

Permit amendment

T-13504

Name Port of Morrow
attn MIFF Devin
 Address PO Box 200
#2 Marine Drive
Boardman Oregon 97818

Change in APOA
 Date Filed 8/3/2020
 Initial notice date 8/11/2020
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 2/10/2021 Vol 118 Page 546-48

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream well

Trib. of Columbia river

Use irrigation, mun County Morrow

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 6-14397 Per # 6137105 Cert # _____ PR Date 10/23/1990

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>8-3-2020</u>	<u>\$1,570.00</u>	<u>133187</u>
<u>11-16-2020</u>	<u>\$143.04</u>	<u>133950</u>

FEES REFUNDED

Date	Amount	Receipt #

Assignments: _____

Irrigation District west extension Irrigation dist

Agent GSI Water Solutions attn Bruce Brody-Horne

CWRE _____

CC's list Port of Morrow
city of Boardman
Morrow County

☐ - Oversized map - Location _____



April 27, 2021

Kirk B. Maag
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9546
kirk.maag@stoel.com

VIA UPS AND EMAIL

Tom Byler
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Email: director@wrд.state.or.us

Re: Response to Petition for Reconsideration (In the Matter of Permit Amendment T-13504, Morrow County)

Dear Director Byler:

Please find enclosed the original Response to Petition for Reconsideration regarding Permit Amendment T-13504, which I submit on behalf of the Port of Morrow. Please contact me at 503.294.9546 if you have any questions regarding this Response.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'K. Maag', is written over a blue circular stamp.

Kirk B. Maag

Enclosure

cc: Client (via email only)
Brian Posewitz, WaterWatch of Oregon



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Permit
Amendment T-13504, Morrow
County

**RESPONSE TO PETITION FOR
RECONSIDERATION**

WaterWatch of Oregon ("WaterWatch") filed a Petition for Reconsideration ("Petition") of the Oregon Water Resource Department's ("Department") final order regarding Permit Amendment T-13504 ("Final Order"). The Final Order approved a change in the points of appropriation authorized under Permit G-13765, which is held by the Port of Morrow ("Port"). The Port files this response to the Petition ("Response"). The Port urges the Department to deny the Petition because (1) the Petition is deficient, and (2) the Final Order is consistent with applicable laws.

I. BACKGROUND

The Petition has little, if anything, to do with the Final Order. The Petition is part of an ongoing effort by WaterWatch to prevent the Port from supplying water to the former Lost Valley Farm dairy and other animal feeding operations. A few days before WaterWatch filed the Petition, WaterWatch's attorney called Bruce Brody-Heine, GSI Water Solutions, who works as a water rights consultant to the Port. The attorney explained that WaterWatch was concerned that Permit G-13765 might be used to supply water to the former Lost Valley Farm dairy. The attorney also explained that WaterWatch might seek reconsideration or judicial review of the Final Order unless the Port agreed that no water appropriated under the resulting permit would be supplied to the former Lost Valley Farm dairy. WaterWatch, on behalf of itself and several other litigious groups, made similar efforts to exact concessions from the Port before protesting the Department's proposed final order recommending approval of the Port's extension application for Permit G-17516 in November 2020.

Permit G-13765 has never been used to supply water to the former Lost Valley Farm dairy, and the Port has no specific plan to use that permit (or the permit resulting from the

1 Final Order) to supply water to that dairy. Nevertheless, the Port considers every potential
2 new water user on a case-by-case basis, consistent with its statutory authority and other
3 governing documents. To WaterWatch's consternation, the Port has refused to accede to
4 WaterWatch's demands that the Port self-impose constraints on its water rights beyond their
5 terms and conditions.

6 To the extent WaterWatch is concerned about the operation of animal feeding
7 operations in Oregon, WaterWatch should direct those concerns to the legislature or the
8 agencies that directly regulate such operations; changes to statutes are the province of the
9 legislature, not administrative agencies. Efforts to exact concessions from the Port—a
10 municipal corporation—through administrative and judicial review processes (like this one)
11 that have only a tangential connection to WaterWatch's concerns are not an appropriate
12 means to advance WaterWatch's public policy preferences.

13 II. RESPONSE TO PETITION

14 The Department should deny the Petition because (1) the Petition is deficient, and (2)
15 the Final Order is consistent with applicable laws.

16 A. The Department should deny the Petition because it is deficient.

17 The Department should deny the Petition because WaterWatch failed to allege facts
18 sufficient to show that it is entitled to seek reconsideration. "A person entitled to judicial
19 review under ORS 183.484 of a final order in other than a contested case may file a petition
20 for reconsideration of a final order in other than a contested case with the agency within 60
21 calendar days after the date of the order." OAR 137-004-0080(1). To be entitled to judicial
22 review under ORS 183.484, a person must be "adversely affected or aggrieved" by the order
23 the person seeks to challenge. *See* ORS 183.480(1). Here, WaterWatch failed to allege facts
24 sufficient to show that it is adversely affected or aggrieved by the Final Order. As such, the
25 Department should deny the Petition without reaching the merits. But as explained below,
26 even if the Department reaches the merits, the Petition should still be denied.

1 The Department should also deny the Petition because WaterWatch failed to set forth
2 the specific grounds for reconsideration. A petition for reconsideration must “set forth the
3 *specific* grounds for reconsideration.” OAR 137-004-0080(1) (emphasis added).

4 WaterWatch’s primary contention is that the change authorized under the Final Order would
5 injure existing water rights, contrary to ORS 537.211(4)(a). (Petition ¶ 1.) But WaterWatch
6 fails to identify a single water right that would be injured by the Final Order. By simply
7 restating the general legal standard that applies to permit amendments, without identifying
8 any water rights that would be injured, the Petition fails to satisfy the minimum requirements
9 applicable to petitions for reconsideration. But even if the Petition meets the minimum
10 requirements, the Department should deny the Petition for the reasons set forth below.

11 **B. The Department should deny the Petition because the Final Order complies with**
12 **applicable laws and the contentions set forth in the Petition are without merit.**

13 The Petition sets forth, in cursory fashion, several reasons why the Department should
14 reconsider the Final Order. But the Petition did not cite to and was not accompanied by any
15 evidence to support WaterWatch’s contentions. As explained below, the Department should
16 reject each of WaterWatch’s contentions.

17 WaterWatch contends that the change authorized under the Final Order would injure
18 existing water rights because “[t]he additional points of appropriation will be closer to some
19 existing water rights using the same source.” (Petition ¶ 1.a.) But even if the additional
20 points of appropriation will be closer to other points of appropriation authorized to pump
21 from the same source, proximity is not synonymous with injury. In the context of water right
22 transfers, the Department has defined “injury” and “injury to an existing water right” to mean
23 that “a proposed transfer would result in another, existing water right not receiving
24 previously available water to which it is legally entitled.” OAR 690-380-0100(3). Here,
25 looking to that definition, the permit amendment will not cause injury; other, existing water
26 rights will continue to receive previously available water to which they are legally entitled.

1 WaterWatch contends that the change authorized under the Final Order would injure
2 existing water rights because “[t]he additional points of appropriation will draw water from a
3 different source than the existing points of appropriation.” (Petition ¶ 1.b.) WaterWatch
4 provides no evidence or explanation to support this contention. In fact, the plain language of
5 the Final Order directly contradicts WaterWatch’s contention. The Final Order provides:
6 “Water shall be acquired from the same aquifer as the original points of appropriation.” This
7 condition is sufficient to ensure that the change authorized under the Final Order will not
8 result in injury to an existing water right, as required under ORS 537.211(4)(a). If the
9 Department were to later determine that one or both of the new points of appropriation draw
10 water from a different aquifer than the originally authorized points of appropriation, the
11 Department could exercise its enforcement authority to ensure water is used only as
12 authorized under the permit. Any point of appropriation that did not comply with the permit
13 conditions would be excluded from the final water right certificate.

14 WaterWatch contends that the change authorized under the Final Order would injure
15 existing water rights because it “will result in more water being used under the permit (an
16 injury from enlargement)” (Petition ¶ 1.c.) That is not the standard for assessing
17 whether a permit amendment would “result in injury to an existing water right.” ORS
18 537.211(4)(a); *see* OAR OAR 690-380-0100(3) (definition of “injury” in the context of a
19 water right transfer). ORS 537.211(4) does not specifically prohibit “enlargement,” but even
20 assuming the Department cannot approve a permit amendment that results in enlargement,
21 the change authorized by the Final Order does not constitute “enlargement.” *See* OAR
22 690-380-0100(2) (definition of “enlargement” in the context of a water right transfer).¹ Here,

23 _____
24 ¹ “‘Enlargement’ means an expansion of a water right and includes, but is not limited to: (a) Using a greater
25 rate or duty of water per acre than currently allowed under a right; (b) Increasing the acreage irrigated under a
26 right; (c) Failing to keep the original place of use from receiving water from the same source; or (d) Diverting
more water at the new point of diversion or appropriation than is legally available to that right at the original
point of diversion or appropriation.” OAR 690-380-0100(2).

