

Permit Amendment

RA

T-14084

Name City of Umatilla
c/o David Stockdale
 Address 700 16th Street
Umatilla, OR 97882
david@umatilla-city.org

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Columbia RiverTrib. of Pacific OceanUse Municipal UsesCounty Umatilla

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-54855Per # S-41444Cert # —PR Date 10/5/1976

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in POD
 Date Filed 9-16-2022
 Initial notice date 9-13-2022
 DPD issued date
 PD issued date
 PD notice date
 Date of FO 11/7/2023 Vol 129 Page 322-25
 C-Date
 COBU due date
 COBU Received date
 Certificate issued

FEES PAID		
Date	Amount	Receipt #
9-6-2022	\$1,360.00	139066
9-16-2022	\$125.00	139065
9-22-2022	\$1,039.67	139179

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District West Extension Irrigation DistrictAgent Bob Long, CWRE ; Peter Mohr, Attorney

CWRE

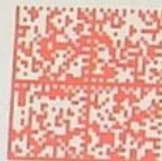
CC's list Umatilla County ; City of Hermiston ; Confederated Tribes of the Umatilla Indian Reservation (CTUIR)☐ - Oversized map - Location

Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE Ste A
Salem, OR 97301-1266

T-14084

Presort
First Class Mail
ComBasPrice



US POSTAGE PAID PITNEY BOWES



ZIP 97301 \$ 000.45⁵
02 4W
0000361800 SEP 12 2022

RECEIVED

SEP 19 2022

OWRD

WEST EXTENSION IRRIGATION DISTRICT
PO BOX 100
840 E. HWY 730
IRRIGON, OR 97844

RECEIVED

SEP 19 2022

OWRD

NIXIE 971 DE 1260 0009/18/22

RETURN TO SENDER
NO MAIL RECEIPT
UNABLE TO FORWARD

NMR

97301>1266
HLB-A5B 97844

BC: 97301126673 *1579-07816-18-16



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

November 7, 2023

CITY OF UMATILLA
ATTN DAVID STOCKDALE
700 6TH STREET
UMATILLA, OR 97882

REFERENCE: Permit Amendment Application T-14084

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support

Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
West Extension Irrigation District
City of Hermiston
Bob Long, Peter D. Mohr, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER APPROVING A CHANGE IN
T-14084, UMATILLA County)	POINTS OF DIVERSION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

Applicant

CITY OF UMATILLA
ATTN DAVID STOCKDALE
700 6TH STREET
UMATILLA, OR 97882

Findings of Fact

1. On September 6, 2022, CITY OF UMATILLA filed an application to change the points of diversion under Permit S-41444. The Department assigned the application number T-14084.
2. On May 4, 1983, the Department approved an extension of time for complete application of water to October 1, 1984.
3. On January 28, 1985, the Department approved an extension of time for complete application of water to October 1, 1989.
4. On February 14, 1990, the Department approved an extension of time for complete application of water to October 1, 1994.
5. On February 2, 1995, the Department approved an extension of time for complete application of water to October 1, 1999.
6. On August 24, 2012, the Department approved an extension of time for complete application of water to October 1, 2055.
7. On February 14, 2020, the Department approved a WMCP Plan for the permit. The Plan is in effect until February 14, 2030. The limitation of the diversion of water under Permit S-41444 established by the extension of time approved on August 24, 2012, is removed and, subject

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

to other limitations or conditions of the permit, the City of Umatilla is authorized to divert up to 23.0 cfs (out of the total permitted 23.0 cfs) under Permit S-41444.

Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit S-41444 during review of the City's next Water Management and Conservation Plan update.

a. Water Reuse and Recycling

- i. Within five (5) years, the City shall identify reuse projects and begin construction on a pipeline that will enable reuse of industrial cooling water for irrigation purposes and identify opportunities for reuse at the wastewater treatment plan.

b. Technical and Financial Customer Assistance Program

- ii. Within five (5) years, the City shall include a statement on the City's website with contact information that makes the public aware that City staff are available to offer water conservation technical assistance.

c. Supplier Finance Retrofitting and Replacement Program

- iii. Within five (5) years, the City shall develop and implement a Fixture Replacement and Residential Conservation kit/rebate program.

- 8. Notice of the application for the permit amendment was published in the Department's weekly notice on September 13, 2022, and in the East Oregonian newspaper on October 12 and 19, 2023, pursuant to ORS 540.520(5).

- 9. On February 22, 2023, the agent for the applicant submitted an amended table 2 via email to the Department, requesting the place of use table of the permit be described as follows:

MUNICIPAL USES
Within City of Umatilla Service Area

- 10. Permit Amendment Application T-14084 proposes to move the authorized point of diversion upstream and downstream with approximate distances from the existing point of diversion as follows:

Twps	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Auth POD
5 N	28 E	WM	10	NW SE	POD 4 (GC) - 1930 FEET NORTH AND 320 FEET WEST FROM THE SE CORNER OF SECTION 10	Downstream 0.64 mi
5 N	28 E	WM	10	NW SE	POD 5 (RWS) - 1970 FEET NORTH AND 280 FEET WEST FROM THE SE CORNER OF SECTION 10	Downstream 0.65 mi
5 N	29 E	WM	7	NE SE	POD 2 (CTUIR-1) - 1900 FEET NORTH AND 2730 FEET EAST FROM THE SW CORNER OF SECTION 7	Upstream 1.97 mi
5 N	29 E	WM	7	NE SE	POD 3 (CTUIR-2) - 1930 FEET NORTH AND 2610 FEET EAST FROM THE SW CORNER OF SECTION 7	Upstream 1.95 mi

- 11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and

that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Permit Amendment Review Criteria

12. The changes would not result in injury to other water rights.
13. The changes do not enlarge the permit.
14. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in point of diversion proposed by Permit Amendment Application T-14084 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed by Permit Amendment Application T-14084 is approved.
2. Permit S-55483, in the name of CITY OF UMATILLA, is issued to replace Permit S-41444, and incorporates the amendments approved by this order, the extension of time, and the Water Management and Conservation Plan. Permit S-41444, in the name of CITY OF UMATILLA, is no longer of any force or effect.
3. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
4. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. The Water Management and Conservation Plan, approved February 14, 2020, is in effect until February 14, 2030. The limitation of the diversion of water under **Permit S-41444** established by the extension of time approved on August 24, 2012, is removed and, subject to other limitations or conditions of the permit, the City of Umatilla is authorized to divert up to **23.0 cfs (out of the total permitted 23.0 cfs)** under Permit S-41444.

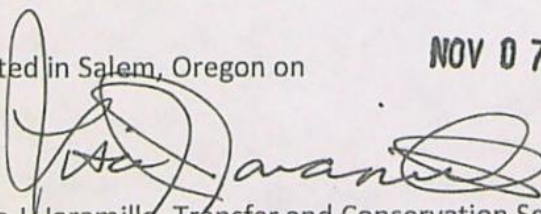
Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit S-41444 during review of the City's next Water Management and Conservation Plan update.

- a. Water Reuse and Recycling
 - i. Within five (5) years, the City shall identify reuse projects and begin construction on a pipeline that will enable reuse of industrial cooling water for irrigation purposes and identify opportunities for reuse at the wastewater treatment plan.
 - b. Technical and Financial Customer Assistance Program
 - ii. Within five (5) years, the City shall include a statement on the City's website with contact information that makes the public aware that City staff are available to offer water conservation technical assistance.
 - c. Supplier Finance Retrofitting and Replacement Program
 - iii. Within five (5) years, the City shall develop and implement a Fixture Replacement and Residential Conservation kit/rebate program.
6. The City of Umatilla shall submit an updated Water Management and Conservation Plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than August 14, 2029.
 7. The City of Umatilla shall submit a progress report containing the information required under OAR 690-086-0120(4) by February 14, 2025.
 8. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
 9. Water shall be acquired from the same surface water source as the original point of diversion.
 10. All other terms and conditions of Permit S-55483 remain the same.

Dated in Salem, Oregon on

NOV 07 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date:

NOV 08 2023

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF UMATILLA
700 6TH STREET
UMATILLA, OR 97882

This superseding permit is issued to describe an amendment for a change in points of diversion proposed under Permit Amendment Application T-14084 and approved by Special Order Vol. 129, Page 322, entered NOV 07 2023, and to describe five extensions of time for complete application of water approved on May 4, 1983, January 28, 1985, February 14, 1990, February 2, 1995 and August 24, 2012, and a Water Management and Conservation Plan approved February 14, 2020. This permit supersedes Permit S-41444.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

APPLICATION FILE NUMBER: S-54855

SOURCE OF WATER: COLUMBIA RIVER

PURPOSE OR USE: MUNICIPAL PURPOSES

MAXIMUM RATE: 23.0 CUBIC FEET PER SECOND

DATE OF PRIORITY: OCTOBER 5, 1976

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	10	NW SE	POD 4 (GC) - 1930 FEET NORTH AND 320 FEET WEST FROM THE SE CORNER OF SECTION 10
5 N	28 E	WM	10	NW SE	POD 5 (RWS) - 1970 FEET NORTH AND 280 FEET WEST FROM THE SE CORNER OF SECTION 10
5 N	29 E	WM	7	NE SE	POD 2 (CTUIR-1) - 1900 FEET NORTH AND 2730 FEET EAST FROM THE SW CORNER OF SECTION 7
5 N	29 E	WM	7	NE SE	POD 3 (CTUIR-2) - 1930 FEET NORTH AND 2610 FEET EAST FROM THE SW CORNER OF SECTION 7

If for irrigation, this appropriation shall be limited to _____ of one cubic foot per second or its equivalent for each acre irrigated and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MUNICIPAL USES
Within City of Umatilla Service Area

Permit Amendment T-14084 Conditions:

The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

Water use measurement conditions:

- a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- d. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Water shall be acquired from the same surface water source as the original points of diversion.

Extension of Time Conditions:

Development Limitations

Diversion of any water under Permit S-41444 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 which grants access to water under this extended permit. The required WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit S-41444 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

Conditions to Maintain the Persistence of Listed Fish

A. Minimum Fish Flow Needs

- a. Minimum fish flow needs in the Columbia River as recommended by ODFW are in Table 1, below; flows are to be measured in the Columbia River at McNary Dam. Daily flow reports for McNary Dam are available from the Fish Passage Center (FPC) established by the Northwest Power Planning Council (NPPC) at <http://www.fpc.org/currentdaily/flowspil.txt>.

Table 1

ODFW'S RECOMMENDED MINIMUM FISH FLOW NEEDS IN THE COLUMBIA RIVER, MEASURED AT McNARY DAM NEAR UMATILLA, OREGON	
Month	1000 Cubic Feet per Second
April 10 – June 30	260
July 1 – August 31	200

b. Alternate Streamflow Measurement Point

The location of a streamflow measurement point as established in these Conditions to Maintain the Persistence of Listed Fish may be revised if the City provides evidence in writing that ODFW has determined that persistence flows may be measured at an alternate streamflow measurement point and provides an adequate description of the location of the alternate streamflow measurement point, and the Water Resources Director concurs in writing.

B. Determining Water Use Reductions – Generally

The maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition is determined in proportion to the amount by which the flows shown in Table 1 are missed based on a seven day rolling average of average of mean daily flows measured in the Columbia River at McNary Dam. The percent of missed target flows is defined as:

$$(1 - [Q_A / Q_T]) \times 100\%,$$

where Q_A is the actual flow measured at the designated location based on the seven day rolling average, and Q_T is the target flow (from Table 1).

The percent missed target flows applied to the undeveloped portion of the permit provides the maximum amount of undeveloped water that can be diverted as a result of this fish persistence condition, and is defined as:

$$E - (E \times \% \text{ missed target flows}),$$

where E is the undeveloped portion of the permit as of this extension, being 23.0 cfs.

The maximum amount of undeveloped water that can be diverted as a result of this fish persistence condition may be adjusted by a Consumptive Use Percentage, when applicable, as per Item 2.C., below. The overall reduction to the amount of the undeveloped portion of the permit will not exceed 20%.

When $Q_A \geq Q_T$, the amount of the undeveloped portion of the permit that can be diverted would not need to be reduced as a result of this fish persistence condition.

C. Consumptive Use Percentages for Utilization in Columbia River Calculations

a. Initial Consumptive Use Percentages

The City of Umatilla has not identified any Consumptive Use Percentages based on the return of flows to the Columbia River through effluent discharge. Thus, at this time the City may not utilize Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition.

b. First Time Utilization of Consumptive Use Percentages

Utilization of Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition may begin after the issuance of the Final Order for this extension of time.

