	30.91	October 1 to April 14	
5 North	30 East	26	SW NW	15.66	October 1 to April 14	
5 North	30 East	26	SE NW	14.55	October 1 to April 14	
5 North	30 East	26	NW SW	1.96	October 1 to April 14	
5 North	30 East	27	NE NE	10.14	October 1 to April 14	
5 North	30 East	27	NW NE	8.57	October 1 to April 14	
5 North	30 East	27	SW NE	0.39	October 1 to April 14	
5 North	30 East	27	SE NE	27.97	October 1 to April 14	
5 North	30 East	27	NE NW	4.34	October 1 to April 14	
5 North	30 East	27	NE SE	20.55	October 1 to April 14	
5 North	30 East	27	NW SE	0.30	October 1 to April 14	
5 North	30 East	27	NE NE	8.35	November 1 - February 28/29	
5 North	30 East	27	NW NE	24.10	November 1 - February 28/29	
5 North	30 East	27	NE NW	34.30	November 1 - February 28/29	
5 North	30 East	27	NW NW	32.30	November 1 - February 28/29	
5 North	30 East	27	SW NW	37.50	November 1 - February 28/29	
5 North	30 East	27	SE NW	31.70	November 1 - February 28/29	
5 North	30 East	27	NE SW	0.10	November 1 - February 28/29	
5 North	30 East	27	NW SW	19.30	November 1 - February 28/29	
5 North	30 East	27	SW SW	6.90	November 1 - February 28/29	
5 North	30 East	27	SE SW	26.00	November 1 - February 28/29	
5 North	30 East	27	SW SE	10.70	November 1 - February 28/29	
5 North	30 East	27	SE SE	2.80	November 1 - February 28/29	
5 North	30 East	28	NE NE	36.00	November 1 - February 28/29	
5 North	30 East	28	NW NE	32.80	November 1 - February 28/29	
5 North	30 East	28	SW NE	25.70	November 1 - February 28/29	
5 North	30 East	28	SE NE	38.00	November 1 - February 28/29	
5 North	30 East	28	NE NW	39.20	November 1 - February 28/29	
5 North	30 East	28	NW NW	39.20	November 1 - February 28/29	
5 North	30 East	28	SW NW	25.00	November 1 - February 28/29	
5 North	30 East	28	SE NW	33.60	November 1 - February 28/29	
5 North	30 East	28	NE SW	41.20	November 1 - February 28/29	
5 North	30 East	28	NW SW	39.20	November 1 - February 28/29	
5 North	30 East	28	SW SW	19.60	November 1 - February 28/29	
5 North	30 East	28	SE SW	24.00	November 1 - February 28/29	
5 North	30 East	28	NE SE	31.00	November 1 - February 28/29	