1 the Final Order will not result in an expansion of Permit G-13765—specifically, the Final
2 Order will not increase or otherwise change the authorized rate or duty, will not expand or
3 otherwise change the authorized place of use, and will not allow the Port to divert more water
4 at the new points of appropriation than was legally available at the original points of
5 appropriation. The Final Order will ensure that the Port can more efficiently appropriate
6 water under Permit G-13765 and any superseding permit, but a more efficient use of water
7 does not constitute injury.

8 WaterWatch contends that the Final Order “will allow a change in beneficial uses,
9 and the amounts thereof, both in relation to the previous permit and in relation to in [sic] the
10 original permit for which there has been no previous transfer or order of withdrawal, contrary
11 to ORS 537.211(4)(c).” (Petition ¶ 2.) This contention has no merit. The application
12 underlying Permit Amendment T-13504 did not seek to change the beneficial uses or the
13 amount of use authorized under Permit G-13765 or any other permit, and the Final Order
14 does not approve a change in beneficial uses or the amount of use authorized under Permit
15 G-13765 or any other permit. Contrary to WaterWatch’s contention, the Final Order
16 complies with ORS 537.211(4)(c) because the Final Order authorizes only changes to the
17 points of appropriation authorized under Permit G-13765.

18 WaterWatch contends that the Final Order “will result in a change of place of use
19 under the permit, contrary to ORS 537.211(4)(c), and would do so on non-contiguous land,
20 contrary to ORS 537.211(4)(b).” (Petition ¶ 3.) This contention has no merit. The
21 application underlying Permit Amendment T-13504 did not seek to change the authorized
22 place of use under Permit G-13765 or any other permit, and the Final Order does not approve
23 a change in the authorized place of use under Permit G-13765 or any other permit. To the
24 extent WaterWatch is concerned about the flexibility in authorized place of use that is
25 afforded by the legislature to municipalities pursuant to ORS 540.510(3), this is not the
26

1 appropriate forum for addressing WaterWatch’s concern. Changes to statutes are the
2 province of the legislature, not the Department.

3 WaterWatch contends that the Final Order “is inconsistent with provisions of the
4 order allowing an extension of time to develop the permit.” (Petition ¶ 4.) WaterWatch is
5 likely referring to the final order recorded at Special Order Volume 103, Page 365, which
6 approved an extension of time to develop Permit G-13765. Nothing in that order (or any
7 other extension order) purports to preclude amendment of G-13765 under ORS 537.211.
8 Moreover, the Port is not aware of any statutory authority pursuant to which the Department
9 could, through an extension order, preclude a permit holder from availing itself of ORS
10 537.211.

11 WaterWatch narrowly and incorrectly interprets ORS 537.211(4) to allow a change in
12 authorized points of appropriation only if the change is a replacement of one authorized point
13 of appropriation with a different, proposed point of appropriation—that is, a one-for-one
14 replacement of one point of appropriation with another. Based on that interpretation,
15 WaterWatch contends that the Final Order “approves additional points of appropriation
16 instead of a change in ‘the point of appropriation’ as specified in ORS 537.211(4).” (Petition
17 ¶ 5.) But ORS 537.211(4) is not as narrow as WaterWatch suggests. ORS 537.211(4) allows
18 the holder of a permit to “change the point of appropriation.” That change could be a
19 *replacement* of one point of appropriation with another (consistent with WaterWatch’s
20 interpretation), but that change could also be the *addition* of another point of appropriation
21 (consistent with the Final Order). This broader interpretation of ORS 537.211(4) is
22 consistent with the Department’s past practice and the Department’s official permit
23 amendment application forms. WaterWatch’s reliance on the phrase “*the* point of
24 appropriation” (emphasis added) to support a narrower interpretation is nonsensical because
25 it implies that there can be only a single point of appropriation under a permit—an
26 implication that is not supported by statute, rule, or Department practice.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served a copy of the **Response to Petition for Reconsideration**
3 on the following named person(s) on the date indicated below by U.S. First-Class Mail and
4 email.

5

6 Tom Byler, Director Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301 Phone: 503-986-0900 Fax: 503-986-0904 Email: director@wrd.state.or.us	Brian Posewitz WaterWatch of Oregon 213 SW Ash Street, Suite 208 Portland, OR 97204 Phone: 503-295-4039 x2 Fax: 503-295-2791 Email: brian@waterwach.org
---	--

9

10
11 DATED: April 27, 2021.

12 STOEL RIVES LLP

13 

14
15 Kirk B. Maag, OSB No. 105507
Of Attorneys for Port of Morrow

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Water Use Permit
Transfer T-13504 (Port of Morrow Permit
G-13765)

)
)
)

**PETITION FOR
RECONSIDERATION**

WaterWatch of Oregon petitions for reconsideration of the final order ("Order") and permit ("Permit") in the above matter, an other than contested case, approving requested permit amendments. WaterWatch seeks reconsideration on the following grounds:

1. The permit amendments authorized in the Order will injure existing water rights, contrary to ORS 537.211(4)(a) because:
 - a. The additional points of appropriation will be closer to some existing water rights using the same source.
 - b. The additional points of appropriation will draw water from a different source than the existing points of appropriation, or at least there is not substantial evidence to say otherwise. Although the Order directs the permit holder to use water from the same source, doing so at the location of the additional points of appropriation is not possible and/or substantial evidence does not show the permit holder can reasonably make that determination.
 - c. The Order will result in more water being used under the permit (an injury from enlargement) because the additional points of appropriation will serve additional needs that would not have been served from the existing points of appropriation. Meanwhile, the existing points of appropriation and the water use permit will continue to serve the same needs as they would have served without the additional points of appropriation.
2. The Order and Permit will allow a change in beneficial uses, and the amounts thereof, both in relation to the previous permit and in relation to in the original permit for which there has been no previous transfer or order of withdrawal, contrary to ORS

RECEIVED

APR 09 2021

OWRD

1 537.211(4)(c).

2 3. The Order will result in a change of place of use under the permit, contrary to ORS

3 537.211(4)(c), and would do so on non-contiguous land, contrary to ORS

4 537.211(4)(b).

5 4. The Order is inconsistent with provisions of the order allowing an extension of time to

6 develop the permit. Moreover, the extensions were specific to the existing points of

7 appropriation such that a transfer to add points of appropriation is inconsistent with,

8 and conflicts with, the extension orders.

9 5. The Order approves additional points of appropriation instead of a change in "the point

10 of appropriation" as specified in ORS 537.211(4).

11
12 DATED: April 9, 2021.

13 
14

15 Brian Posewitz, Staff Attorney

16 WaterWatch of Oregon

17 213 SW Ash St., Ste 208

18 Portland, OR 97204

19 Ph: 503.295.4039 x 2

20 Fax: 503.295.2791

21 brian@waterwatch.org
22
23
24
25
26

RECEIVED

APR 09 2021

OWRD

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petition for Reconsideration on:

PORT OF MORROW
ATTN: MIFF DEVIN
2 MARINE DR
BOARDMAN, OR 97818

☒ by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each attorney's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below;

☐ by causing a copy thereof to be hand-delivered to said attorneys at each attorney's last-known office address on the date set forth below;

☐ by sending a copy thereof via overnight courier in a sealed, prepaid envelope, addressed to each attorney's last-known address on the date set forth below; or

☐ by faxing a copy thereof to each attorney at his last-known facsimile number on the date set forth below.

DATED: April 9, 2021.

Brian Posewitz


Brian Posewitz
WaterWatch of Oregon
213 SW Ash St., Ste 208
Portland, OR 97204
Ph: 503.295.4039 x 2
Fax: 503.295.2791
brian@waterwatch.org

RECEIVED

APR 09 2021

OWRD

Permit Amendment Checklist

Transfer: T- 13504

Transfer Specialist:

Corey

Transfer Type: Permit Amendment

Applicant Name/Address/email: PORT OF MORROW PO BOX 200 BOARDMAN, OR 97818	Agent Name/Address/email: BRUCE BRODY-HEINE 147 SW SHEVLIN HIXON DR STE 201 BEND, OR 97702	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: Port Of Morrow
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.
☐	☐	G-14397	G-13765	6-18505

Key Dates & Initial Actions

Rec'd: August 3, 2020	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1570.00	WM District: 5	ODFW District:
Initial Notice: August 11, 2020	WM Review sent: Done:	ODFW Review sent: Done:
Acknowledgement Letter Sent: ☒ Date:		GW Review sent: Done:

Processing Dates & Actions

Deficiency Contact(s): _____

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 ☐

Hermiston Herald

Newspaper: _____

☐ not required

Date quote requested: 10/22/20

Request for news \$ sent: 11/9/20

News \$ received: 11/16/20

Request to publish sent to newspaper: _____

Affidavit of publication received: _____

Dates of publication: 12/2/20
12/9/20

Final Order

Draft Order & Superseding Permit Review (Optional) Reviewer: _____ Date: _____ Coordinator: _____ Date: _____ Signature Bin Date: _____	Final Order & Superseding Permit Review (Salem) Reviewer: Jan Date: 10-7-20 Coordinator: PKS Date: 10/19/20 Signature Bin Date: _____
Comments/Special Issues: _____	

Special Order Volume: Vol: 118, Pages 546-48

Final Order Signature Date: 2/10/2021



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 10, 2021

PORT OF MORROW
ATTN: MIFF DEVIN
PO BOX 200
BOARDMAN, OR 97818

REFERENCE: Permit Amendment Application T-13504

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 the approval of this permit amendment, you may contact your caseworker, Corey Courchane by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
Bruce Brody-heine, Agent
Morrow County Planning
City of Boardman
West Extension Irrigation District

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment	)	FINAL ORDER
T-13504, Morrow County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION

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 appropriation and/or place of use authorized under an existing water right permit.