First time utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages. Utilization of Consumptive Use Percentages is subject to an approval period described in 2.C.f., below.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The proposed Consumptive Use Percentages should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

c. Consumptive Use Percentages Updates

Continuing the utilization of Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition beyond an approval period (as described in 2.C.f., below) is contingent upon the City submitting updated Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages Updates. Utilization of Consumptive Use Percentages Updates is subject to an approval period described in 2.C.f., below.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

d. Changes to Wastewater Technology and/or Wastewater Treatment Plant Practices

If there are changes to either wastewater technology or the practices at the City's waste-water treatment facility resulting in 25% or more reductions in average monthly return flows to the Columbia River, then the Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition. The 25% reduction is based on a 10-year rolling average of monthly wastewater return flows to the Columbia River as compared to the average monthly wastewater return flows from the 10-year period just prior to date of the first approval period described in 2.C.f., below.

If such changes to either wastewater technology or the practices at the City's waste-water treatment facility occur resulting in 25% reductions, further utilization of Consumptive Use Percentages is contingent upon the City submitting Consumptive Use Percentages Updates as per 2.C.c., above, and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages.

e. Relocation of the Point(s) of Diversion(s) and/or Return Flows

If the point(s) of diversion(s) and/or return flows are relocated, Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition.

After relocation of the point(s) of diversion(s) and/or return flows, further utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that any relocated withdrawal points and effluent discharge points are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting Consumptive Use Percentages Updates as per 2.C.c., above, and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages.

f. Approval Periods for Utilization of Consumptive Use Percentages

The utilization of Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition may continue for a 10 year approval period that begins 10 years from the Water Resources Director's most recent date of concurrence with Consumptive Use Percentages Updates as evidenced by the record, unless sections 2.C.d., or 2.C.e. (above) are applicable.

Consumptive Use Percentages (first time utilization or updates) which are submitted and receive the Director's concurrence will begin a new 10-year approval period. The

approval period begins on the date of the Water Resources Director's concurrence with Consumptive Use Percentages Updates, as evidenced by the record. The City at its discretion may submit updates prior to the end of an approval period.

C. Examples

Example 1: Target flow met.

On April 15, the last seven mean daily flows in the Columbia River at McNary Dam¹ were 310K, 290K, 280K, 260K, 260K, 240K and 250K cfs. The seven-day rolling average (Q_A) is 270K cfs. The amount of the undeveloped portion of the permit that can be diverted would not be reduced because the 7-day average of mean daily flows is greater than the 260K cfs target flow (Q_T) for April 15. In this example, $Q_A \geq Q_T$.

Example 2: Target flow missed.

Step 1: If on July 15, the average of the last seven mean daily flows (Q_A) was 170K cfs, and the target flow (Q_T) is 200K, then the target flow would be missed by 15.0%.

$$(1 - (170 / 200)) \times 100\% = 15.0\%$$

Step 2: Assuming the Consumptive Use Percentage is 62.2%² during the month of July and the utilization of this percentage is authorized, and the target flow is missed by 15.0% (from Step 1), then the amount of the undeveloped portion of the permit that could be diverted would be reduced by 9.3%.

$$(62.2\% \times 15.0\%) / 100 = 9.3\%$$

(If adjustments are not to be made by a Consumptive Use Percentage, then the undeveloped portion of the permit would only be reduced by the % by which the target flow is missed – 15.0% in this example).

Step 3: The overall reduction of 9.3% of the amount of the undeveloped portion of the permit does not exceed 20%.

Step 4: The undeveloped portion of this permit as of this extension (E) is 23.0 cfs. Therefore, in this example, the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition is 20.9 cfs.

$$23.0 - ((23.0 \times 9.3\%) / 100) = 20.9$$

Step 5: Given that the entire permit, being 23.0 cfs, is undeveloped, if the amount of water legally authorized for a diversion at a given point in time (for example, authorization provided through a WMCP) is 5.0 cfs, then 5.0 cfs of water would be available for use by the permit holder.

¹ Daily flow data for McNary Dam is available at <http://www.fpc.org/currentdaily/flowspil.txt>.

² Currently, the City of Umatilla may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition. The utilization of the Consumptive Use Percentage 65.2%¹⁵ is only for illustrative purposes in this example.

In this example, the 5.0 cfs of undeveloped water is less than the 20.9 cfs maximum undeveloped portion (from Step 4) that can be diverted as a result of this fish persistence condition. Therefore, there would be no required reduction in water use of the undeveloped portion under the permit.

Step 6: If the amount of water legally authorized for a diversion at a given point in time is 21.0 cfs, then of the 23.0 cfs only 21.0 cfs of undeveloped water would be available for use by the permit holder.

In this example, the 21.0 cfs of undeveloped water is greater than the 20.9 cfs maximum undeveloped portion (from Step 4) that can be diverted as a result of this fish persistence condition. Therefore, the amount of undeveloped water diverted by the permit holder would need to be reduced by 0.1 cfs.

$$21.0 - 20.9 = 0.1$$

Water Management and Conservation Plan Conditions:

Development Limitation:

The limitation of the diversion of water under Permit S-41444 established by the extension of time approved on August 24, 2012, is removed and subject to other limitations or conditions of the permit, the City of Umatilla is authorized to divert up to **23.0 cfs** (*out of the total permitted 23.0 cfs*) under Permit S-41444.

Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit S-41444 during review of the City's next Water Management and Conservation Plan update.

- a. Water Reuse and Recycling
 - i. Within five (5) years, the City shall identify reuse projects and begin construction on a pipeline that will enable reuse of industrial cooling water for irrigation purposes and identify opportunities for reuse at the wastewater treatment plan.
- b. Technical and Financial Customer Assistance Program
 - ii. Within five (5) years, the City shall include a statement on the City's website with contact information that makes the public aware that City staff are available to offer water conservation technical assistance.
- c. Supplier Finance Retrofitting and Replacement Program
 - iii. Within five (5) years, the City shall develop and implement a Fixture Replacement and Residential Conservation kit/rebate program

Plan Update Schedule:

The City of Umatilla shall submit an updated Water Management and Conservation Plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **August 14, 2029**.

Progress Report Schedule:

1. The City of Umatilla shall submit a progress report containing the information required under OAR 690-086-0120(4) by **February 14, 2025**.

The Water Management and Conservation Plan, approved February 14, 2020, is in effect until February 14, 2030. The limitation of the diversion of water under **Permit S-41444** established by the extension of time approved on August 24, 2012, is removed and, subject to other limitations or conditions of the permit, the City of Umatilla is authorized to divert up to **23.0 cfs** (*out of the total permitted 23.0 cfs*) under Permit S-41444.

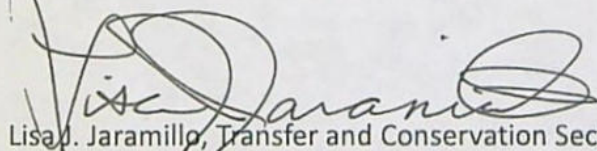
Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit S-41444 during review of the City's next Water Management and Conservation Plan update.

5. The City of Umatilla shall submit an updated Water Management and Conservation Plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than August 14, 2029.
6. The City of Umatilla shall submit a progress report containing the information required under OAR 690-086-0120(4) by February 14, 2025.

The original permit was issued April 27, 1977. Completion of construction and application of the water to the use was to be made on or before October 1, 1999. By extension of time final order approved August 24, 2012, the completion of construction and application of the water to the use shall be made on or before October 1, 2055. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

NOV 07 2023

Issued



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Permit Amendment Checklist

Transfer: T- 14084

Transfer Specialist:

Transfer Type: Permit Amendment

Applicant Name/Address/email: CITY OF UMATILLA ATTN DAVID STOCKDALE 700 6TH STREET UMATILLA, OR 97882	Agent Name/Address/email: BOB LONG, CWRE PETER MOHR, ATTORNEY	Affected Tribal Gov't: <input type="checkbox"/> N/A Confederated Tribes of the Umatilla Indian Reservation
CWRE Name/Number:	Irr. District Name/Address: West Extension Irrigation District	Affected Gov'ts Name/Address: Umatilla County; City of Hermiston
Commentor(s): Name/Address:	Current Landowner Name/Address (if different than applicant):	

Permit(s) Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Superseding Permit No.
<input type="checkbox"/>	<input type="checkbox"/>	S-54855	S-41444	S-

10/5/55

Key Dates & Initial Actions

Rec'd: September 6, 2022	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1360.00	WM District: 5	ODFW District:
Initial Notice: UNAVAILABLE	WM Review sent: Done	ODFW Review sent: Done
Acknowledgement Letter Sent: <input checked="" type="checkbox"/> Date: Sept 9, 2022		GW Review sent: Done

Processing Dates & Actions

Deficiency Contact(s): _____

Newspaper: East Oregonian
☐ not required

Draft Mailed: _____

If yes, date rec'd okay from agent/applicant: _____

☒ ODFW contact sheet sent; need? Yes ☒ or No ☐

☒ WM measurement sheet sent; need?

Yes ☒ or No ☐

Date quote requested: _____

Request for news \$ sent: _____

News \$ received: _____

Request to publish sent to newspaper: _____

Affidavit of publication received: _____

Dates of publication: _____

Final Order

<p>Draft Order & Superseding Permit Review (Optional)</p> <p>Reviewer: _____</p> <p>Date: _____</p> <p>Coordinator: _____</p> <p>Date: _____</p> <p>Signature Bin Date: _____</p>	<p>Final Order & Superseding Permit Review (Salem)</p> <p>Reviewer: <u>Stacy</u></p> <p>Date: <u>7-26-2023</u></p> <p>Coordinator: <u>PKS</u></p> <p>Date: <u>9/13/2023</u></p> <p>Signature Bin Date: _____</p>
<p>Comments/Special Issues: _____</p>	

Special Order Volume: Vol: 129 Pages 322

Final Order Signature Date: 11/7/2023

Notice of FO e-mailed to processors: _____

Application**PR** **CW**

- ☐ ☐ The type of change is clearly indicated.
- ☐ ☐ The application is appropriately signed.
- ☐ ☐ Appropriate fees were paid. N/A ☐ If overpayment, Refund Request submitted _____
- ☐ ☐ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's) _____
- ☐ ☐ N/A Ditch company, district, and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ ☐ All required attachments received.
- ☐ ☐ Check application file and WRIS for assignment(s) and/or extension(s). _____

Application Map**PR** **CW**

- ☐ ☐ The map size and scale are accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ ☐ All authorized and proposed POD's/POA's and POU are properly described on the map.
- ☐ ☐ The POD/POA location description(s) on the map match the PA application and permit descriptions.
- ☐ ☐ Map acres (to, from and rr, if applicable) match Table 2 on the PA application and as applicable, on the permit
- ☐ ☐ Have permit map(s).

Determining the "From" and "To" Lands (make working copy of application and permit(s))**PR** **CW**

- ☐ ☐ Only the authorized POD's/POA's and/or POU's to be transferred are listed (Tables 1 & 2).
- ☐ ☐ PA application and permit tabulations (acreage) match. (Mark on appl. and permit copies and note corrections needed)
- ☐ ☐ ALL Mark on permit the acreage and amount of water being transferred.

Permit Ownership

- ☐ ☐ The applicant(s) is/are the holder(s) of the permit.
- ☐ ☐ All holders of the permit have signed the application or
- ☐ ☐ N/A If necessary, there is a notarized, signed statement of consent from permit holders other than applicant.
- ☐ ☐ N/A If necessary, the permit has been assigned to permit amendment applicant.

Evaluation Materials

- | | | | |
|---|-------------------------------------|--|--|
| <input type="checkbox"/> Application complete | <input type="checkbox"/> Permit | <input type="checkbox"/> Land Use form | <input type="checkbox"/> N/A Plat card |
| <input type="checkbox"/> Amendment Map | <input type="checkbox"/> Permit Map | <input type="checkbox"/> Fees paid | <input type="checkbox"/> N/A Well logs |

Reviews/comments/conditions received? ☐ ☐ Watermaster ☐ ☐ N/A ODFW ☐ ☐ N/A GWN/A Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainN/A Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Type of device, if applicable: _____ totalizing flow meter: at new at existing and new

Injury: ☐ Yes ☐ NoEnlargement: ☐ Yes ☐ No

Conditions to avoid enlargement/injury -

ODFW conditions: _____

GW Conditions: _____

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 141738

INVOICE #

RECEIVED FROM: City of Umatilla
BY:

APPLICATION

PERMIT

TRANSFER T-14084

CASH: ☐ CHECK: # 52,292 OTHER: (IDENTIFY)

TOTAL REC'D \$ 176.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$176.40

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 141738

DATED 10/6/2023 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

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0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

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0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 141738

DATED 10/6/2023 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Attached is a check for \$176.40 Newspaper Notice for Permit Amendment T-14084

- made out to Oregon Water Resources Department (or OWRD)
- "for T-14084 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: Arla OWRD

RECEIVED
OCT 06 2023

PLEASE DETACH BEFORE DEPOSITING

RECEIVED
OCT 06 2023
OWRD

176.40

for T-14084 NOTICE

176.40

INVOICE NUMBER

DATE

P.O. NUMBER

DESCRIPTION

AMOUNT



-Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Dayle Stinson prior to deadline at 541-966-0824 or dstinson@eastoregonian.com.

