



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

## Water Right Application Initial Review

March 2, 2018

IMBLER FARMS, LLC  
PO BOX 7  
NORTH POWDER, OR 97867

Reference: S-88511

Application S-88511 proposes the diversion of 233.1 acre-feet (AF) of water from Howell Reservoir, applied for under Application R-88510, for primary irrigation of 28.9 acres and supplemental irrigation of 484.6 acres, March 1 through October 31 of each year.

### Summary

Surface water for primary irrigation of 28.9 acres and supplemental irrigation of 433.6 acres may be available contingent upon approval of Application R-88510.

Because of the favorable determinations described herein, Application S-88511 can move to the next phase of the water-rights application review process, which includes a public interest review. This initial review does not 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. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

**At this time, you must decide whether to proceed or to withdraw the application.**

### Proceed

If you choose to proceed with the application you do not have to notify the Department. The application will 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.

## Withdraw

You may withdraw the application and receive a refund (minus a \$260 processing charge per application). You must notify the Department in writing by **March 16, 2018**. For your convenience you may use the enclosed "STOP PROCESSING" form.

## Initial Review Preliminary Determinations (OAR 690-310-0080)

1. The application proposed the diversion of 233.1 AF of water from Howell Reservoir, applied for under Application R-85510, for primary irrigation of 28.9 acres and supplemental irrigation of 484.6 acres, March 1 through October 31 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 Howell Reservoir for irrigation and supplemental irrigation are uses authorized under the Umatilla Basin Program (690-507).
4. Surface water may be available for the full period requested, being March 1 through October 31 of each year.
5. Water in the amount of 233.1 AF from Howell Reservoir may be available for further appropriation contingent upon the approval of Application R-88510.
6. The proposed use is located above the Wallowa-Grande Ronde Scenic Waterway, as designated under Oregon Revised Statute 390.826.
7. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)
8. The application proposed supplemental irrigation of 484.6 acres however the existing primary only allows irrigation of 433.6 acres. Therefore the supplemental acreage is limited to 433.6 acres.
9. The season of use for the supplemental irrigation will be limited to that of the primary right.
10. The application deficiencies include location of POD from Howell Reservoir and a shortage of exam fees. See the **Additional Information Required** section below.

## Additional Information Required

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend permit approval. Please provide the following item(s):

1. The measured distance of the POD from Howell Reservoir measured from a recognized land survey corner.

- Additional exam fees are required prior to issuance of any Proposed Final Order that may recommend permit approval as the Department considers primary irrigation and supplemental irrigation separate uses. The total exam fee is \$2236.80, and the Department has received a total of \$956.80; please provide the additional fee of \$1280.00. (Please note, prior to permit issuance an additional \$520 for recording fees must be received, but this fee is not due at this time.)

Category	Fee
Base	\$ 930.00
Additional Use	\$ 350.00
233.1 Acre-Feet	\$ 956.80
<b>TOTAL EXAM FEES:</b>	<b>\$2236.80</b>

**Please submit the requested information listed above no later than April 5, 2018. If we do not receive the items listed above by April 5, 2018, the Department may reject the application and may refund fees.**

**If a Permit is Issued it will Likely Include the Following Conditions:**

- Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. A permit is subject to cancellation proceedings if the begin construction deadline is missed.
- You may be required to install, maintain, and operating fish screening and/or by-pass devices consistent with current ODFW standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass shall be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. A permit is subject to cancellation proceeding if water use begins before installation of fish screening and or by-pass devices.

If you have any questions:

Feel free to contact me at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0899 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. 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  
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form  
S-88511  
WAB: stored water

# APPLICATION FACT SHEET

Application File Number: S-88511

Applicant: IMBLER FARMS, LLC

County: UNION

Watermaster: SHAD HATTAN, DISTRICT 6

Priority Date: FEBRUARY 5, 2018

Source: HOWELL RESERVOIR

Use of the stored water: PRIMARY IRRIGATION of 28.9 ACRES and SUPPLEMENTAL IRRIGATION of 433.6 ACRES

Storage Facility Name: HOWELL RESERVOIR, APPLIED UNDER APPLICATION R-88511

Quantity: 233.1 ACRE-FEET

Basin Name & Number: Umatilla, # 7

WAB: GRANDE RONDE R > SNAKE R - AB WILLOW CR

Point of Diversion:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Pod #4	1 S	39 E	WM	28	NE SW	NONE GIVEN

Place of Use:

### Irrigation

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	39 E	WM	28	NW NW	1.1
1 S	39 E	WM	28	SW NW	27.8

### Supplemental Irrigation

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	39 E	WM	28	SW NE	39.0
1 S	39 E	WM	28	SE NE	37.0
1 S	39 E	WM	28	SW NW	17.6
1 S	39 E	WM	28	SE NW	17.5
1 S	39 E	WM	28	NE SW	17.9
1 S	39 E	WM	28	NW SW	41.0
1 S	39 E	WM	28	SW SW	19.0
1 S	39 E	WM	28	SE SW	32.1
1 S	39 E	WM	28	NE SE	32.5
1 S	39 E	WM	28	NW SE	40.0

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
1 S	39 E	WM	28	SW SE	39.6
1 S	39 E	WM	28	SE SE	37.9
1 S	39 E	WM	29	SW NE	2.2
1 S	39 E	WM	29	SE NE	18.0
1 S	39 E	WM	29	NE SE	37.2
1 S	39 E	WM	29	NW SE	5.1

**PUBLIC NOTICE DATE: March 6, 2018**

**14 DAY STOP PROCESSING DEADLINE DATE: March 16, 2018**

**30 DAY COMMENT DEADLINE DATE: April 5, 2018**

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

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information 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 Customer Service Group 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.
- An 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.
- Four 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.
- **An 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.

### ***5. Final Order (FO)***

- If no protest is filed, Final Order is issued.

### ***The protest process***

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

- settlement discussion;
- contested case hearing;
- proposed Order;
- period of time to file exceptions; or
- Possible hearing by Water Resources Commission.
- Final Order is 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 the 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



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

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- Stop processing deadline is within 14 days of Initial Review.
- Applicant may request no further action and fee refund of all but \$260.
- Applicant notification to withdraw Water Right Application **S-88511**.
- After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$260 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 \$260 examination fee) be returned.
- This notice must be received at Water Resources Department by:

**March 16, 2018**

- Return the notice to:

OWRD, Water Right Services Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A,  
Salem OR, 97301-1271

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