Applicant

PORT OF MORROW
ATTN: MIFF DEVIN
PO BOX 200 #2 MARINE DRIVE
BOARDMAN, OR 97818

Findings of Fact

1. On August 3, 2020, PORT OF MORROW, ATTN: MIFF DEVIN filed an application for additional points of appropriation under Permit G-13765. The Department assigned the application number T-13504.
2. On December 20, 2007, the Department approved an extension of time for complete application of water to October 1, 2012.
3. On January 18, 2008, the Department issued a Final Order (Special Order Volume 74, Page 69) approving a Water Management and Conservation Plan (WMCP), authorizing the Port of Morrow to divert 0.46 cubic foot per second (cfs) of water out of the total permitted 4.96 cfs under Permit G-13765.
4. On November 4, 2016, the Department approved an extension of time for complete application of water to October 1, 2040.
5. On November 5, 2018, the Department issued a Final Order (Special Order Volume 107, Page 1034) approving a WMCP, authorizing the Port of Morrow to divert 0.46 cubic foot per second (cfs) of water out of the total permitted 4.96 cfs under Permit G-13765.
6. Notice of the application for the permit amendment was published in the Department's weekly notice on August 11, 2020, and in the Hermiston Herald newspaper on December 2 and 9, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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 and OAR 690-01-0005 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.

7. Permit Amendment Application T-13504 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximated distance from authorized points of appropriation in miles (mi.)	
4 N	24 E	WM	21	SE NE	WELL 3 - 3200 FEET NORTH AND 110 FEET WEST FROM THE SE CORNER OF SECTION 21	WELL 1	WELL 2
						0.1 mi.	0.5 mi.
4 N	25 E	WM	10	SW NE	WELL 5A - 1650 FEET SOUTH AND 1330 FEET WEST FROM THE NE CORNER OF SECTION 10	7.2 mi.	7.7 mi.

Permit Amendment Review Criteria

8. The change would not result in injury to other water rights.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-13504 are consistent with the requirements of ORS 537.211.

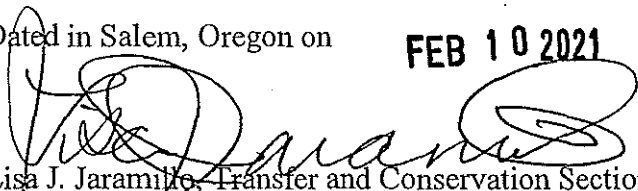
Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed by Permit Amendment Application T-13504 are approved.
2. Permit G-18505, in the name of PORT OF MORROW, is issued to replace Permit G-13765, and incorporates the amendments approved by this order, the extensions of time, and the Water Management and Conservation Plan. Permit G-13765, in the name of PORT OF MORROW, is no longer of any force or effect.
3. The combined quantity of water diverted at the new additional points of appropriation (Well 3 and Well 5A), together with that diverted at the old points of appropriation (Wells 1 and 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1 and 2).
4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. The Port of Morrow's Water Management and Conservation Plan is approved and shall remain in effect until **April 3, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

6. The limitation of the diversion of water under Permit G-13765 established in the Final Order approving an Extension of Time for Permit G-13765 (*issued on November 4, 2016*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the Port of Morrow remains authorized to divert up to 0.46 cfs (*out of the total permitted 4.96 cfs*) of water under Permit G-13765.
7. The Port of Morrow shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **October 3, 2027**.
8. The Port of Morrow shall submit a progress report containing the information required under OAR 690-086-0120(4) by **April 3, 2023**.
9. 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 Port of Morrow 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.
10. All other terms and conditions of Permit G-18505 remain the same.

Dated in Salem, Oregon on

FEB 10 2021


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

Mailing Date:

FEB 11 2021

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF MORROW
PO BOX 200, ONE MARINE DRIVE
BOARDMAN, OR 97818

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-13504 and approved by Special Order Vol. 118, Page ~~412~~, entered February 10, 2021, and to describe an extension of time for complete application of water approved December 20, 2007, and November 4, 2016, and a Water Management and Conservation Plan approved November 5, 2018. This permit supersedes Permit G-13765.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14397

SOURCE OF WATER: FOUR WELLS IN COLUMBIA RIVER BASIN

PURPOSE OR USE: MUNICIPAL USE AND IRRIGATION OF 301.0 ACRES

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 4.96 CUBIC FEET PER SECOND (CFS), BEING 4.96 CFS FOR MUNICIPAL USE AND 3.76 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR MUNICIPAL USE, AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 23, 1996

POINT OF DIVERSION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	24 E	WM	21	SE NE	WELL 3 - 3200 FEET NORTH AND 110 FEET WEST FROM THE SE CORNER OF SECTION 21
4 N	24 E	WM	21	NE SW	WELL 2 - 2085 FEET NORTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 21
4 N	24 E	WM	22	NW SW	WELL 1 - 2580 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 22
4 N	25 E	WM	10	SW NE	WELL 5A - 1650 FEET SOUTH AND 1330 FEET WEST FROM THE NE CORNER OF SECTION 10

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MUNICIPAL USE
WITHIN THE SERVICE BOUNDARIES

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	24 E	WM	21	NE SW	8.0
4 N	24 E	WM	21	SE SW	19.0
4 N	24 E	WM	21	NE SE	37.0
4 N	24 E	WM	21	NW SE	25.0
4 N	24 E	WM	21	SW SE	35.0
4 N	24 E	WM	21	SE SE	37.0
4 N	24 E	WM	22	NE SW	37.5
4 N	24 E	WM	22	NW SW	24.0
4 N	24 E	WM	22	SW SW	24.0
4 N	24 E	WM	22	SE SW	37.5
4 N	24 E	WM	22	NW SE	8.5
4 N	24 E	WM	22	SW SE	8.5
Total					301.0

Permit Amendment T-13504 Conditions:

The combined quantity of water diverted at the new additional points of appropriation (Well 3 and Well 5A), together with that diverted at the old points of appropriation (Wells 1 and 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Wells 1 and 2).

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions:

Well Condition

The use of any water under Permit G-13765 is subject to this Groundwater Condition.

The permit holder shall provide written documentation that Airport Well #1 (MORR 50471/MORR 50531/ MORR 51712) is not producing water from the basalt source which is common to the Port of Morrow Wells #1 and 2 on or before October 1, 2021. If the Department does not receive written documentation on or before October 1, 2021, the Airport Well #1 (MORR 50471/MORR 50531/ MORR 51712) will be excluded on the final certificate.

Development Limitations

Appropriation of any water beyond 0.46 cfs up to 4.96 cfs under Permit G-13765 for municipal use shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. The amount of water used under Permit G-13765 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the appropriation of water under Permit G-13765 that has been established under a prior WMCP or Extension final order issued by 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 the final order may also meet the WMCP submittal requirements of other Department orders.

Water Management and Conservation Plan Conditions:

The Port of Morrow's Water Management and Conservation Plan is approved and shall remain in effect until April 3, 2028, unless this approval is rescinded pursuant to OAR 690-086-0920.

The limitation of the diversion of water under Permit G-13765 established in the Final Order approving an Extension of Time for Permit G-13765 (issued on November 4, 2016) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the Port of Morrow remains authorized to divert up to 0.46 cfs (out of the total permitted 4.96 cfs) of water under Permit G-13765.

The Port of Morrow shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than October 3, 2027.

The Port of Morrow shall submit a progress report containing the information required under OAR 690-086-0120(4) by April 3, 2023. 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 Port of Morrow 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other

suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitution such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Within one year of permit issuance, the appropriator shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long term water supply.

Within one year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

Under this permit, groundwater shall not be produced from the basalt source developed by Port of Morrow wells #1 and #4, identifies in Department records as MORR 752 and MORR 1526.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the Department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

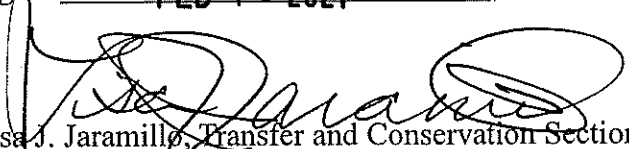
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use was to be made on or before October 1, 2002. By Extension of Time Final Order dated November 4, 2016, complete application of the water to the use is to be made on or before October 1, 2040.

Signed FEB 10 2021;


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

Notice of Permit Amendment T-13504

T-13504 filed by Port Of Morrow, Attn: Miff Devin, PO Box 200, #2 Marine Drive, Boardman, OR 97818, proposes additional points of appropriation under Permit G-13765. The permit allows the use of 4.96 cubic feet per second from two wells in Sects. 21 and 22, T4N, R24E, WM for municipal use within the service boundaries of the Port of Morrow, and irrigation in Sects. 21 and 22, T4N, R24E, WM. The applicant proposes additional points of appropriation in Sec. 21, T4N, R24E, WM and Sec. 10, T4N, R25E, 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 MM/DD/YEAR.