Date: 10/10/2023 Account: EO32255 File#: Company Name: OREGON WATER RESOURCES DEPARTMENT Contact: Address: 725 SUMMER STREET NE, SUITE A SALEM, OR 97301 Telephone: 503-986-0807 Fax:	Ad ID: 399543 Start: 10/12/2023 Stop: 10/19/2023 Total Cost: \$147.00 Columns Wide: 1.00 # of Inserts: 4 Ad Class: Public Notices Phone: 541-966-0824 Email: dstinson@eastoregonian.com Amount Due: \$147.00
Run Dates: EO-12857 Permit Amendment T-14084 East Oregonian 10-12-23, 10-19-23 eastoregonian.com 10-12-23, 10-19-23	

**EO-12857
NOTICE OF PERMIT
AMENDMENT T-14084**

T-14084 filed by City of Umatilla, Attn David Stockdale, 700 6th St., Umatilla, OR proposes a change in point of diversion under Permit S-41444. The permit allows the use of 23.0 cubic feet per second from the Columbia River, in Sec. 11, T5N, R28E, WM for Municipal Purposes in Sec. 13, T5N, 27E, Sects. 8 through 19, 24, 27 through 30, and 32, T5N, 28E, WM, and Sects. 7, 8, 17 through 20, T5N, R29E, WM. The applicant proposes to move the point of diversion to Sec. 10, T5N, R28, WM and Sec. 7, T5N, R29E, WM. The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211. The last date of newspaper publication is 10/19/23.
Publish October 12, 19, 2023

DAVIS Arla L * WRD

From: peter.mohr@mohrwaterlegal.com
Sent: Wednesday, February 22, 2023 1:08 PM
To: DAVIS Arla L * WRD
Subject: T-14084 (Applic City of Umatilla) / Updated Table 2 re City Svc Area
Attachments: T-14084-Permit Amend_Updated Table 2_02.21.23.pdf

Hi Arla.

As discussed, (finally) providing you an amended service area table for the City's application to amend Permit S-41444.

Thanks and, again, much appreciate your effort on this given our prior call.

P

PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232
PHONE: (503) 830-1412
EMAIL: peter.mohr@mohrwaterlegal.com
Admitted in Colorado, Oregon and Washington

E-MAIL CONFIDENTIALITY NOTICE: The contents of this e-mail message and any attachments may contain confidential and/or legally privileged information. If you are not the intended recipient or this message has been addressed to you in error, please notify me by reply e-mail and immediately delete the message and any attachments.

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

Additional remarks:

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF APPLICATION FOR)
 EXTENSION OF TIME IN WHICH TO BEGIN)
 AND COMPLETE CONSTRUCTION WORK AND) ORDER
 MAKE COMPLETE APPLICATION OF WATER)
 UNDER CERTAIN PERMITS)

The owners of the following water permits issued by the Water Resources Director have submitted applications for extensions of time limits within which to begin and/or complete the construction work and/or make complete application of water to beneficial use under their respective permits.

The Water Resources Director is authorized under the provisions of ORS 537.230 to grant extensions of time for good cause shown, within which to complete work to perfect a water right under a permit;

The statements in the applications for extensions filed regarding completion of the projects indicate that each has shown such reasonable diligence as entitles them to an extension of time; and

No protest or objections to the granting of an extension under any of the following permits have been filed by any subsequent permit holders;

NOW, THEREFORE, it is hereby is ORDERED that extensions of time are granted as follows:

PERMITTEE	APPL. NUMBER	PERMIT NUMBER	BASIN NUMBER	NEW TIME LIMITS TO:		
				START CONST.	COMPLETE CONST.	APPLY WATER

PERMITS TO USE GROUNDWATER:

City of Arlington	G-1185	G-1201	6	10-1-99	10-1-99
City of Arlington	46891	35058	6	10-1-99	10-1-99
City of Fairview	G-5857	G-5594	3	10-1-98	10-1-98
City of Fairview	G-7563	G-7029	3	10-1-99	10-1-99
City of Dundee	G-6331	G-6017	2	10-1-97	10-1-97
City of Dundee	58951	44462	2	10-1-97	10-1-97
Harbor Rural Water District	G-9502	G-9438	15	10-1-99	10-1-99
City of Wallowa	G-11368	G-10569	8	10-1-98	10-1-98
F.M. Cook	G-11436	G-10733	13	10-1-95	10-1-95
Sunridge Water Systems, Inc.	G-11502	G-10617	7	10-1-99	10-1-99
Timberline Rim Water Company	G-11916	G-11165	3	10-1-98	10-1-98
KMB Enterprise	G-12042	G-11146	5	10-1-97	10-1-97

Deer Park Water Association	G-12096	G-11070	15	10-1-97	10-1-97
Brooks Resources Corporation	G-12156	G-11106	5	10-1-95	10-1-95
Richard Halliburton	G-12162	G-11388	17		10-1-95
Richard Halliburton	R-70462	R-11422	17		10-1-95
Richard Halliburton	70463	51380	17		10-1-95
Roy & Elaine Moore	G-12279	G-11185	2		10-1-95
Highland Subdivision Water District	G-12289	G-11347	5	10-1-98	10-1-98
Dennis Obrist	G-12372	G-11351	2		10-1-95
St. Paul Cemetery Trust	G-12379	G-11395	2		10-1-95
James & Loretta Ellett	G-12452	G-11399	4	10-1-94	
James & Loretta Ellett	G-12452	G-11399	4	10-1-95	10-1-95
Leonard G. Turner	G-12575	G-11561	17	10-1-95	
Rodrick Fraser II	G-12723	G-11595	17	10-1-95	

PERMITS TO CONSTRUCT RESERVOIRS AND USE SURFACE WATER:

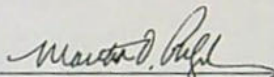
Daniel E. Davis	R-69987	R-11237	17	10-1-95	10-1-95
Daniel E. Davis	69988	51033	17	10-1-95	10-1-95
Rudolph M. Bauder	R-69901	R-11164	1	10-1-95	10-1-95
Rudolph M. Bauder	69902	50760	1	10-1-95	10-1-95
Roy Peters	R-72031	R-11471	17	10-1-95	

PERMITS TO USE SURFACE WATER:

City of Brookings	37091	27610	15	10-1-99	10-1-99
City of Brookings	41805	31293	15	10-1-99	10-1-99
City of Rainier	44624	33386	1	10-1-97	10-1-97
Lakeside Water Dist.	46056	34393	17	10-1-99	10-1-99
City of Umatilla	54855	41444	7	10-1-99	10-1-99
Weiss Estates Water System Company, Inc.	60573	46099	17	10-1-98	10-1-98
West Extension Irrigation District	61797	45999	7	10-1-96	10-1-96
City of Rockaway	61833	46245	1	10-1-98	10-1-98
Coos Bay-North Bend Water Board	68795	50155	17	10-1-99	10-1-99

Coos County	69109	50938	17	10-1-95	10-1-95
Kenley R. Beachy	69400	50414	2		10-1-95
Rickreall Dairy	69936	50949	2		10-1-94
Vern & Alan Liesinger	70617	51115	16	10-1-95	10-1-95
Jock Jouvenat	70617	51115	16	10-1-95	10-1-95
Daioh International, USA	70620	51150	2	10-1-95	10-1-95
Gordon H. Hale	71217	51468	2	10-1-95	

Dated at Salem, Oregon this 2nd day of February, 1995.


 Martha O. Pagel

Special Order Volume , Page

UMATILLA COUNTY

IN THE MATTER OF AN APPLICATION)	
FOR EXTENSION OF TIME TO BEGIN)	<u>O R D E R</u>
AND COMPLETE CONSTRUCTION AND)	
MAKE COMPLETE APPLICATION OF WATER)	EXTEND TIME LIMITS
UNDER PERMIT 41444 IN THE NAME)	
OF City of Umatilla		

The City of Umatilla is the owner of Permit 41444 which allows the City to appropriate not more than 23.0 cubic feet per second of water from the Columbia River for municipal purposes.

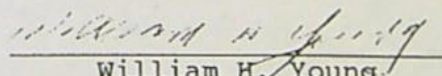
The Department has been advised by the city that construction of the facilities to make use of the water has not begun and the city has requested the time limits of the permit be extended. The city has demonstrated its intent to develop the proposed municipal use at a later date.

ORS 537.230 requires that actual construction of facilities to use the water must begin within one year from the date the permit is issued. However, municipal corporations which hold permits for the usual municipal purposes are exempt from this requirement.

In this instance, there are no apparent reasons why the request should be denied or conditioned. Granting the request for additional time to begin construction, complete construction, and to make use of the water as proposed by the city would be in the best interest of the public.

NOW, THEREFORE, it hereby is ORDERED that the time limits to begin construction, complete construction, and make complete application of water to beneficial use under Permit 41444 be extended to October 1, 1994.

Dated at Salem, Oregon this 14th day of February 1990.



William H. Young
Director

BEFORE THE WATER RESOURCE DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF AN APPLICATION)	
FOR EXTENSION OF TIME TO BEGIN)	<u>O R D E R</u>
AND COMPLETE CONSTRUCTION AND)	
MAKE COMPLETE APPLICATION OF)	EXTENDING TIME LIMITS
WATER UNDER PERMIT 41444 IN)	
THE NAME OF CITY OF UMATILLA)	

The City of Umatilla is the holder of Permit 41444 which grants the right to appropriate not to exceed 23.0 cubic feet of water per second from Columbia River for municipal use.

The City has advised the Water Resources Director that the appropriation has not been made as described in the permit, but it is the City's desire to preserve the right for this development.

The City has further advised that they have secured an agreement with the US Army Corps of Engineers to provide intake facilities in the McNary Dam Powerhouse extension.

It is believed that it will be consistent with the public interest to grant said extension.

NOW, THEREFORE, it hereby is ORDERED that the time limits to begin and complete construction and make complete application of water under Permit 41444 be extended to October 1, 1989.

Dated at Salem, Oregon, this 28th day of January, 1985.

William H. Young
WILLIAM H. YOUNG
Director

6676C

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF AN APPLICATION)
FOR EXTENSION OF TIME TO BEGIN)
AND COMPLETE CONSTRUCTION AND)
MAKE COMPLETE APPLICATION OF WATER)
UNDER PERMIT 41444 IN THE NAME)
OF CITY OF UMATILLA)

ORDER
Extends Time Limits

The City of Umatilla is the holder of Permit 41444 which grants the right to appropriate not to exceed 23.0 cubic feet per second of water from the Columbia River for municipal use.

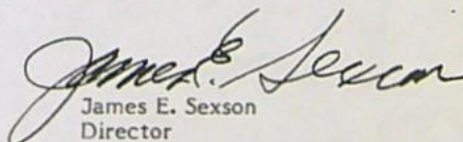
The City has advised the Water Resources Director that the appropriation has not been made as described in the permit, but it is the City's desire to preserve the right for this development.

The City has further advised that they have secured an agreement with the U.S. Army Corps of Engineers to provide intake facilities in the McNary Dam Powerhouse extension.

It is believed that it will be consistent with the public interest to grant said extension.

NOW, THEREFORE, it hereby is ORDERED that the time limits to begin and complete construction and make complete application of water under Permit 41444 be extended to October 1, 1984.

Dated at Salem, Oregon, this 4th day of May, 1983.


James E. Sexson
Director

6457B

COPY

RECEIVED

SEP 06 2022

To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME City of Umatilla	ADDRESS 700 6 th Street	
CITY Umatilla	STATE OR	ZIP 97882

ENTITY NAME Umatilla County	ADDRESS 216 SE 4 th Street, Room 104	
CITY Pendleton	STATE OR	ZIP 97801

ENTITY NAME City of Hermiston	ADDRESS 180 NE 2nd Street	
CITY Hermiston	STATE OR	ZIP 97838

ENTITY NAME Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	ADDRESS 46411 Timine Way	
CITY Pendleton	STATE OR	ZIP 97801

Applicant Comment: The proposed amendment to incorporate four new PODs to Permit S-41444 includes two (POD-2 and POD-3) which are located on US Army Corps of Engineers land and within an easement held by the CTUIR, the purpose of which is to allow for the location of surface water diversion and conveyance structures. The City of Umatilla has an agreement with CTUIR to both utilize the CTUIR's existing diversion structure (POD 2) and construct a new diversion structure (POD 3) on these lands such that both entities can utilize the diversion structures for appropriation of their respective water rights.