5 North	30 East	28	NW SE	22.80	November 1 - February 28/29	
5 North	30 East	28	SW SE	4.70	November 1 - February 28/29	
5 North	30 East	28	SE SE	11.40	November 1 - February 28/29	
5 North	30 East	32	NE NE	0.80	November 1 - February 28/29	
5 North	30 East	32	SE NE	26.00	November 1 - February 28/29	
5 North	30 East	32	SE SW	33.20	November 1 - February 28/29	
5 North	30 East	32	NE SE	36.00	November 1 - February 28/29	
5 North	30 East	32	NW SE	31.20	November 1 - February 28/29	
5 North	30 East	32	SW SE	31.10	November 1 - February 28/29	
5 North	30 East	32	SE SE	32.80	November 1 - February 28/29	
5 North	30 East	33	NE NE	39.80	November 1 - February 28/29	
5 North	30 East	33	NW NE	18.80	November 1 - February 28/29	
5 North	30 East	33	SW NE	31.50	November 1 - February 28/29	
5 North	30 East	33	SE NE	34.30	November 1 - February 28/29	
5 North	30 East	33	NE NW	21.20	November 1 - February 28/29	
5 North	30 East	33	NW NW	1.70	November 1 - February 28/29	
5 North	30 East	33	SW NW	31.00	November 1 - February 28/29	
5 North	30 East	33	SE NW	39.30	November 1 - February 28/29	
5 North	30 East	33	NE SW	35.20	November 1 - February 28/29	
5 North	30 East	33	NW SW	36.80	November 1 - February 28/29	
5 North	30 East	33	SW SW	30.00	November 1 - February 28/29	
5 North	30 East	33	SE SW	32.80	November 1 - February 28/29	
5 North	30 East	33	NE SE	38.90	November 1 - February 28/29	
5 North	30 East	33	NW SE	38.20	November 1 - February 28/29	
5 North	30 East	33	SW SE	16.90	November 1 - February 28/29	
5 North	30 East	33	SE SE	16.30	November 1 - February 28/29	
5 North	30 East	34	NE NE	30.00	November 1 - February 28/29	
5 North	30 East	34	NW NE	36.40	November 1 - February 28/29	
5 North	30 East	34	SW NE	33.00	November 1 - February 28/29	
5 North	30 East	34	SE NE	28.50	November 1 - February 28/29	
5 North	30 East	34	NE NW	40.00	November 1 - February 28/29	
5 North	30 East	34	NW NW	35.80	November 1 - February 28/29	
5 North	30 East	34	SW NW	35.90	November 1 - February 28/29	
5 North	30 East	34	SE NW	30.00	November 1 - February 28/29	
5 North	30 East	34	NE SW	35.30	November 1 - February 28/29	
5 North	30 East	34	NW SW	37.80	November 1 - February 28/29	
5 North	30 East	34	SW SW	24.78	November 1 - February 28/29	
5 North	30 East	34	SE SW	22.39	November 1 - February 28/29	
5 North	30 East	34	NE SE	32.00	November 1 - February 28/29	
5 North	30 East	34	NW SE	32.40	November 1 - February 28/29	
5 North	30 East	34	SW SE	20.42	November 1 - February 28/29	
5 North	30 East	34	SE SE	13.12	November 1 - February 28/29	

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 3, 2017

PUBLIC NOTICE DATE: Tuesday, October 24, 2017

30 DAY COMMENT DEADLINE DATE: Thursday, November 23, 2017

Mailing List for IR Copies

Application # S - 8 8 4 5 8

IR Date: October 20, 2017

Original and map mailed to applicant:

CARL ST HILAIRE ST HILAIRE BROTHERS HERMISTON FARMLLC, 84186 HIGHWAY 37,
HERMISTON, OR 97838

SENT VIA EMAIL:

1. WRD -Watermaster # 5
2. ODFW
3. DEQ
4. Agent: Paul Wattenburger / IRZ Consulting LLC paul@irz.com

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
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Copies sent to:

1. WRD - Hydrographics

IR, Map, and Fact Sheet Copies sent to:

2. WRD - File # S-88458
3. Department of Agriculture
4. Columbia River Intertribal Fish Commission, Julie Carter,
729 NE Oregon St, Ste 200, Portland OR 97232
5. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
6. NW Power Planning Council, Fish & Wildlife Division, Karl Weist
851 SW Sixth Ave, Ste 1020, Portland OR 97204
7. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson
Nixyaawii Governance Center, 46411 Timine Way, Pendleton OR 97801
8. National Marine Fisheries Service, Spencer Hovekamp
3502 Hwy 30, La Grande, OR 97850

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

10. U.S. Army Corps of Engineers, 201 North Third Avenue, Walla Walla WA 99362-1876
11. Oregon Department of Transportation, 1327 SE 3rd, Pendleton OR 97801
12. Union Pacific Railroad, 1400 Douglas Street Stop 1690, Omaha, NE 1690
13. Bonneville Power Administration, 1520 Kelly Place Suite 100, Walla Walla WA 99362

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

Processor: Scott Grew

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

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

- c o n t e s t e d c a s e h e a r i n g

- 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