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF MORROW
PO BOX 200, ONE MARINE DRIVE
BOARDMAN, OR 97818

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-13504 and approved by Special Order Vol. 117, 118, Page ____, entered October ____, 2020, and to describe an extension of time for complete application of water approved December 20, 2007, and November 4, 2016, and a Water Management and Conservation Plan approved November 5, 2018. This permit supersedes Permit G-13765.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14397

SOURCE OF WATER: FOUR WELLS IN COLUMBIA RIVER BASIN

PURPOSE OR USE: MUNICIPAL USE AND IRRIGATION OF 301.0 ACRES

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 4.96 CUBIC FEET PER SECOND (CFS), BEING 4.96 CFS FOR MUNICIPAL USE AND 3.76 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR MUNICIPAL USE, AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 23, 1996

POINT OF DIVERSION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	24 E	WM	21	SE NE	WELL 3 – 3200 FEET NORTH AND 110 FEET WEST FROM THE SE CORNER OF SECTION 21
4 N	24 E	WM	21	NE SW	WELL 2 – 2085 FEET NORTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 21
4 N	24 E	WM	22	NW SW	WELL 1 - 2580 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 22
4 N	25 E	WM	10	SW NE	WELL 5A - 1650 FEET SOUTH AND 1330 FEET WEST FROM THE NE CORNER OF SECTION 10

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MUNICIPAL USE
WITHIN THE SERVICE BOUNDARIES

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	24 E	WM	21	NE SW	8.0
4 N	24 E	WM	21	SE SW	19.0
4 N	24 E	WM	21	NE SE	37.0
4 N	24 E	WM	21	NW SE	25.0
4 N	24 E	WM	21	SW SE	35.0
4 N	24 E	WM	21	SE SE	37.0
4 N	24 E	WM	22	NE SW	37.5
4 N	24 E	WM	22	NW SW	24.0
4 N	24 E	WM	22	SW SW	24.0
4 N	24 E	WM	22	SE SW	37.5
4 N	24 E	WM	22	NW SE	8.5
4 N	24 E	WM	22	SW SE	8.5
Total					301.0

Permit Amendment T-13504 Conditions:

The combined quantity of water diverted at the new additional points of appropriation (Well 3 and Well 5A), together with that diverted at the old points of appropriation (Wells 1 and 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Wells 1 and 2).

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions:

Well Condition

The use of any water under Permit G-13765 is subject to this Groundwater Condition.

The permit holder shall provide written documentation that Airport Well #1 (MORR 50471/MORR 50531/ MORR 51712) is not producing water from the basalt source which is common to the Port of Morrow Wells #1 and 2 on or before October 1, 2021. If the Department does not receive written documentation on or before October 1, 2021, the Airport Well #1 (MORR 50471/MORR 50531/ MORR 51712) will be excluded on the final certificate.

Development Limitations

Appropriation of any water beyond 0.46 cfs up to 4.96 cfs under Permit G-13765 for municipal use shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. The amount of water used under Permit G-13765 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the appropriation of water under Permit G-13765 that has been established under a prior WMCP or Extension final order issued by 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 the final order may also meet the WMCP submittal requirements of other Department orders.

Water Management and Conservation Plan Conditions:

The Port of Morrow's Water Management and Conservation Plan is approved and shall remain in effect until April 3, 2028, unless this approval is rescinded pursuant to OAR 690-086-0920.

The limitation of the diversion of water under Permit G-13765 established in the Final Order approving an Extension of Time for Permit G-13765 (issued on November 4, 2016) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the Port of Morrow remains authorized to divert up to 0.46 cfs (out of the total permitted 4.96 cfs) of water under Permit G-13765.

The Port of Morrow shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than October 3, 2027.

The Port of Morrow shall submit a progress report containing the information required under OAR 690-086-0120(4) by April 3, 2023. 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 Port of Morrow 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other

suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitution such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Within one year of permit issuance, the appropriator shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long term water supply.

Within one year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

Under this permit, groundwater shall not be produced from the basalt source developed by Port of Morrow wells #1 and #4, identifies in Department records as MORR 752 and MORR 1526.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the Department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use was to be made on or before October 1, 2002. By Extension of Time Final Order dated November 4, 2016, complete application of the water to the use is to be made on or before October 1, 2040.

Signed _____;

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

COURCHANE Corey A * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Monday, November 09, 2020 10:07 AM
To: COURCHANE Corey A * WRD; BAUSTIAN Julie C * WRD
Cc: MARTIN Duff A * WRD
Subject: T-13504 PD Perm Amendment Permit G-18505

Good Morning!
This PD Permit Amendment is complete!
Thanks,

[Sheila Buchholz](#)

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

Transfer / Data Center ROUTE SLIP

(...in between PD Peer Review and PD issuance)

1. Transfer Caseworker:

- Attach PD and RR (if any) to the front of the Transfer file and give to Transfer Support

Transfer Number:	T-13504
Caseworker:	Corey C
Is a Living Certificate Involved? → If YES... list Living Certificate number(s) HERE: ☐ YES ☒ NO	
Date delivered to T-Support:	10/22/20

2. Transfer Support:

Date Received from Caseworker:	10/26/2020
☐ Update Transfer/Data Center Tracking Log (...file sent to Data Center)	
Date Delivered to Data Center:	10/26/2020

3. Data Center:

Date Received from T-Support:	
☐ WRIS entry and mapping in ARCGIS. Any discrepancies noted? ☐ YES ☐ NO → If YES... Data Center routes back to Caseworker for re-review. • Date file sent back to CW for re-review: _____ ☐ Modified OR ☐ Determined should not be modified • Date CW returns file to Data Center: _____ • Date WRIS entry & ARCGIS Mapping completed: _____	
Date Delivered to T-Support:	

4. Transfer Support:

Date Received from Data Center:	
☐ Update Transfer/Data Center Tracking Log (...file received back from Data Center)	
Date Delivered back to Caseworker:	

**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 # **133950**

INVOICE # _____

RECEIVED FROM: 65F Water Solutions, Inc.

BY: _____

APPLICATION

PERMIT

TRANSFER T-13504

CASH: ☐ CHECK# 23035 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 143.04

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118

0207 OTHER: (IDENTIFY) Newspaper Notice

\$

\$ 143.04

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:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

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 _____

\$

RECEIPT: **133950**

DATED: 11-16-2020 BY: [Signature]

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

IN THE CIRCUIT COURT OF
THE STATE OF OREGON FOR
UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Umatilla } ss

I, DAYLE STINSON being duly
sworn, depose and say that I am
the principal clerk of the publisher of
the Hermiston Herald, a newspaper
of general circulation, as defined by
ORS 193.010 and 193.020; that the

**HH-6509 Notice of Permit
Amendment T**

a printed copy of which is hereto
annexed; was published in the
entire issue of said newspaper for 2
successive and consecutive issues in
the following issues:
12/02/2020, 12/09/2020

Subscribed and sworn to before me
on this **9th day of December, A.D.**
2020

Dayle R Stinson

Kathryn Bedford Brown
Notary Public of Oregon



**HH-6509
NOTICE OF PERMIT
AMENDMENT
T13504**

T-13504 filed by Port Of Mor-
row, Attn: Miff Devin, PO Box
200, #2 Marine Drive, Board-
man, OR 97818, proposes ad-
ditional points of appropriation
under Permit G-13765. The
permit allows the use of 4.96
cubic feet per second from
two wells in Sects. 21 and
22, T4N, R24E, WM for mu-
nicipal use within the service
boundaries of the Port of Mor-
row, and irrigation in Sects.
21 and 22, T4N, R24E, WM.
The applicant proposes addi-
tional points of appropriation
in Sec. 21, T4N, R24E, WM
and Sec. 10, T4N, R25E, WM.
The Water Resources Depart-
ment 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
12/9/20.
**Published December 2 & 9,
2020.**

RECEIVED

DEC 11 2020

OWRD



Oregon
Kate Brown, Governor

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

November 9, 2020

PORT OF MORROW
ATTN: MIFF DEVIN
PO BOX 200 #2 MARINE DRIVE
BOARDMAN, OR 97818

SUBJECT: Permit Amendment Application T-13504

Your Permit Amendment application requires publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the permit is located. The Department will publish the notice in the Hermiston Herald newspaper upon receiving your payment for the notice.