Part 5 of 5 – Water Use Permit Information

PERMIT # S-41444

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID#	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	-	5 N	28 E	11	SW NE	1500	2,860 ft N and 3,000 ft E from the SW corner of Sec 11
POD-2 (CTUIR-1)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	29 E	7	NW SE	Lot 2	1,900 ft N and 2,730 ft E from the SW corner of Sec 7 1.97
POD-3 (CTUIR-2)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	29 E	7	NW SE	Lot 2	1,930 ft N and 2,610 ft E from the SW corner of Sec 7 1.95
POD-4 (GC)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	28 E	10	NE SE	1500	1,930 ft N and 320 ft W of the SE corner of Sec 10 .64
POD-5 (SWR)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	28 E	10	NE SE	1500	1,970 ft N and 280 ft W of the SE corner of Sec 10 .65

COPY

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

Applicant Comment: *Original POD (POD-1) will be removed from the permit as a result of this amendment and therefore the change proposed is POD and not APOD.*

Will all of the proposed changes affect the entire water use permit?

- ☒ Yes Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No ~~Complete all of Table 2 to describe the portion of the permit to be changed.~~

For a change in place of use: N/A

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Table 2. Description of Changes to Water Use Permit # S-41444

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. If more than one change is proposed, specify the acreage associated with each change.

If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands)												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands)																
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date									
EXAMPLE																													
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901			
													APOD (Additional Points of Appropriation)		S	28	E	13	E1/2 of SE				Municipal Uses	ALL	Oct 5, 1976				
														8, 9, 10, 11, 12, 18				All south of Columbia River											
														13-17, 19-24				All											
														27-29				NW1/4 & NE1/4											
														29				E1/2 of SW, SE1/4 west of I-82											
														30				NE											
														32				NENW											
														7, 8 17-19				All or all south of Columbia River											
														20				N1/2 of NW & NE1/4s											
TOTAL ACRES:							76.3							TOTAL ACRES:															

Additional remarks: *The area described in Table 2 above is based on the locations included in the original permit document and are intended to reflect the City of Umatilla's current service area, including all of the fully contiguous area within the City's Urban Growth Boundary, as shown in Attachment 1B – Amendment Map.*

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

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In the Matter of the Proposed Water)	FINAL ORDER APPROVING A
Management and Conservation Plan for)	WATER MANAGEMENT AND
City of Umatilla, Umatilla County)	CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. The City of Umatilla submitted a Water Management and Conservation Plan (Plan) to the Water Resources Department (Department) on August 19, 2019. The Plan was required by a condition set forth in the final order issued on August 24, 2012, approving an extension of time for Permit S-41444.
2. The Department published notice of receipt of the Plan on August 27, 2019, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the Plan to the City on October 31, 2019, January 21, 2020, and January 31, 2020. In response, the City submitted revised Plans on December 5, 2019, January 30, 2020, and February 10, 2020.
4. The Department reviewed the final revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the final revised Plan demonstrate a need for 23.0 cfs of water available under Permit S-41444 to help meet overall projected 20-year demands. These projections are reasonable and consistent with the City's land use Plan.
6. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at two percent (2%).

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

7. The final revised Plan includes 5-year benchmarks for continuation of the following: annual water audits; system-wide metering; meter testing and maintenance, leak detection and repair, and public education.
8. The final revised Plan includes 5-year benchmarks for evaluation, development, and implementation of the following conservation measures:
- a. Water Reuse and Recycling
 - i. Within five (5) years, the City shall identify reuse projects and begin construction on a pipeline that will enable reuse of industrial cooling water for irrigation purposes and identify opportunities for reuse at the wastewater treatment plan.
 - b. Technical and Financial Customer Assistance Program
 - i. Within five (5) years, the City shall include a statement on the City's website with contact information that makes the public aware that City staff are available to offer water conservation technical assistance.
 - c. Supplier Finance Retrofitting and Replacement Program
 - i. Within five (5) years, the City shall develop and implement a Fixture Replacement and Residential Conservation kit/rebate program.
9. The final revised Plan identifies groundwater and the Columbia River as the sources of the City's water rights. Additionally, the final revised Plan accurately and completely describes that the City is located within the boundaries of the Lower Umatilla Basin Groundwater Management Area. The final revised Plan also describes the aquatic resource concerns in the Columbia River, including; 1.) state and federal sensitive, threatened, and endangered species, and 2.) as the water quality parameters for which this portion of the Columbia River have been listed by Oregon Department of Environmental Quality as a water quality limited stream.
10. The water curtailment element included in the final revised Plan satisfactorily promotes water curtailment practices and includes a list of three (3) stages of alert with concurrent curtailment actions.
11. The diversion of water under Permit S-41444 will be initiated during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
- a. As evidenced by the 5-year benchmarks described in Findings of Fact #7 and #8, the final revised Plan includes a schedule for the continuation and/or implementation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
 - b. After evaluating alternative sources, the need to provide resiliency and redundancy in the water system, and that water savings alone from identified conservation measures cannot fully meet the City's water demand projections, the Department has determined that access to an increased diversion of water under Permit S-41444 is the most feasible and appropriate alternative to the supplier.

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- c. The City is not required at this time to provide mitigation related to Permit S-41444.

Conclusion of Law

The Water Management and Conservation Plan submitted by the City of Umatilla is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is **ORDERED**:

Duration of Plan Approval:

1. The City of Umatilla Water Management and Conservation Plan is approved and shall remain in effect until **February 14, 2030**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under **Permit S-41444** established by the extension of time approved on August 24, 2012, is removed and, subject to other limitations or conditions of the permit, the City of Umatilla is authorized to divert up to **23.0 cfs (out of the total permitted 23.0 cfs)** under Permit S-41444.
3. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit S-41444 during review of the City's next Water Management and Conservation Plan update.
 - a. Water Reuse and Recycling (Finding of Fact #(8a))
 - b. Technical and Financial Customer Assistance Program (Finding of Fact #(8b))
 - c. Supplier Finance Retrofitting and Replacement Program (Finding of Fact #(8c))

Plan Update Schedule:

4. The City of Umatilla shall submit an updated Water Management and Conservation Plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **August 14, 2029**.

Progress Report Schedule:

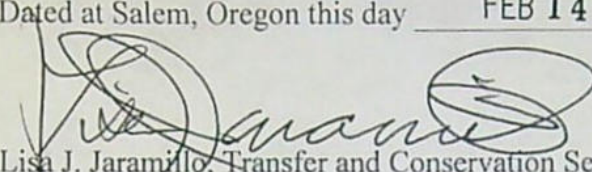
5. The City of Umatilla shall submit a progress report containing the information required under OAR 690-086-0120(4) by **February 14, 2025**.

Other Requirements for Plan Submittal:

6. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City of Umatilla from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

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Dated at Salem, Oregon this day FEB 14 2020


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources

FEB 18 2020

Mailing date: _____

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

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Oregon Water Resources Department Water Right Services Division

Water Rights Application
Number S-54855

Final Order **Extension of Time for Permit Number S-41444** Permit Holder: City of Umatilla

Permit Information

Application File S-54855/ Permit S-41444
Basin 7 – Umatilla Basin / Watermaster District 5
Date of Priority: October 5, 1976

Authorized Use of Water

Source of Water: The Columbia River, a Tributary of the Pacific Ocean
Purpose or Use: Municipal Use
Maximum Rate: 23.0 Cubic Feet per Second (cfs)

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit S-41444 was issued by the Department on April 27, 1977. The permit called for completion of construction by October 1, 1978, and complete application of water to beneficial use by October 1, 1979. On March 19, 2003, City of Umatilla submitted an application to the Department for an extension of time for Permit S-41444. In accordance with OAR 690-315-0050(2), on June 26, 2012, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2055, and the time to fully apply water to beneficial use to October 1, 2055. The protest period closed August 10, 2012, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated June 26, 2012.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. **Development Limitations**

Diversion of any water under Permit S-41444 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 which grants access to water under this extended permit. The required WMCP shall be submitted to the Department within 3 years of this Final Order. Use of water under Permit S-41444 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

2. **Conditions to Maintain the Persistence of Listed Fish**

A. **Minimum Fish Flow Needs**

- a. Minimum fish flow needs in the Columbia River as recommended by ODFW are in Table 1, below; flows are to be measured in the Columbia River at McNary Dam. Daily flow reports for McNary Dam are available from the Fish Passage Center (FPC) established by the Northwest Power Planning Council (NPPC) at <http://www.fpc.org/currentdaily/flowspil.txt>.

Table 1

ODFW'S RECOMMENDED MINIMUM FISH FLOW NEEDS IN THE COLUMBIA RIVER, MEASURED AT MCNARY DAM NEAR UMATILLA, OREGON	
Month	1000 Cubic Feet per Second
April 10 – June 30	260
July 1 – August 31	200

b. **Alternate Streamflow Measurement Point**

The location of a streamflow measurement point as established in these Conditions to Maintain the Persistence of Listed Fish may be revised if the City provides evidence in writing that ODFW has determined that persistence flows may be measured at an alternate streamflow

persistence flows may be measured at an alternate streamflow measurement point and provides an adequate description of the location of the alternate streamflow measurement point, and the Water Resources Director concurs in writing.

B. Determining Water Use Reductions – Generally

The maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition is determined in proportion to the amount by which the flows shown in Table 1 are missed based on a seven day rolling average of average of mean daily flows measured in the Columbia River at McNary Dam. The percent of missed target flows is defined as:

$$(1 - [Q_A / Q_T]) \times 100\%,$$

where Q_A is the actual flow measured at the designated location based on the seven day rolling average, and Q_T is the target flow (from Table 1).

The percent missed target flows applied to the undeveloped portion of the permit provides the maximum amount of undeveloped water that can be diverted as a result of this fish persistence condition, and is defined as:

$$E - (E \times \% \text{ missed target flows}),$$

where E is the undeveloped portion of the permit as of this extension, being 23.0 cfs.

The maximum amount of undeveloped water that can be diverted as a result of this fish persistence condition may be adjusted by a Consumptive Use Percentage, when applicable, as per Item 2.C., below. The overall reduction to the amount of the undeveloped portion of the permit will not exceed 20%.

When $Q_A \geq Q_T$, the amount of the undeveloped portion of the permit that can be diverted would not need to be reduced as a result of this fish persistence condition.

C. Consumptive Use Percentages for Utilization in Columbia River Calculations

a. Initial Consumptive Use Percentages

The City of Umatilla has not identified any Consumptive Use Percentages based on the return of flows to the Columbia River through effluent discharge. Thus, at this time the City may not utilize Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition.

b. First Time Utilization of Consumptive Use Percentages

Utilization of Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition may begin after the issuance of the Final Order for this extension of time.

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First time utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that withdrawal points and effluent discharges are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting monthly Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages. Utilization of Consumptive Use Percentages is subject to an approval period described in 2.C.f., below.

Consumptive Use Percentages submitted to the Department for review must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The proposed Consumptive Use Percentages should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

c. Consumptive Use Percentages Updates

Continuing the utilization of Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition beyond an approval period (as described in 2.C.f., below) is contingent upon the City submitting updated Consumptive Use Percentages and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages Updates. Utilization of Consumptive Use Percentages Updates is subject to an approval period described in 2.C.f., below.

The updates to the Consumptive Use Percentages must (1) be specified as a percentage (may be to the nearest 1/10 percent) for each month of the year and (2) include a description and justification of the methods utilized to determine the percentages. The updates should be submitted on the *Consumptive Use Percentages Update Form* provided with the Final Order for this extension of time.

d. Changes to Wastewater Technology and/or Wastewater Treatment Plant Practices

If there are changes to either wastewater technology or the practices at the City's wastewater treatment facility resulting in 25% or more reductions in average monthly return flows to the Columbia River, then the Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition. The 25% reduction is based on a 10-year rolling average of monthly wastewater return flows to the Columbia River as compared to the average monthly wastewater return flows from the 10 year period just prior to date of the first approval period described in 2.C.f., below.

If such changes to either wastewater technology or the practices at the City's wastewater treatment facility occur resulting in 25% reductions, further

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utilization of Consumptive Use Percentages is contingent upon the City submitting Consumptive Use Percentages Updates as per 2.C.c., above, and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages.

e. Relocation of the Point(s) of Diversion(s) and/or Return Flows

If the point(s) of diversion(s) and/or return flows are relocated, Consumptive Use Percentages in effect at that time may no longer be utilized for the purposes of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition.

After relocation of the point(s) of diversion(s) and/or return flows, further utilization of Consumptive Use Percentages is contingent upon the City (1) providing evidence in writing that ODFW has determined that any relocated withdrawal points and effluent discharge points are within reasonable proximity to each other, such that fish habitat between the two points is not impacted significantly, and (2) submitting Consumptive Use Percentages Updates as per 2.C.c., above, and receiving the Water Resources Director's concurrence with the proposed Consumptive Use Percentages.

f. Approval Periods for Utilization of Consumptive Use Percentages

The utilization of Consumptive Use Percentages for the purpose of calculating the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition may continue for a 10 year approval period that begins 10 years from the Water Resources Director's most recent date of concurrence with Consumptive Use Percentages Updates as evidenced by the record, unless sections 2.C.d., or 2.C.e. (above) are applicable.