At this time you need to:

1. submit a check for \$143.04 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-13504 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than December 14, 2020.**

Upon receipt of your check, processing will continue on the permit amendment application. **If we do not receive payment for newspaper notice by December 14, 2020, a Final Order may be issued denying the application as incomplete.**

✂-----

Attached is a check for **\$143.04** Newspaper Notice for Permit Amendment T-13504

- made out to Oregon Water Resources Department (or WRD)
- **"for T-13504 NOTICE"** written on front of check

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

Caseworker: cc

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13504
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*
Bruce Brody-heine, Agent for the applicant *(via e-mail)*

COURCHANE Corey A * WRD

From: BAUSTIAN Julie C * WRD
Sent: Monday, November 09, 2020 7:22 AM
To: COURCHANE Corey A * WRD
Subject: T-13504 pricing

Good morning,

I received a quote back for newspaper publishing. Total price is \$143.04

[Julie Baustian](#)

Water Right Support
725 Summer Street NE Ste A
Salem, Oregon 97301 | Phone 503-986-0815



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

T-

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). *FD issued 11/4/16 Ext. to 10/1/40*

Application Map

PR CW

- ☐ ☒ The map size and scale are accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d). *Waiver granted by Kelly*
- ☐ ☒ 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

- | | | | |
|--|--|---|---|
| ☒ Application complete | ☒ Permit | ☒ Land Use form | ☐ N/A Plat card |
| ☒ Amendment Map | ☒ Permit Map | ☒ Fees paid | ☒ N/A Well logs |

Reviews/comments/conditions received? ☐ ☐ Watermaster ☐ ☒ N/A ODFW ☐ ☐ N/A GW

N/A Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

N/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 ☐ No

Enlargement: ☐ Yes ☐ No

Conditions to avoid enlargement/injury –

ODFW conditions: _____

GW Conditions: _____

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-13504

Review Due Date:

Applicant Name: Port of Morrow

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

Reviewer(s): Greg Silbernagel

Date of Review: 9/30/2020

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:
I will defer to Groundwater Section Review.
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:

☒ 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

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13504

GW Reviewer J. Hackett Date Review Completed: September 21, 2020

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☐ Water Right Transfer
☒ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13504

Applicant Name: Port of Morrow

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): J. Hackett

Date of Review: September 21, 2020

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/25/2020

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: This application proposes adding two POAs to permit G-13765. Permit G-13765 currently authorizes MORR 50471 (Airport Well #1) and POA #2 (Not Drilled) for irrigation and municipal uses. T-13504 proposes replacing MORR 50471 with (Well #3/Not Drilled) and adding MORR 52462 (Well #5A).

Permit G-13765 includes the following condition: "Under this permit, groundwater shall not be produced from the basalt source developed by Port of Morrow wells #1 and #4, identified in Department records as MORR 752 and MORR 1526."

Kennedy/Jenks Consultants addressed this condition in a 2005 hydrogeologic report for the Port of Morrow entitled "Hydrogeologic Evaluation of the Port of Morrow Well MORR 50471 (Airport Well)". The report concluded that MORR 50471 produces from the same source as Port of Morrow wells #1 (MORR 752) and #4 (MORR 1526). Water-bearing zones in MORR 50471 were identified in 1) the base of Umatilla flow / top of Priest Rapids flow and 2) within interflow zones in the Frenchman Springs Member. Water-bearing zones occur in MORR 752 at the base of Priest Rapids flow / top of Frenchman Springs Member, and occur in MORR 1526 within interflow zones of the Frenchman Springs Member.

MORR 50471 was altered first in 1999 (alteration log MORR 50531) and again in 2009 (MORR 51712). Neither of these alterations had any effect on the source aquifer for the well. As a result, MORR 50471 still produces from the same source developed by Port of Morrow wells #1 (MORR 752) and #4 (MORR 1526).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?

☒ Yes ☐ No Comments: Permit G-13765 includes a condition that prohibits the authorized POAs from producing from the same aquifer as Port of Morrow (POM) wells #1 (MORR 752) and #4 (MORR 1526). POM wells #1 and #4 are open to water-bearing zones at the Umatilla / Priest Rapids interflow zone, the Priest Rapids / Frenchman Springs interflow zone, and other interflow zones within the Frenchman Springs Member. Frenchman Springs interflow zones in these wells are found in the upper 300' feet of the member and likely occur between flows of the Sentinel Gap Unit. To comply with the permit condition, the proposed POAs will have to produce from water-bearing zones below the Sentinel Gap interflow zones. These zones will likely occur between flows of the Sand Hollow Unit.

Proposed POA MORR 52462 (Well #5A) was drilled to a total depth of 1126 feet and is cased and sealed to 854 feet. The well is open to water-bearing zones that occur in interflow zones between flows of the Sand Hollow Unit from 976 to 1108 feet below land surface (bls).

Proposed construction information for Proposed POA Well #3 (Not Drilled) indicates the well will be drilled to a depth of 1125 feet and will be cased and sealed to 850 feet bls. The well will be open to water-bearing zones below a depth of 850 feet, and based on stratigraphic information from nearby well MORR 50471, will likely be required to produce from water-bearing zones below a depth of 950 feet to comply with the permit condition.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

☐ Yes ☒ No _____

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: Proposed POA #5A/MORR 52462 is located approximately 7.5 miles east of the authorized POAs and about 1.5 miles west of wells in the Ordinance Deep Basalt Critical Groundwater Area (CGWA). While long-term water levels are not available for this well, it's most recent static water level elevation (March 2020) was coincident with wells in the Ordinance Deep Basalt CGWA and with POM Well #4 (MORR 1526) (see Figure 2). Although the water level in MORR 52462 is similar to nearby wells, it produces from a deep water-bearing zone not accessed by these other wells. Similar water levels suggests some hydraulic connection between shallower and deeper water-bearing zones, however, the efficiency is uncertain.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: Based on a range of reasonable aquifer parameters, drawdown from MORR 52462 at a distance of 1.5 miles ranges from 2 to 12 feet after 365 days of pumping at the maximum permitted rate of 2226 gpm (see Figure 3). There are tens of feet of available head at nearby wells, indicating the increased interference will not prevent neighboring wells from accessing their water.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: There is limited hydraulic connection expected between the subject wells and nearby surface water. The fine-grained sediments and low-permeability CRBG flow interiors located between the water-bearing zones and surface water are expected to prevent efficient nearby hydraulic connection to surface water.

- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: n/a

☐ Minimal ☐ Significant

Stream: n/a

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: _____

7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

8. Any additional comments: _____

Figure 1. Well Location Map

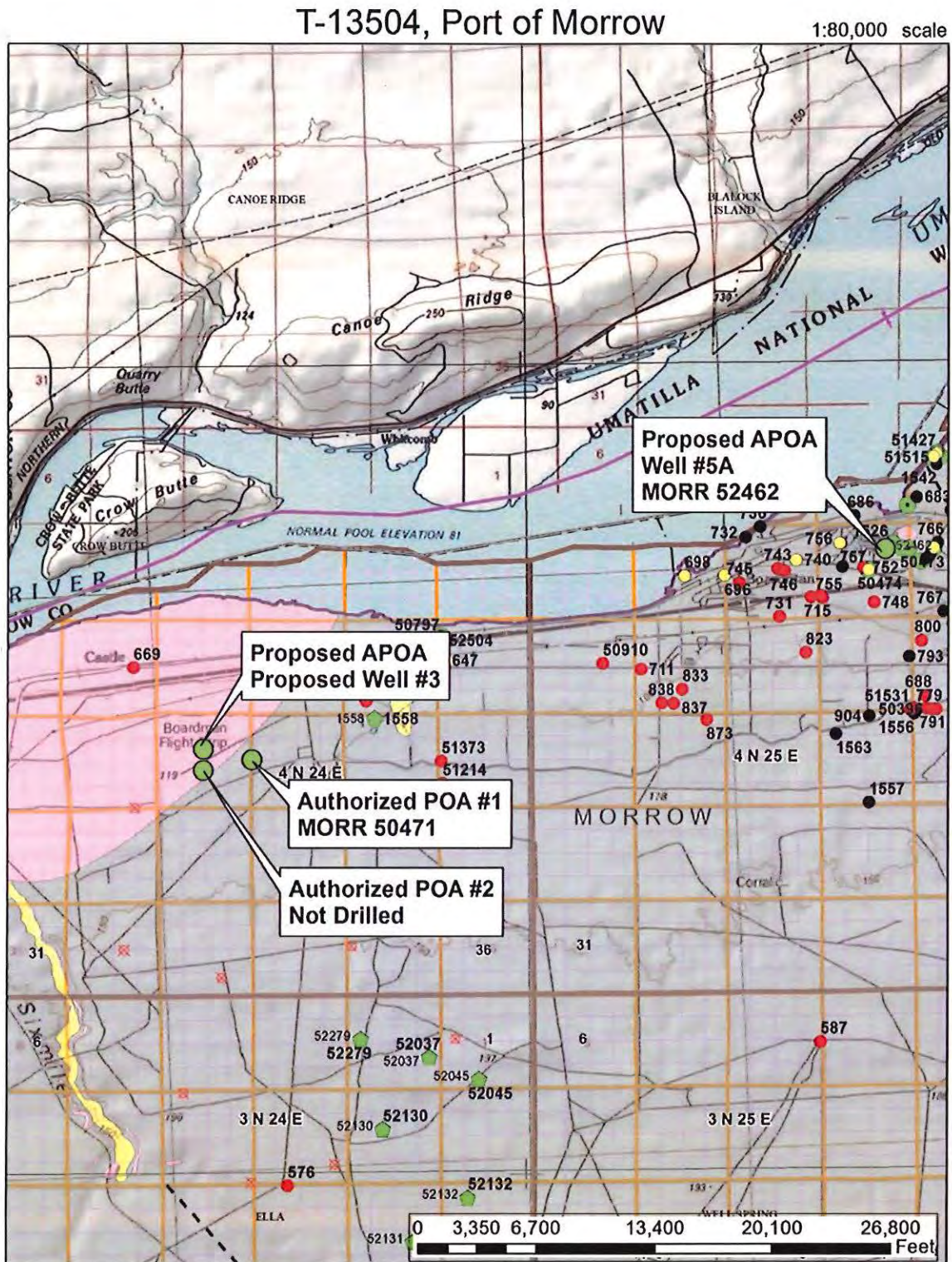


Figure 2. Water Level elevations in nearby wells

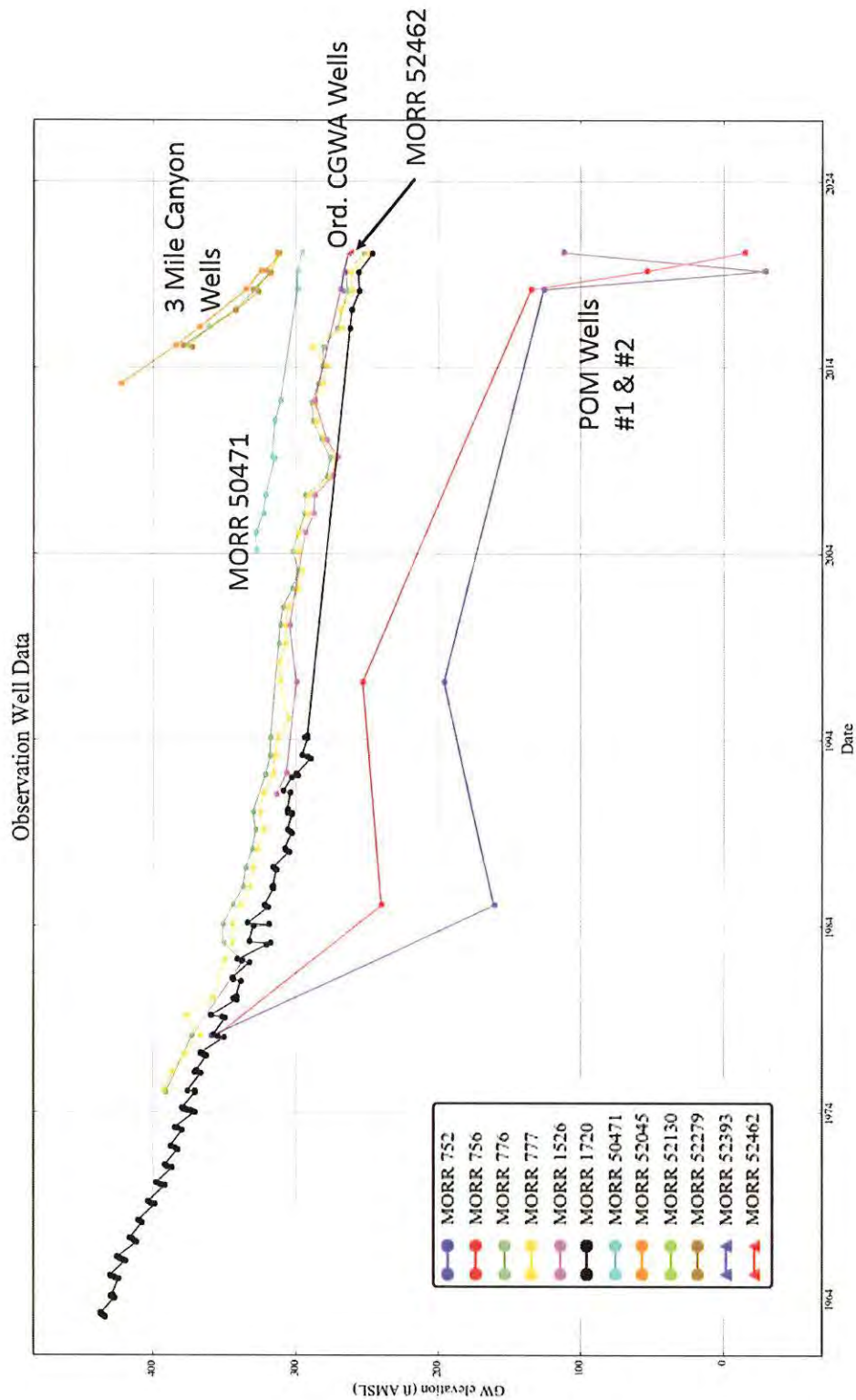
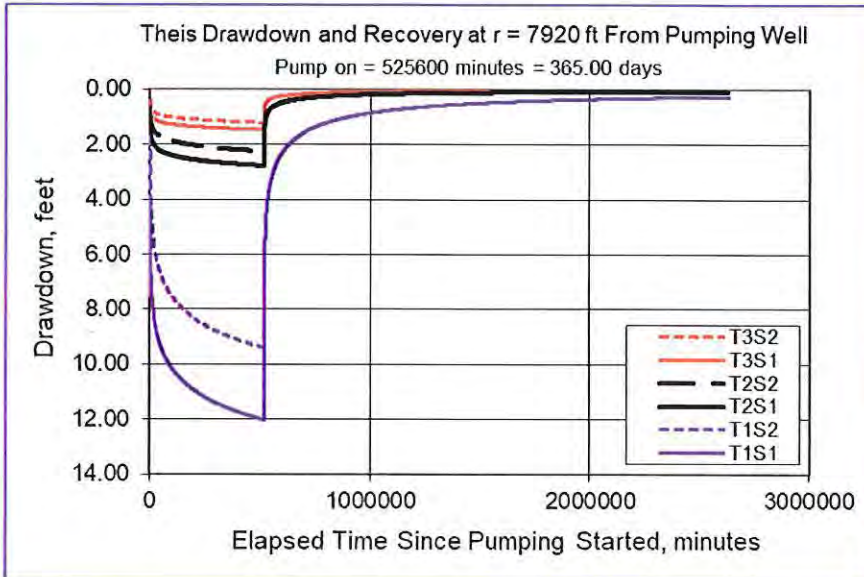


Figure 3. Distance drawdown estimates for the proposed change.

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		365		d	
Radial distance from pumped well:	r		7920		ft	Q conversions
Pumping rate	Q		2226		gpm	2,226.00 gpm
Hydraulic conductivity	K	1000	5000	10000	ft/day	4.96 cfs
Aquifer thickness	b		30		ft	297.59 cfm
Storativity	S_1		0.00001			428,534.76 cfd
	S_2		0.0001			9.84 af/d
Transmissivity Conversions	T_f2pd	30000	150000	300000	ft ² /day	Recalculate
	T_ft2pm	20.8333333	104.166667	208.333333	ft ² /min	
	T_gpd/ft	224400	1122000	2244000	gpd/ft	



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 10, 2020

PORT OF MORROW
ATTN: MIFF DEVIN
PO BOX 200
2 MARINE DR
BOARDMAN, OR 97818

Reference: Application T- 13504

On August 3, 2020, we received your water right Transfer application. The application was accompanied by \$1570.00. Our receipt number 133187 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 our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

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 appropriation 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) 986-0815.

Cc: Watermaster Dist. #5 (via email)
GSI Water Solutions
Port of Morrow
City of Boardman
Morrow County

Enclosure

**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 # **133187**

INVOICE # _____

RECEIVED FROM:

GSI Water Solutions Inc.

BY: _____

APPLICATION

PERMIT

TRANSFER

T-13504

CASH: ☐ CHECK: # *22721* OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ *1,570.00*

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

46110

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ *1,570.00*

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

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 _____

\$

RECEIPT: **133187**

DATED: *8-3-2020* BY: *[Signature]*

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



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist

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.

RECEIVED

AUG 03 2020

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

OWRD

- ☒ 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. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1**
List the Permits here: G-13765
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: _____ 503-986-0 _____

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 **RECEIVED**
Certified Water Right Examiner. Check all boxes that apply. **AUG 03 2020**
OWRD

- ☐ ☒ 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. *(See included scale waiver approval from OWRD for Municipal POU map.)*
- ☒ 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°).

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 \$1,160
2	Types of change proposed: ☐ Place of Use ☒ 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> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2 \$0
3	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in 3a: <u>0 (3b)</u> <i>If only one permit this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3 \$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 » ☒ Yes: enter \$410 »	4 \$410
5	Do you propose to change the place of use? ☒ No: enter 0 on line 5 » ☐ Yes: enter the cfs for the portions of the permits to be amended (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » »	5 \$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6 \$1,570
7	Is this permit amendment: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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 \$0
8	Subtract line 7 from line 6 » » » » » » » » » » Permit Amendment Fee:	8 \$1,570

*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 cfs ÷ 100 ac*); then multiply by the number of acres to be changed to get the application cfs (*x 45 ac = 0.56 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 ac x 0.0125 cfs/ac = 0.56 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*).

13504

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Port of Morrow Attn: Miff Devin			PHONE NO. 541-481-7467	ADDITIONAL CONTACT NO.
ADDRESS PO Box 200, #2 Marine Drive			FAX NO.	
CITY Boardman	STATE OR	ZIP 97818	E-MAIL MiffD@portofmorrow.com	
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.				