Consumptive Use Percentages (first time utilization or updates) which are submitted and receive the Director's concurrence will begin a new 10 year approval period. The approval period begins on the date of the Water Resources Director's concurrence with Consumptive Use Percentages Updates, as evidenced by the record. The City at its discretion may submit updates prior to the end of an approval period.

C. Examples

Example 1: Target flow met.

On April 15, the last seven mean daily flows in the Columbia River at McNary Dam¹ were 310K, 290K, 280K, 260K, 260K, 240K and 250K cfs. The seven day rolling average (Q_A) is 270K cfs. The amount of the undeveloped portion of the permit that can be diverted would not be reduced because the 7 day average of mean daily flows is greater than the 260K cfs target flow (Q_T) for April 15. In this example, $Q_A \geq Q_T$.

Example 2: Target flow missed.

Step 1: If on July 15, the average of the last seven mean daily flows (Q_A) was 170K cfs, and the target flow (Q_T) is 200K, then the target flow would be missed by 15.0%.

$$(1 - (170 / 200)) \times 100\% = 15.0\%$$

Step 2: Assuming the Consumptive Use Percentage is 62.2%² during the month of July and the utilization of this percentage is authorized, and the target flow is missed by 15.0% (from Step 1), then the amount of the undeveloped portion of the permit that could be diverted would be reduced by 9.3%.

$$(62.2\% \times 15.0\%) / 100 = 9.3\%$$

(If adjustments are not to be made by a Consumptive Use Percentage, then the undeveloped portion of the permit would only be reduced by the % by which the target flow is missed – 15.0% in this example).

Step 3: The overall reduction of 9.3% of the amount of the undeveloped portion of the permit does not exceed 20%.

Step 4: The undeveloped portion of this permit as of this extension (E) is 23.0 cfs. Therefore, in this example, the maximum amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition is 20.9 cfs.

$$23.0 - ((23.0 \times 9.3\%) / 100) = 20.9$$

¹ Daily flow data for McNary Dam is available at <http://www.fpc.org/currentdaily/flowspil.txt>.

² Currently, the City of Umatilla may not utilize Consumptive Use Percentages for the purpose of calculating the amount of the undeveloped portion of Permit S-41444 that can be diverted as a result of this fish persistence condition. The utilization of the Consumptive Use Percentage 65.2% is only for illustrative purposes in this example.

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Step 5: Given that the entire permit, being 23.0 cfs, is undeveloped, if the amount of water legally authorized for a diversion at a given point in time (for example, authorization provided through a WMCP) is 5.0 cfs, then 5.0 cfs of water would be available for use by the permit holder.

In this example, the 5.0 cfs of undeveloped water is less than the 20.9 cfs maximum undeveloped portion (from Step 4) that can be diverted as a result of this fish persistence condition. Therefore, there would be no required reduction in water use of the undeveloped portion under the permit.

Step 6: If the amount of water legally authorized for a diversion at a given point in time is 21.0 cfs, then of the 23.0 cfs only 21.0 cfs of undeveloped water would be available for use by the permit holder.

In this example, the 21.0 cfs of undeveloped water is greater than the 20.9 cfs maximum undeveloped portion (from Step 4) that can be diverted as a result of this fish persistence condition. Therefore, the amount of undeveloped water diverted by the permit holder would need to be reduced by 0.1 cfs.

$$21.0 - 20.9 = 0.1$$

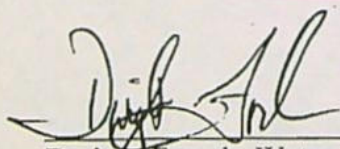
Summary

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application S-54855, Permit S-41444, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1999 to October 1, 2055. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 1999 to October 1, 2055.

DATED: August 24, 2012



Dwight French, Water Right Services Division Administrator for
PHILLIP C. WARD, DIRECTOR

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If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0827.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-14084

Review Due Date:

Applicant Name: City of Umatilla

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Greg Silbernagel

Date of Review: 10/14/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☐ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

Columbia River has no known channel losses.

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14084



In order to avoid enlargement of the right or injury to other rights, a totalizing flowmeter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: 541-969-1677

Email: Greg.M.Silbernagel@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **139066**

INVOICE # _____

RECEIVED FROM: Mohrwater Legal PC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14084

CASH: ☐ CHECK: # 125 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$
0243 I/S Lease _____	
0244 Muni Water Mgmt. Plan _____	
0245 Cons. Water _____	

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY) _____	\$	
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$ <u>1,360.00</u>	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD#
0210 MONITORING WELLS	\$	CARD#
OTHER (IDENTIFY) _____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **139066**

DATE: 9-6-2022 BY: [Signature]

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all items included with this application. (N/A = Not Applicable)

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: Number of permits to be amended: **One (1)**
List the Permits here: **Permit S-41444**
Please include a separate Part 5 for each permit. (See instructions on page 6)
- ☒ Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☐ ☒ N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record.
- ☐ ☒ N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant **or** other permit holders of record that are not listed as applicants.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ Application fee not enclosed/insufficient
- ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Permit Amendment Map Checklist

Your permit amendment application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- ☐ ☒ N/A If more than three permits are involved, separate maps for each permit.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department. *(Map scale waiver from OWRD is included as Attachment 1)*
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- ☐ ☒ N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMIT AMENDMENT					
1	Base Fee (includes one type of change to one permit for up to 1 cfs)		1	\$1,360	
	Types of change proposed: <input type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> If only one change, this will be 0 Multiply line 2b by \$1090 and enter » 2 »		2	\$0	
	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in 3a: <u>0 (3b)</u> If only one permit this will be 0 Multiply line 3b by \$610 and enter » 3		3	\$0	
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter » 4		4	\$0	
	Do you propose to change the place of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see below*): Subtract 1.0 from the number in 5a above: <u>0 cfs (5b)</u> If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to nearest whole number: <u>0 cfs (5c)</u> and multiply 5c by \$350, then enter on line 5 » 5		5	\$0	
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:		6	\$0	
	Is this permit amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 If no box is applicable, enter 0 on line 7 » 7		7	\$0	
8	Subtract line 7 from line 6 » » » » » » » » » » Permit Amendment Fee:		8	\$1,360	

*Example for Line 5a calculation to transfer 45.0 acres of Primary Permit S-12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Permit S-87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each permit involved as follows:
 - a. Divide total authorized cfs by total acres in the permit (for S-12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be changed to get the application cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right permit does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For S-87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each "on the ground" acre included in the application. (In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME City of Umatilla (David Stockdale, City Manager)			PHONE NO. (541) 922-3226	ADDITIONAL CONTACT NO. SEP 06 2022
ADDRESS 700 6th Street			FAX NO. OWRD	
CITY Umatilla	STATE OR	ZIP 97882	E-MAIL DAVID@UMATILLA-CITY.ORG	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Peter Mohr, Attorney / MohrWater Legal PC			PHONE NO. (503) 830-1412	ADDITIONAL CONTACT NO.
ADDRESS 1631 NE Broadway Street, PMB 632			FAX NO.	
CITY Portland	STATE OR	ZIP 97232	E-MAIL peter.mohr@mohrwaterlegal.com	
AGENT/BUSINESS NAME (CO-AGENT) Bob Long, CWRE / CwM-H2O, LLC			PHONE NO. (503) 954-1326	ADDITIONAL CONTACT NO.
ADDRESS 1319 SE Martin Luther King Jr. Blvd, Suite 204			FAX NO.	
CITY Portland	STATE OR	ZIP 97214	E-MAIL bob.long@cwmh2o.com	

Explain in your own words what you propose to accomplish with this transfer application, and why:

The City of Umatilla is the permit holder of Permit S-41444 for 23.0 cfs on the Columbia River (the "Permit"). As issued, the Permit possesses a single approved point of diversion which is mapped at a point approximately 50-ft off shore of the Columbia River and, therefore, creates an inaccessible location for a diversion structure (depicted as "POD-1"). Due to the location of the original POD, the City has been unable to construct the originally-approved diversion structure and, therefore, has been unable to divert water under the Permit as authorized. Furthermore, the City's planned development of the Permit will also require additional points of diversion in order to divert and distribute the water as needed throughout the City's service area.

This amendment application seeks to accomplish the following:

- 1. Remove any reference in the Permit to the originally permitted POD-1;*
- 2. Add to the Permit the POD depicted as "POD-2", which is an existing diversion structure owned and used by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), and which, by written agreement with the CTUIR, will continue to be used by CTUIR and temporarily used by the City of Umatilla until the completion of a new POD depicted as "POD-3";*
- 3. Add to the Permit a new POD depicted as "POD-3", which will be a new diversion structure which, once completed, will fully replace the operation of the CTUIR's existing POD depicted as POD-2;*
- 4. Add to the Permit the previously described new POD-3, which will be used to divert and apply to beneficial use water diverted under both the Permit and, by written agreement with the CTUIR, the CTUIR's existing water rights;*
- 5. Add to the Permit a POD depicted as "POD-4", which is an existing diversion structure owned and operated by the City of Umatilla and which is currently used for the diversion of City of Umatilla water rights; and*
- 6. Add to the Permit a POD depicted as "POD-5", which is an existing diversion structure co-owned and operated by the City of Hermiston and the Port of Umatilla.*

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the permit holder of record? ☒ Yes ☐ No

Has the Completion ("C") Date of the permit(s) in this application expired? ☐ Yes ☒ No

If YES, this application will not be accepted by the Department.

If NO, what are the completion dates of the permit(s)? 10/05/2055

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By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian

I (we) affirm that the information contained in this application is true and accurate.




Applicant Signature

David Stockdale, City Manager 08/30/22
Print Name (and Title if applicable) Date

Check one of the following:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

Check the appropriate box, if applicable:

- ☒ Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME West Extension Irrigation District	ADDRESS 840 E. Highway 730, PO Box 100	
CITY Irrigon	STATE OR	ZIP 97844
<i>*Parts of the City's permit place of use may slightly overlap with WEID's service area in the northwest part of the City. There is no conflict of service with WEID.</i>		

- ☐ Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME _____	ADDRESS _____	
CITY _____	STATE _____	ZIP _____

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To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME City of Umatilla	ADDRESS 700 6th Street	
CITY Umatilla	STATE OR	ZIP 97882

ENTITY NAME Umatilla County	ADDRESS 216 SE 4th Street, Room 104	
CITY Pendleton	STATE OR	ZIP 97801

ENTITY NAME City of Hermiston	ADDRESS 180 NE 2nd Street	
CITY Hermiston	STATE OR	ZIP 97838

ENTITY NAME Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	ADDRESS 46411 Timine Way	
CITY Pendleton	STATE OR	ZIP 97801

Applicant Comment: *The proposed amendment to incorporate four new PODs to Permit S-41444 includes two (POD-2 and POD-3) which are located on US Army Corps of Engineers land and within an easement held by the CTUIR, the purpose of which is to allow for the location of surface water diversion and conveyance structures. The City of Umatilla has an agreement with CTUIR to both utilize the CTUIR's existing diversion structure (POD 2) and construct a new diversion structure (POD 3) on these lands such that both entities can utilize the diversion structures for appropriation of their respective water rights.*

Part 5 of 5 – Water Use Permit Information

PERMIT # **S-41444**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID#	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	-	5 N	28 E	11	SW NE	1500	2,860 ft N and 3,000 ft E from the SW corner of Sec 11
POD-2 (CTUIR-1)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	29 E	7	NW SE	Lot 2	1,900 ft N and 2,730 ft E from the SW corner of Sec 7
POD-3 (CTUIR-2)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	29 E	7	NW SE	Lot 2	1,930 ft N and 2,610 ft E from the SW corner of Sec 7
POD-4 (GC)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	28 E	10	NE SE	1500	1,930 ft N and 320 ft W of the SE corner of Sec 10
POD-5 (SWR)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	-	5 N	28 E	10	NE SE	1500	1,970 ft N and 280 ft W of the SE corner of Sec 10

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

Applicant Comment: *Original POD (POD-1) will be removed from the permit as a result of this amendment and therefore the change proposed is POD and not APOD.*

Will all of the proposed changes affect the entire water use permit?