RECEIVED
AUG 03 2020
OWRD

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

AGENT/BUSINESS NAME GSI Water Solutions, Inc.; Attn: Bruce Brody-Heine			PHONE NO. 503-239-8799 x141	ADDITIONAL CONTACT NO.
ADDRESS 147 SW Shevlin Hixon Drive, Suite 201			FAX NO.	
CITY Bend	STATE OR	ZIP 97702	E-MAIL bbheine@gsiws.com	
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.				

Explain in your own words what you propose to accomplish with this permit amendment; and why:
 The purpose of this permit amendment is to add 2 new wells (additional points of appropriation). The existing POA (Well 1) does not meet the well construction permit conditions, therefore the permit holder needs to drill a replacement well (Well 3) that does meet the permit condition and is requesting a new location that is closer to existing infrastructure within the Airport Industrial Park. The second added POA (Well 5A) is requested to allow the Port to serve the other portion of their service area using a local well (that does meet the permit construction standards), and therefore eliminate the need to build a lengthy pipeline.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

☐ 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

If NO, include either:

- ☐ A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), **OR**
- ☐ An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

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)? 10/1/2040

- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.

13504

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: Hermiston Herald.



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

Miff Devin
Applicant Signature

Miff Devin, Water Quality Supervisor
Print Name (and Title if applicable)

7/22/2020
Date

RECEIVED

AUG 03 2020

OWRD

13504

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.

RECEIVED

AUG 03 2020

OWRD

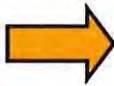
Check the appropriate box, if applicable:

- ☒ 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	
CITY Irrigon	STATE OR	ZIP 97844

- ☐ 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



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 Port of Morrow	ADDRESS PO Box 200; #2 Marine Drive	
CITY Boardman	STATE OR	ZIP 97818

ENTITY NAME City of Boardman	ADDRESS 200 City Center Circle	
CITY Boardman	STATE OR	ZIP 97818

ENTITY NAME Morrow County	ADDRESS PO Box 40	
CITY Irrigon	STATE OR	ZIP 97844

13504

Part 5 of 5 – Water Use Permit Information

Please use a separate Part 5 for each permit being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

RECEIVED

AUG 03 2020

PERMIT # G-13765

OWRD

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 by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	☒ Authorized ☐ Proposed	MORR 50471 MORR 50531 MORR 51712	4	N	24	E	22	NW	SW	131	2,580 feet north and 60 feet east of SW corner of Section 22
Well 2	☒ Authorized ☐ Proposed	Not drilled yet	4	N	24	E	21	NE	SW	131	2,085 feet north and 2,650 feet west of SE corner of Section 21
Well 3	☐ Authorized ☒ Proposed	Not drilled yet	4	N	24	E	21	SE	NE	131	3,200 feet north and 110 feet west from the SE corner of Section 21
Well 5A	☐ Authorized ☒ Proposed	MORR 52462	4	N	24	E	10	SW	NE	100	1,650 feet south and 1,330 feet west from the NE corner of Section 10

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

- | | |
|---|--|
| ☐ Place of Use (POU) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☒ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Surface water POD to Ground Water POA (SW/GW) |

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: Not Applicable

Does the permit holder of record own or control the land TO which the place of use is being moved?

☐ Yes ☐ No

If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use? ☐ Yes ☐ No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use **unless** the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Use Permit # G-13765

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.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																				
2	S	9	E 15 NE NW	100		15.0	POD #1 POD #2		POU/POD	2	S	9	E 15 NW NW	100	1	10.0	POD #5			
"	"	"	" " " "	"	"	EXAMPLE	"		"	2	S	9	E 15 SW NW	200		5.0	POD #6			
									APOA	Entire place of use Municipal (within the Port Service Boundaries) & All Irrigation Acres						Well 1 Well 2 Well 3 Well 5A	10/23/1996			
TOTAL ACRES											TOTAL ACRES						301			

Additional remarks: The irrigation portion of the water right is for 301 acres; the municipal portion of the right applies to the Port of Morrow Service Area (which includes the Airport Industrial Park and the Port's Boardman Industrial Park).

13504

RECEIVED
AUG 03 2020
OWRD

AUG 03 2020

OWRD

Permit # G-13765

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

If YES, list the other certificate, permit, or ground water registration numbers: T-12081, T-12082, T-12083, T-13142, T-13107, T-7941, 90019, 90849, 91597, 94437, 68545, 51885, 93411, 51821, 88886, 86692, G-17515, G-13494, G-17516,

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:

- ☒ 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

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 Name or Number	Is well already built? (Yes or No)	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 (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
Well 1	Yes	MORR 50471 MORR 50531 MORR 51712	948'	16" 12"	0-435' 600-942'	0-435'	435-600' 601-602' 660-680'	63 ft	Basalt	
Well 2	No	N/A							Basalt	
Well 3	No	N/A	1125'	24" 16"	0-70' 0-850'	0-850'	(open hole) 850-1125'		Basalt	
Well 5A	Yes	MORR 52462	1128'	24" 16"	0-68' 0-854'	0-854'	(open hole) 854-1125'	20 ft	Basalt	

Robyn Cook

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Wednesday, July 22, 2020 11:49 AM
To: Robyn Cook
Subject: RE: Map waiver request

RECEIVED

AUG 03 2020

OWRD

Hi Robyn,

Sorry for the delay!

The Department grants a map scale waiver for the attached Permit Amendment map.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

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

From: Robyn Cook <rcook@gsiws.com>
Sent: Wednesday, July 22, 2020 11:36 AM
To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Cc: Bruce Brody-Heine <BBheine@gsiws.com>; COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: RE: Map waiver request

Hello Kelly,

I was wondering if it would be possible for you to weigh in on the map scale waiver request (see email below) this week,
as we are ready to submit the permit amendment application.

Thank you,
Robyn

Working from home for the foreseeable future. I will respond to your email as soon as I can, but if you need immediate assistance
please call. I appreciate your patience. Be well.

Robyn Cook, RG, PG, CWRE

Managing Hydrogeologist

direct: 971.200.8505 | mobile: 503.930.3382
55 SW Yamhill St., Suite 300, Portland, OR 97204
GSI Water Solutions, Inc. | www.gsiws.com

From: Robyn Cook
Sent: Friday, July 17, 2020 9:23 AM
To: 'STARNES Patrick K * WRD' <Patrick.K.Starnes@oregon.gov>

13504

RECEIVED

AUG 03 2020

OWRD

Cc: Bruce Brody-Heine <BBheine@gsiws.com>

Subject: RE: Map waiver request

Hi Kelly,

We actually have an updated Place of Use map for the permit amendment I was asking about. Please see attached map instead for our request of a map scale waiver.

Thank you,
Robyn

Working from home for the foreseeable future. I will respond to your email as soon as I can, but if you need immediate assistance please call. I appreciate your patience. Be well.

Robyn Cook, RG, PG, CWRE

Managing Hydrogeologist

direct: 971.200.8505 | mobile: 503.930.3382

55 SW Yamhill St., Suite 300, Portland, OR 97204

GSI Water Solutions, Inc. | www.gsiws.com

From: Robyn Cook

Sent: Monday, July 13, 2020 2:15 PM

To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>

Cc: Bruce Brody-Heine <BBheine@gsiws.com>

Subject: Map waiver request

Hello Kelly,

I was wondering if I could get a scale waiver for the attached map (a place of use map for a permit amendment application)?

Thank you,
Robyn



Robyn Cook, RG, PG, CWRE

Managing Hydrogeologist

direct: 971.200.8505 | mobile: 503.930.3382

55 SW Yamhill Street, Suite 300, Portland, OR 97204

GSI Water Solutions, Inc. | www.gsiws.com

Working from home for the foreseeable future. I will respond to your email as soon as I can, but if you need immediate assistance please call. I appreciate your patience. Be well.

This email contains information that may be confidential and/or a privileged work product prepared in anticipation of litigation. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this communication in error, please notify me by phone or email.

13504

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D.# L27925
FEB 04 1999
SALEM, OREGON

(START CARD) # 102720

Instructions for completing this report are on the last page of this form.

(1) OWNER: Circle C Farms (Part of Morrow)
Name Circle C Farms Well Number 50471
Address 2995 S. 1st St.
City Hermiton State OR Zip 97818

(2) TYPE OF WORK
☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 948 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Sacks or pounds
19" 0 435 Cement 0 435 300 sacks
12" 435 533 _____
10" 533 948 _____

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 16" 12 435 .375 ☒ ☐ ☒ ☐
Liner: _____
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method _____
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Tele/pipe size Casing Liner

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailor ☒ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time
2000+ _____ 948 2 hrs.