- ☒ Yes Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No ~~Complete all of Table 2 to describe the portion of the permit to be changed.~~

For a change in place of use: **N/A**

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List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

Additional remarks: *The area described in Table 2 above is based on the locations included in the original permit document and are intended to reflect the City of Umatilla's current service area, including all of the fully contiguous area within the City's Urban Growth Boundary, as shown in Attachment 1B – Amendment Map.*

Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? ☐ Yes ☒ No

Applicant Comment: *Because the proposed amendments (additional PODs) affect the entire water right, there are no "from" or "to" lands and this item does not apply.*

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If YES, list the other certificate, permit, or ground water registration numbers: **N/A**

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If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: **N/A**

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation: **N/A**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA	Is well already built?	If an existing well, OWRD Well ID Tag No. L _____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm)
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

ATTACHMENT 1A
Map Scale Waiver Email from OWRD

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ATTACHMENT 1A

Ian Godwin

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Monday, July 11, 2022 2:39 PM
To: Ian Godwin
Cc: peter.mohr@mohrwaterlegal.com
Subject: RE: Map Waiver for Permit Amendment

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ian,

The Department grants a map scale waiver for the attached permit amendment map. Please include a copy of this e-mail with the permit amendment application when it is filed with the Department.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: Ian Godwin <lgodwin@cwmmh2o.com>
Sent: Thursday, July 7, 2022 11:47 AM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Cc: peter.mohr@mohrwaterlegal.com
Subject: RE: Map Waiver for Permit Amendment

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Good morning Kelly,

Apologies for the delay regarding a map scale waiver for the permit amendment application for S-41444. I have attached a preliminary final draft of the application map for your review. The inset maps are at the accepted map scale (1":400') and contain a taxlot overlay. The primary map is at a much smaller scale due to the size of the permit place of use. Please let me know if you have any questions, thanks again for the help.

Best,
Ian Godwin, GIT | CwM-H2O | Staff Hydrogeologist
www.CwMH2O.com | Office (503) 954-1326 | Cell (571) 245-7897

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Friday, June 10, 2022 11:19 AM

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ATTACHMENT 2 Land Use Compatibility Forms

- City of Umatilla
- County of Umatilla
- Confederated Tribes of the Umatilla Indian Reservation
- City of Hermiston

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Applicant(s): City of Umatilla (David Stockdale, City Manager)

Mailing Address: 700 6th Street

City: Umatilla

State: OR

Zip Code: 97882

Daytime Phone: (541) 922-3226

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Umatilla
City of Hermiston
County of Umatilla

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☒ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Columbia River

Estimated quantity of water needed: 23.0 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The City of Umatilla is the permit holder of Permit S-41444 for 23.0 cfs on the Columbia River (the "Permit"). As issued, the Permit possesses a single approved point of diversion which is mapped at a point approximately 50-ft off the south bank of the Columbia River and, therefore, creates an inaccessible location for a diversion structure. The City seeks to amend the Permit by securing new PODs in order that it may apply to beneficial use and ultimately perfect its water right interest authorized under the Permit.

The City's application to amend its Permit seeks to accomplish the following:

- 1. Remove any reference in the Permit to the originally permitted POD;*
- 2. Add to the Permit an existing POD owned and operated by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), which diverts the CTUIR's existing water rights from the Columbia River and the pumphouse for which POD is located on property owned by the USACE ("CTUIR Existing POD").*
- 3. Add to the Permit a new POD, which will be a new diversion structure that, once completed, will fully replace*

the operation of the CTUIR Existing POD and which new POD will be operated in conjunction with a new pumphouse (to be located approximately 100' to the west of the existing pumphouse) on the same property owned by the USACE and that, once completed, will fully replace the CTUIR's existing pumphouse and will be used to divert and apply to beneficial use water diverted under both the Permit and the CTUIR's existing water rights (the "New CTUIR POD");

4. Add to the Permit a POD currently located and operating in the McNary Pool, which is (a) an existing diversion structure owned and owned and operated by the City of Umatilla, and (b) is currently used for the diversion of other City of Umatilla water rights; and

5. Add to the Permit a POD currently located and operating in the McNary Pool, which (a) is an existing diversion structure co-owned by the City of Hermiston and the Port of Umatilla, (b) is operated and maintained by the City of Hermiston pursuant to an agreement between the City of Hermiston and the Port of Umatilla, and (c) will be used by the City of Umatilla to appropriate water under the Permit and convey such water to and through the RWS pipeline for delivery to the City of Hermiston.

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For Local Government Use Only

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Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
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		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Jacob Foutz Title: Senior Planner

Signature: [Signature] Phone: 541-922-3226 x110 Date: 8-10-2022

Government Entity: City of Vacaville

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

RWS Transmission Line – Quarter-Quarters:

Through City of Umatilla UGB:

- T5N, R28E
 - Section 10
 - NESE, SESE, SWSE, SESW
 - Section 15
 - NENW, NWNW, SWNW, NWSW, SWSW
 - Section 22
 - NWNW, SWNW, NWSW, SWSW

Through City of Hermiston UGB:

- T2N, R28E
 - Section 3
 - NWNW, SWNW, NWSW, SWSW
 - Section 10
 - NWNW, SWNW, NWSW, SWSW
 - Section 15
 - NWNW, SWNW, NWSW, SWSW
 - Section 20
 - SWSW, SESW, SWSE, SESE
 - Section 21
 - SWSW, SESW, SWSE, NWSE, NESE, SENE
 - Section 22
 - NWNW, SWNW
 - Section 27
 - NWSW, SWSW
 - Section 28
 - NESE, NWSE, SWNE, NWNE
 - Section 29
 - NWNW
 - Section 30
 - NWNW, NENW, NWNE, NENE

Through County of Umatilla:

- T5N, R28E
 - Section 27
 - NWNW, SWNW, NWSW, SWSW
 - Section 28
 - NENE
 - Section 33
 - SESE
 - Section 34
 - NWNW, SWNW, NWSW, SWSW

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
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Applicant(s): City of Umatilla (David Stockdale, City Manager)

Mailing Address: 700 6th Street

City: Umatilla

State: OR

Zip Code: 97882

Daytime Phone: (541) 922-3226

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Umatilla
City of Hermiston
County of Umatilla

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water
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 ☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) Columbia River

Estimated quantity of water needed: 23.0 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

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		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Robert T Waldner Title: Director

Signature: Robert T Waldner Phone: 541.278.6251 Date: 08/25/22

Government Entity: Umatilla County

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Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Land Use Information Form



Oregon Water Resources Department
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Salem, Oregon 97301-1266
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Applicant(s): City of Umatilla (David Stockdale, City Manager)

Mailing Address: 700 6th Street

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City: Umatilla

State: OR

Zip Code: 97882

Daytime Phone: (541) 922-3226 2022

A. Land and Location

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Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
The raw water will be conveyed and used on two parcels of land held in trust for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) by the United States government. (See the Attached Exhibit A and Exhibit B)						Tribes of the Umatilla Indian Reservation (CTUIR)	by the United States government
1. Wanapa Industrial Park - Tribal Trust Land T-2101							
2. Wanket Wildlife Area - Tribal Trust Land T-1125							
Note - The CTUIR considers these two Tribal Trust Land Parcel as part of the Umatilla Indian Reservation.							

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Umatilla
City of Hermiston
County of Umatilla

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water
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 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Columbia River

Estimated quantity of water needed: 23.0 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other _____

Municipal - Wanapa Industrial Park
Other - Wanket Wildlife Area - Water is to be used to support wildlife and wildlife habitat

Briefly describe:

The City of Umatilla is the permit holder of Permit S-41444 for 23.0 cfs on the Columbia River (the "Permit"). As issued, the Permit possesses a single approved point of diversion which is mapped at a point approximately 50-ft off the south bank of the Columbia River and, therefore, creates an inaccessible location for a diversion structure. The City seeks to amend the Permit by securing new PODs in order that it may apply to beneficial use and ultimately perfect its water right interest authorized under the Permit.

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Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): **(See comments below)**
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Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

The CTUIR has provided the information requested but does so as a sovereign, Federally recognized Indian Tribe, not as a Local Government. The uses of the water on the Wanapa Industrial Park and Wanaket Wildlife Area parcels are allowed outright by the CTUIR Land Development Code, which applies to all land within the Umatilla Indian Reservation and to "off-Reservation Trust Lands", and the Board of Trustees approved uses of those parcels.

Name: JD Tovey Title: Director, Tribal Planning Department

Signature: [Signature] Phone: 541-429-7520 Date: 8/16/2022

Government Entity: Confederated Tribes of the Umatilla Indian Reservation email: jdtovey@ctuir.org

This Land Use Form is to be executed by the CTUIR Planning Director with the statutory duty to administer the CTUIR Land Development Code

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 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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OWRD

Applicant(s): City of Umatilla (David Stockdale, City Manager)

Mailing Address: 700 6th Street

City: Umatilla

State: OR

Zip Code: 97882

Daytime Phone: (541) 922-3226

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Umatilla
City of Hermiston
County of Umatilla

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☒ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Columbia River

Estimated quantity of water needed: 23.0 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The City of Umatilla is the permit holder of Permit S-41444 for 23.0 cfs on the Columbia River (the "Permit"). As issued, the Permit possesses a single approved point of diversion which is mapped at a point approximately 50-ft off the south bank of the Columbia River and, therefore, creates an inaccessible location for a diversion structure. The City seeks to amend the Permit by securing new PODs in order that it may apply to beneficial use and ultimately perfect its water right interest authorized under the Permit.

The City's application to amend its Permit seeks to accomplish the following:

1. Remove any reference in the Permit to the originally permitted POD;
2. Add to the Permit an existing POD owned and operated by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), which diverts the CTUIR's existing water rights from the Columbia River and the pumphouse for which POD is located on property owned by the USACE ("CTUIR Existing POD").
3. Add to the Permit a new POD, which will be a new diversion structure that, once completed, will fully replace

the operation of the CTUIR Existing POD and which new POD will be operated in conjunction with a new pumphouse (to be located approximately 100' to the west of the existing pumphouse) on the same property owned by the USACE and that, once completed, will fully replace the CTUIR's existing pumphouse and will be used to divert and apply to beneficial use water diverted under both the Permit and the CTUIR's existing water rights (the "New CTUIR POD");

4. Add to the Permit a POD currently located and operating in the McNary Pool, which is (a) an existing diversion structure owned and owned and operated by the City of Umatilla, and (b) is currently used for the diversion of other City of Umatilla water rights; and

5. Add to the Permit a POD currently located and operating in the McNary Pool, which (a) is an existing diversion structure co-owned by the City of Hermiston and the Port of Umatilla, (b) is operated and maintained by the City of Hermiston pursuant to an agreement between the City of Hermiston and the Port of Umatilla, and (c) will be used by the City of Umatilla to appropriate water under the Permit and convey such water to and through the RWS pipeline for delivery to the City of Hermiston.

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For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Hermiston Regional Water System serves only industrial users permitted outright under §157.055 of the Hermiston Code of Ordinances.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Clinton Spencer Title: Planning Director

Signature:  Phone: (541)567-5521 Date: August 2, 2022

Government Entity: City of Hermiston

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

ATTACHMENT 1B
Permit Amendment Map

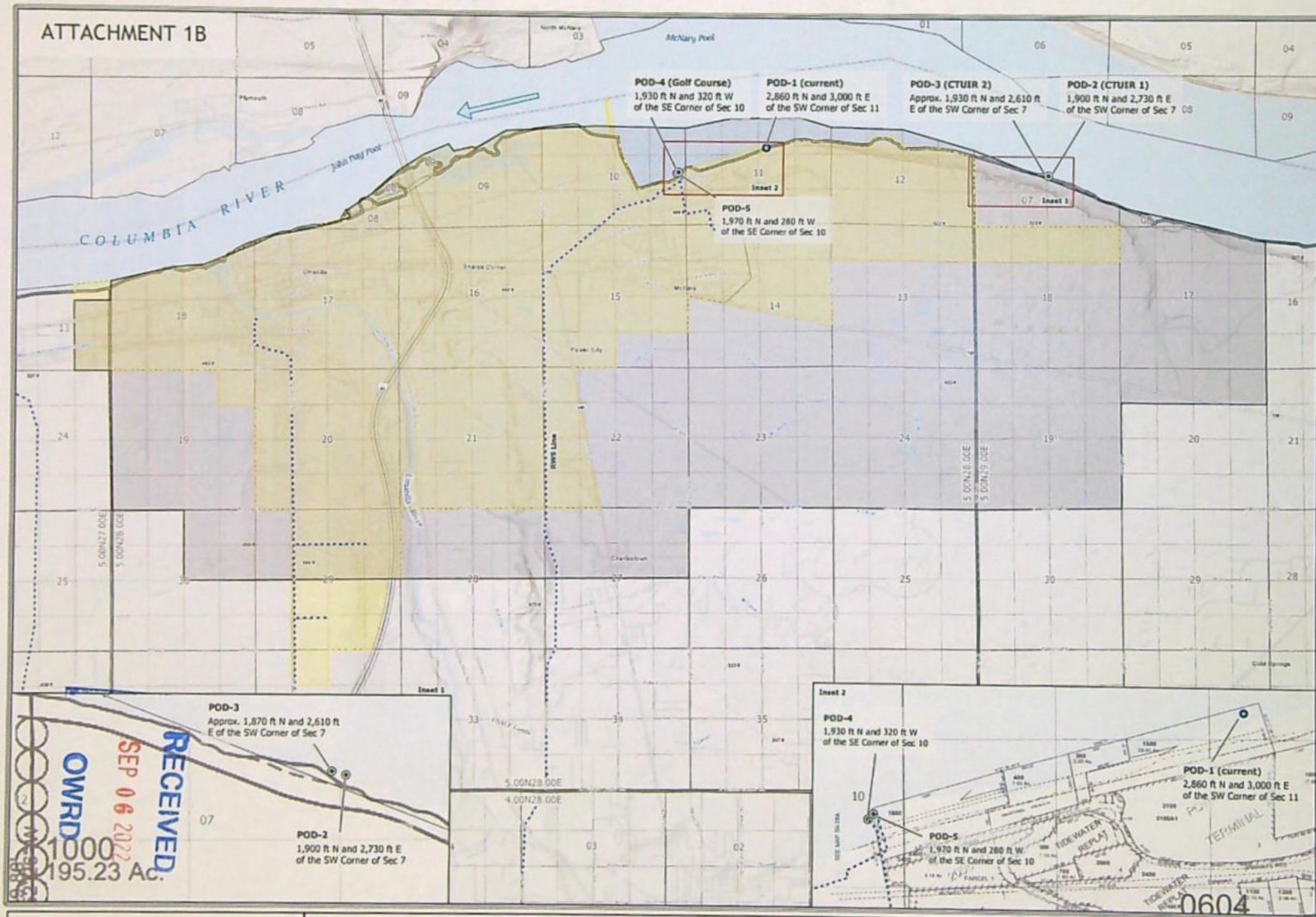
Full-scale 24x30" map included separately in poster tube.

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ATTACHMENT 1B



CwM-H2O
Complete Water Management

Application for Permit Amendment - Map
Permit S-41444 - City of Umatilla
T5N, R27-29E, W.M.



Exhibit A - City of Umatilla
Overview Map - Raw Water Pipeline and Temporary Pipeline



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

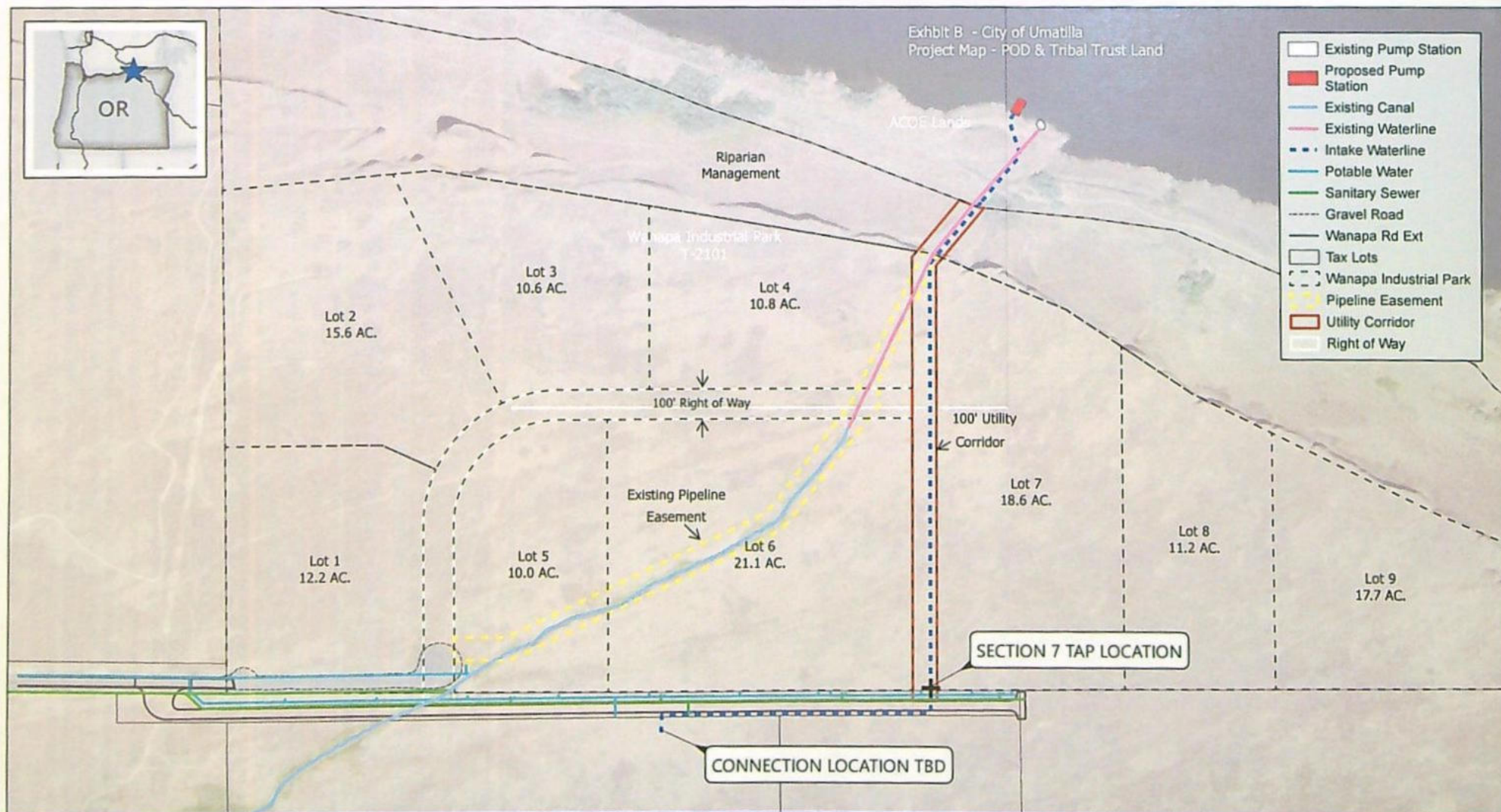
CITY OF UMATILLA TAX LOT MAP

Legend

- | | | | |
|---------------------|----------------------|----------------------------|-------------------------|
| Tax Lots (4/5/22) | PDX 121 | Proposed Wanaket Raw Water | Proposed Canal Fill |
| POD | PDX 121 Storm Pond | Irrigation Canal | Proposed Raw Water |
| 121 UEC Substations | Water Treatment BLDG | Existing Water Pipe | Proposed Temp Raw Water |



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 4/8/2022



**CITY OF UMATILLA
PROPOSED RAW RIVER WATERLINE**



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SEP 06 2022

OWRD

MOHRWATER LEGAL PC
1631 NE BROADWAY AVE., PMB 632
PORTLAND, OR 97213

Licensed in Colorado, Oregon,
and Washington

Telephone: (503) 830-1412
peter.mohr@mohrwaterlegal.com

Via Courier Delivery
September 2, 2022

RECEIVED

SEP 06 2022

OWRD

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: City of Umatilla / Permit Amendment Application Re Permit S-41444

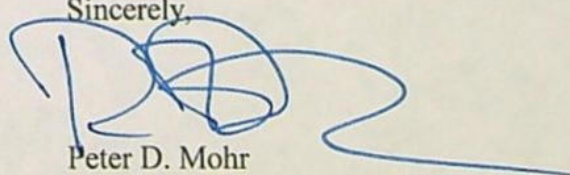
Dear Lisa:

On behalf of the City of Umatilla ("City"), with this letter I am submitting an application to amend the City's existing 23 cfs Permit S-41444 to obtain additional points of diversion and further include the full scope of the City's service area in consideration of its contiguous UGB expansion approved in 2021. This submittal consists of the following documents:

1. An original *Application for Permit Amendment* as executed by the City Manager, David Stockdale, and which includes a confirmed map scale waiver (as discussed immediately below), together with a check in the amount of \$1,360.00 to cover the Department's application fee associated with this request;
2. Two original large-format prints of the permit amendment map which separately accompany this letter and are additionally provided due to the physical extent of the place of use under Permit S-41444. The primary map is drawn at a scale of 1" to 1,670'. The five points of diversion involved in the application are displayed in two inset maps, which are drawn at the approved scale of 1" to 400'. The inset maps include a tax lot overlay from the County Assessor's survey maps.
3. True and correct copies of applicable *Land Use Information Forms* as executed by the City's Planning Department, Umatilla County's Planning Department, the Confederated Tribes of the Umatilla Indian Reservation, and the City of Hermiston's Planning Department; and
4. An original *Transfer Reimbursement Authority Estimate Application* together with a check in the amount of \$125.00 to cover the Department's fee associated with this request.

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Sincerely,



Peter D. Mohr

Encl.

cc: David Stockdale (via email w/encl.)

*APPLICATION FOR PERMIT

Not part of App ✓

To Appropriate the Public Waters of the State of Oregon

I, City of Umatilla
(Name of applicant)
 of P. O. Box 130, Umatilla
(Mailing address) (City)
 State of Oregon, 97882, do hereby make application for a permit to appropriate the
(Zip Code)
 following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

Does not apply

- The source of the proposed appropriation is Columbia River
(Name of stream)
Pacific Ocean
(Name of stream), a tributary of
- The amount of water which the applicant intends to apply to beneficial use is 23
 cubic feet per second
(If water is to be used from more than one source, give quantity from each)
- The use to which the water is to be applied is Municipal consumption
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)
- The point of diversion is located 2860 ft. N. and 3000 ft. E. from the S.W.
(N. or S.) (E. or W.)
 corner of Section 11
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

- being within the S.W. 1/4 N.E. 1/4 of Sec. 11, Tp. 5 N.
(Give smallest legal subdivision) (N. or S.)
 R. 28 E., W. M., in the county of Umatilla, Oregon
(E. or W.)
- The pipeline to be 0.50
(Main ditch, canal or pipe line) (Miles or feet)
 in length, terminating in the S.W. 1/4 of Sec. 11, Tp. 5 N.
(Smallest legal subdivision) (N. or S.)
 R. 28 E., W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

- (a) Height of dam N/A feet, length on top N/A feet, length at bottom N/A feet; material to be used and character of construction N/A
(Loose rock, concrete, masonry)

rock and brush, timber crib, etc., wasteway over or around dam)

- (b) Description of headgate N/A
(Timber, concrete, etc., number and size of openings)

- (c) If water is to be pumped give general description Development consists of a
(Size and type of pump)
Ranney type collector well. Estimated depth of 100 feet with
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)
estimated depth to water table of 50 feet from surface.

*A different form of application is provided where storage works are contemplated. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

(i) The nature of the mines to be served N/A

Application for Permit -
To Appropriate the Public Waters of the State of Oregon

FOR: City of Umatilla

8. LOCATION OF AREA TO BE IRRIGATED, OR PLACE OF USE

<u>Township</u> <u>North or South</u>	<u>Range, E. or W. of</u> <u>Willamette Meridian</u>	<u>Section</u>	<u>Government</u> <u>Subdivision</u>	<u>Number of Acres</u> <u>to be Irrigated</u>
5 N.	27 E., W.M.	-13	E $\frac{1}{2}$, SE $\frac{1}{2}$	80
5 N.	28 E., W.M.	-8	All southerly of	
			Columbia River	46
		-9	All southerly of	
			Columbia River	364
		-10	All southerly of	
			Columbia River	320
		-11	All southerly of	
			Columbia River	273
		-12	All southerly of	
			Columbia River	339
		-13	All	640
		-14	All	640
		-15	All	640
		-16	All	640
		-17	All	633
		-18	All southerly of	
			Columbia River	461
		-19	All	640
		-20	All	640
		-21	All	640
		-22	All	640
		-23	All	640
		-24	All	640
		-27	NE $\frac{1}{4}$	160
			NW $\frac{1}{4}$	160
		-28	NE $\frac{1}{4}$	160
			NW $\frac{1}{4}$	160
		-29	NE $\frac{1}{4}$	160
			NW $\frac{1}{4}$	160
		-30	NE $\frac{1}{4}$	160
5 N.	29 E., W.M.	-7	All southerly of	
			Columbia River	212
		-8	All southerly of	
			Columbia River	26
		-17	All	614
		-18	All	640
		-19	All	640
		-20	N $\frac{1}{4}$, NE $\frac{1}{4}$	80
			N $\frac{1}{4}$, NW $\frac{1}{4}$	80

WATER DIVISION OF OREGON
ALBANY, OREGON

Application No. 54855
Permit No. 41414

41444

Umatilla,..... County, having a present population of2,300
(Name of)

(b) If for domestic use state number of families to be supplied4,800 families, plus industrial.

11. Estimated cost of proposed works, \$.....800,000.....

12. Construction work will begin on or before January 1, 1977

13. Construction work will be completed on or before January 1, 1980

14. The water will be completely applied to the proposed use on or before the Year 2000

Remarks:

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

WITNESS my hand this day of, 19.....

STATE ENGINEER

By ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

41444

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 23.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Columbia River

The use to which this water is to be applied is municipal purposes

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is October 5, 1976

Actual construction work shall begin on or before April 27, 1978 and shall

Extended to Oct. 1, 1984 Extended to October 1, 1989 Extended to October 1, 1994, 10-1-99

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Extended to Oct. 1, 1984 Extended to October 1, 1989 Extended to October 1, 1994, 10-1-99

Complete application of the water to the proposed use shall be made on or before October 1, 1979

Extended to Oct. 1, 1984 Extended to October 1, 1989 Extended to October 1, 1994, 10-1-99

WITNESS my hand this 27th day of April 1977

James E. Selman
WATER RESOURCES DIRECTOR

Application No. 54855
Permit No. 41444

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 5th day of October,
1976, at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. 41444 of
Permits on page

STATE ENGINEER
Drainage Basin No. 7 page 26
Fees 79.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **139179**

INVOICE # _____

RECEIVED FROM: Mohwater Legal PC

BY: _____

APPLICATION T-14084

PERMIT _____

TRANSFER T-14084

CASH: _____ CHECK: # _____ OTHER: (IDENTIFY) _____

☐ ☒ 134 ☐ _____ TOTAL REC'D \$ 1,039.67

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R-11395-23 \$ _____

CH12 OTHER: (IDENTIFY) Reimbursement Authority \$ 1,039.67

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **139179**

DATED: 9/22/2002 BY: Mihou Kay

SEP 22 2022

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-395-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **City of Umatilla**, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Contact: **Kelly Starnes**
Title: Transfer Advisor
Address: 725 Summer Street, NE, Suite A
Salem, OR 97301-1266

Phone: 503 979-3511
Fax: 503 986-0901
Email: patrick.k.starnes@water.oregon.gov

Applicant's Information

Name: City of Umatilla
Contact: David Stockdale, City Manager
Address: 700 6th Street
Umatilla, OR 97882

Phone: (541) 992-3226
Fax:
Email: david@umatilla-city.org

Applicant's Representative

Name: MohrWater Legal PC
Contact: Peter D. Mohr
Address: 1631 NE Broadway St., PMB 632
Portland, OR 97232

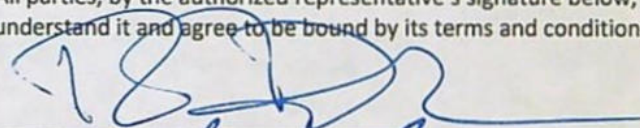
Phone: (503) 830-1412
Fax:
Email: peter.mohr@mohrwaterlegal.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-14084)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,039.67. Applicant agrees to pay the full amount of \$1,039.67 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

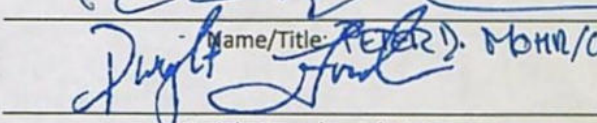


Name/Title:

PETER D. MOHR/COUNSEL TO
CITY OF UMATILLA

9/20/22
Date

For OWRD:



Dwight French – Administrator

9/30/2022
Date

Mail signed Agreement to:

Stacy Phillips
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Received by OWRD

SEP 22 2022

Salem, OR

MOHRWATER LEGAL PC
1631 NE BROADWAY AVE., PMB 632
PORTLAND, OR 97213

*Licensed in Colorado, Oregon,
and Washington*

*Telephone: (503) 830-1412
peter.mohr@mohrwaterlegal.com*

Via Certified Mail
September 20, 2022

RECEIVED

SEP 22 2022

Stacy H. Phillips
Oregon Water Resources Dept.
725 Summer Street NE, Suite A
Salem, OR 97301-1266

OWRD

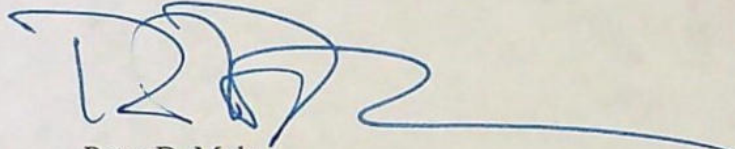
Re: Permit Amendment Applic. T-14084 Re Permit S-41444 / Reimb Auth Agreement

Dear Stacy:

On behalf of the City of Umatilla ("City"), and with regard to the above referenced application, please find enclosed an original Reimbursement Authority Agreement as executed on behalf of the City together with the accompanying required payment of \$1,039.67.

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Sincerely,



Peter D. Mohr

Encl.

cc: David Stockdale, City Mgr. (via email w/encl.)

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **139065**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Mohrwater Legal PC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>7-14084</u>

CASH: ☐ CHECK: # 126 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R 11375-23 \$
0412 OTHER: (IDENTIFY) Transfer Rimbush permit Authority \$ 125.00
0243 I/S Lease _____ 0244 Muni Water Mgmt: Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$

0205	TRANSFER	\$
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WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **139065**

DATED: 9-6-2023 BY: [Signature]



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14084

Applicant Information		Applicant's Representative/Contact
Name:	City of Umatilla (David Stockdale, City Mgr.)	Peter D. Mohr
Address:	700 6th Street Umatilla, OR 97882	MohrWater Legal PC 1631 NE Broadway St., PMB 632 Portland, OR 97232
Phone:	(541) 992-3226	(503) 830-1412
Fax:	N/A	N/A
E-Mail Address:	david@umatilla-city.org	peter.mohr@mohrwaterlegal.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Received by OWRD

SEP 06 2022

Salem, OR

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify)

Name: Peter D. Mohr / MohrWater Legal PC

Signature: _____

OWRD USE ONLY: Reimbursement Authority Number: R11-395-23 Caseworker: T. Smith



Oregon
Kate Brown, Governor

Water Resources Department

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

September 9, 2022

CITY OF UMATILLA
ATTN DAVID STOCKDALE
700 6TH STREET
UMATILLA, OR 97882

Reference: Application T-14084

On September 6, 2022, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1360.00. Our receipt number 139066 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the application has been issued by the Department.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

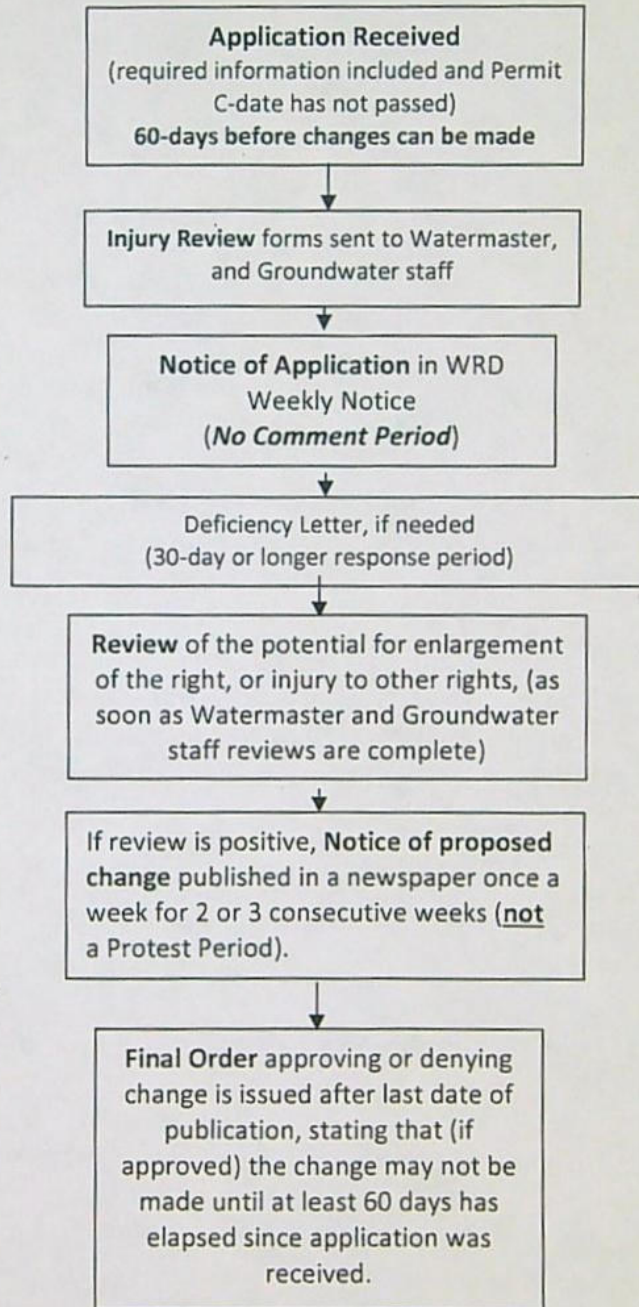
Cc: Watermaster Dist. #5, Gregory M. Silbernagel (via email)
Bob Long, CWRE, Agent
Peter D. Mohr, Attorney, Agent
West Extension Irrigation District
Umatilla County
City of Hermiston
Confederated Tribes of the Umatilla Indian Reservation

Enclosure

Permit Amendment Process

ORS 537.211

Changes: POD/POA, Place of Use



Permit Amendment Application Checklist

Pull the File(s)

Transfer # T- 14084

Checked by: <u>Jean</u> Date: <u>9/7/22</u> Additional Observations: <u>Remove POD 1</u> <u>ADD 5 PODS</u>	Type of Change(s) <u>No other changes other than those listed:</u> (Circle the proposed changes)	<input checked="" type="checkbox"/> POD	<input type="checkbox"/> APOD	<input type="checkbox"/> POU
		<input type="checkbox"/> POA	<input type="checkbox"/> APOA	
Fee Received: <u>1360.00</u>	Application # Permit #	Application # <u>S-54855</u> Permit # <u>S-41444</u>		
Calculated Fee: <u>1360.00</u>				

If OK, check box; if not, fill in.

City of Umatilla 10-1-55 ext W MCP - ✓

- ☒ 1. Is the name of the Permit Amendment applicant the same as the Water Right Permit holder(s) of record?
 If not, one of the following must be included with the application:
 ___ a) An affidavit of consent from all Permit holder(s) or other Permit holders that have not signed the Permit Amendment application form, consenting to the proposed Permit Amendment application; OR,
 ___ b) A completed Request for Assignment form (and statutory fee) to move all (or portion) of the permit into the Permit Amendment applicant's name.

If not, what is missing? _____

- ☒ 2. Page 1 of application: Are all attachments that have been checked actually included?
 If not, what is missing? _____

- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
 If not, whose signature is missing? _____

- ☒ 4. For multiple permits - do each of the Permits listed on Application Page 1 (Part 5 checkoff box) have their own separate Part 5 completed?
 If no, which Permits are missing a separate Part 5? _____

- ☒ 5. Are the Permit completion date(s) current? If the Permit completion date has expired, we **CANNOT** accept the application.

- ☒ 6. If the permit amendment includes a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A. No POU

- ☒ 7. If all #1- #6 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4, #5, or #6 on this checklist is deficient, the application **CANNOT** be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Permit Amendment Application Checklist

Base fee for one water right permit, one change and first cfs =		\$1,160.00
# of additional water right permits beyond the first (see Part 4 of application) =	_____	x \$520.00 =
Additional fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change from SW diversion point to a well =		\$410.00
1 or 2 additional TYPEs of change* (see Page 5 of application) =	_____	x \$930.00 =
If <i>Place of Use</i> change involves more than 1 cfs (based on primary acres x rate), # cfs or fraction above the first cfs =	_____	x \$350.00 =
<i>HINT: Total cfs on Permit (÷) total # acres on Permit (x) # acres involved in permit amendment = # cfs involved in permit amendment</i>		
Sub-total =		
If a letter from ODFW endorsing this as a "fish-friendly" permit amendment is included, multiply sub-total by 0.50 =		
Total = sub-total minus 50% "fish-friendly" reduction, if applicable =		



RECEIVED

SEP 06 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: City of Umatilla

700 6th St Umatilla OR 97882

Transaction Type: Reimbursement Authority

Fees Received: \$ 125.00

☐ Cash

☒ Check:

Check No. 126

Name(s) on Check: Mohrwater Legal PC

Address on Check: 1631 NE Broadway St Pmb 632
Portland, OR 97232

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Dante Luongo

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



RECEIVED

SEP 06 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: City of Umatilla
700 6th St Umatilla, OR 97882

Transaction Type: Permit Amendment

Fees Received: \$ 1360.00

☐ Cash

☒ Check:

Check No. 125

Name(s) on Check: Mohrwater Legal PC.

Address on Check: 1631 NE Broadway St. Pmb 632
Portland, OR 97232

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

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Sincerely,

OWRD Customer Service Staff

Submission received by:

Dante Luongo

(Name of OWRD staff)

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