Temperature of water 72 Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Morrow Latitude _____ Longitude _____
Township 4N N or S Range 24E E or W. WM.
Section 22 NW 1/4 SW 1/4
Tax Lot 109 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 1/2 mile west of Tower Road, Boardman, OR 97818

(10) STATIC WATER LEVEL:
58 ft. below land surface. Date 10-28-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 85

From	To	Estimated Flow Rate	SWL
<u>75</u>	<u>155</u>	<u>500</u>	<u>58</u>
<u>183</u>	<u>285</u>	<u>1000</u>	<u>58</u>
<u>625</u>	<u>735</u>	<u>1200</u>	<u>58</u>
<u>920</u>	<u>945</u>	<u>1000+</u>	<u>58</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>Sand</u>	<u>0</u>	<u>3</u>	
<u>Brown basalt</u>	<u>3</u>	<u>20</u>	
<u>Brown & black basalt</u>	<u>20</u>	<u>45</u>	
<u>Black basalt, hard</u>	<u>45</u>	<u>75</u>	
<u>Claystone, soft</u>	<u>75</u>	<u>155</u>	<u>WB</u>
<u>Gray basalt</u>	<u>155</u>	<u>183</u>	
<u>Gray & red basalt</u>	<u>183</u>	<u>285</u>	<u>WB</u>
<u>Claystone</u>	<u>285</u>	<u>400</u>	
<u>Claystone, caving</u>	<u>400</u>	<u>415</u>	
<u>Gray basalt</u>	<u>415</u>	<u>625</u>	
<u>Gray basalt, soft</u>	<u>625</u>	<u>735</u>	<u>WB</u>
<u>Gray basalt, hard</u>	<u>735</u>	<u>920</u>	
<u>Black basalt, broken</u>	<u>920</u>	<u>945</u>	<u>WB</u>
<u>Gray basalt, hard</u>	<u>945</u>	<u>948</u>	

RECEIVED

AUG 03 2020

OWRD

Date started 5-4-98 Completed 10-28-98

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed _____ WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction/dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Peterson Wallace WWC Number 1218 Date 11-20-98

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

MORR 51712

WELL LABEL # L 27925
START CARD # 186 398

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Owner Well I.D. _____
First Name _____ Last Name _____
Company Port of Morrow
Address PO 200
City Boardman State OR Zip 97818

(2) TYPE OF WORK ☐ New Well ☐ Deepening ☐ Conversion
☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)
Depth of Completed Well 942 ft.

BORE HOLE				SEAL				Amount	Scks/lbs
Dia	From	To	Material	From	To	Material	From		
15	0	60	Cement	0	0				75 x 15
1									

How was seal placed: Method ☐ A ☒ B ☐ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER									
Csng	Lnr	Dia	+	From	To	Gauge	Steel	Plastic	Welded
✓		14		0	60	275	✓		✓

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Csng	Lnr	Screen Dia	From	To	Screen slot width	Slot length	# of slots	Tele/pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Yield gal/min _____ Drawdown _____ Drill stem/Pump depth _____ Duration (hr) _____

Temperature _____ °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County Morrow Twp 4N N or S Range 24E E or W W.M.
Sec 22 NW 1/4 of the 5W 1/4 Tax Lot 109

Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) Tower Rd
Boardman, OR

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening	<u>2-15-09</u>			<u>63</u>
Completed Well	<u>2-20-09</u>			<u>63</u>

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)

(11) WELL LOG

Material	From	To
Cemented casing in 14 inch		
Broken weld in 16 inch casing		

Date Started 2-15-09 Completed 2-20-09

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 759 Date 2-20-09

Signed [Signature]

Contact Info. (optional)

13504

WELL I.D. LABEL#	L	128849
START CARD #		212565
ORIGINAL LOG #		

Owner Well I.D. _____ 5A

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 0.95

ORIGINAL LOG

13504

Port of Morrow Well 5A
SC #212565 - Well Tag ID # L128849
Formation Log
by Schneider Water Services

<u>FM</u>	<u>TO</u>	<u>DESCRIPTION</u>
0	9	Soil, brown, sandy, silty
9	35	Gravel, 8" minus & sand, brown, coarse
35	45	Clay, brown, medium w/gravel, 6" minus
45	59	Clay, grey, medium w/gravel, 6" minus
59	78	Basalt, grey, medium w/claystone lenses, green & grey, soft-medium
78	82	Basalt, black, medium soft
82	83	Basalt, black, soft w/claystone, green, soft
83	93	Basalt, medium soft, fractured w/claystone, green, medium-soft & gravel, multicolored
93	122	Basalt, soft-hard, fractured w/claystone, green, medium-soft & gravel, multicolored
122	139	Basalt, multicolored, broken, vesicular
139	275	Basalt, grey, hard
275	285	Basalt, grey, black-brown-green, fractured, broken
285	290	Claystone, green w/basalt, grey, black & green, broken
290	338	Claystone, green
338	355	Claystone, green, soft w/basalt, black
355	470	Basalt, black & dark grey, hard
470	483	Clay, blue green, hard, w/basalt, black, medium
483	488	Basalt, dark grey, hard, occasional pyrite
488	489	Basalt, black, medium-soft
489	492	Sand, black, medium
492	496	Clay, green, soft, silty
496	505	Claystone, green, hard w/basalt, black, weathered, broken
505	532	Sandstone, grey & green
532	542	Claystone, green, medium-hard
542	545	Basalt, black, medium, fractured, broken, vesicular
545	552	Basalt, dark grey, medium-hard, fractured
552	643	Basalt, grey, hard, some fractures
643	647	Basalt, black, fractured & broken, some vesicles & clay green, medium-hard
647	650	Basalt, black, fractured, broken w/wood, hard, semi-petrified w/clay, brown, soft & claystone, tan, hard
650	651	Clay, multicolored, medium
651	660	Clay, green, medium, soft
660	667	Clay, green, hard
667	675	Clay, whitish green, soft w/basalt, black, broken
675	712	Basalt, black & brown, broken & fractured w/colored minerals (brown and green), some vesicles
712	718	Basalt, brown & some grey, broken, fractured, weathered, some vesicles

RECEIVED

AUG 03 2020

OWRD

RECEIVED

JUL 05 2018

OWRD

Port of Morrow Well 5A
SC #212565 - Well Tag ID # L128849
Formation Log
by Schneider Water Services

<u>FM</u>	<u>TO</u>	<u>DESCRIPTION</u>
718	721	Basalt, grey & some brown, medium, fractured, broken w/brown mineral stain, some vesicles
721	760	Basalt, dark grey, fractured, hard
760	765	Basalt, dark grey to black, medium hard, some fractures
765	769	Basalt, black & red, medium-soft, fractured, broken, some vesicles
769	775	Basalt, black, medium, fractured
775	812	Basalt, grey, medium-hard, some fractures
812	818	Basalt, greenish grey, medium, fractured, vesicular, some brown and red stains
818	824	Basalt, dark grey, and brown, medium, vesicular, fractured, weathered
824	834	Basalt, dark grey, medium vesicular, fractured, some weathered
834	837	Basalt, dark grey, medium hard, occ fractures
837	976	Basalt, dark grey, hard, some fractures
976	984	Basalt, black, medium, vesicular
984	989	Basalt, black, medium, some fractures
989	1017	Basalt, grey, hard
1017	1021	Basalt, black, med, fractured, broken, some vesicles
1021	1026	Basalt, dark grey, hard
1026	1031	Basalt, black, broken, vesicular
1031	1039	Basalt, dark grey, hard, some fractures
1039	1051	Basalt, dark grey, hard
1051	1069	Basalt, black, weathered, broken, vesicular
1069	1078	Basalt, grey, hard, fractured
1078	1089	Basalt, grey, hard
1089	1108	Basalt, black w/brown, fractured, broken, occ vesicles, some weathered
1108	1114	Basalt, grey, hard, occ fractures
1114	1128	Basalt, dark grey, medium hard, some fractures

RECEIVED

AUG 03 2020

OWRD

RECEIVED

JUL 05 2018

OWRD

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF MORROW
PO BOX 200 ONE MARINE DRIVE
BOARDMAN, OREGON 97818

(541) 481-7678

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14397

SOURCE OF WATER: TWO WELLS IN COLUMBIA RIVER BASIN

PURPOSE OR USE: MUNICIPAL USE AND IRRIGATION OF 301.0 ACRES

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 4.96 CUBIC FOOT PER SECOND(CFS), BEING 4.96 CFS FOR MUNICIPAL USE AND 3.76 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR MUNICIPAL USE, AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 23, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 21, NW 1/4 SW 1/4, SECTION 22, T 4N, R24E, W.M.; WELL 2 - 2085 NORTH AND 2650 WEST FROM THE SE CORNER SECTION 21; WELL 1 - 2580 FEET NORTH & 60 FEET EAST FROM SW CORNER SECTION 22

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

MUNICIPAL
WITHIN THE SERVICE BOUNDARIES

Application G-14397 Water Resources Department

PERMIT G-13765

RECEIVED

AUG 03 2020

OWRD

13504

IRRIGATION

NE 1/4 SW 1/4 8.0 ACRES
SE 1/4 SW 1/4 19.0 ACRES
NE 1/4 SE 1/4 37.0 ACRES
NW 1/4 SE 1/4 25.0 ACRES
SW 1/4 SE 1/4 35.0 ACRES
SE 1/4 SE 1/4 37.0 ACRES

SECTION 21

NE 1/4 SW 1/4 37.5 ACRES
NW 1/4 SW 1/4 24.0 ACRES
SW 1/4 SW 1/4 24.0 ACRES
SE 1/4 SW 1/4 37.5 ACRES
NW 1/4 SE 1/4 8.5 ACRES
SW 1/4 SE 1/4 8.5 ACRES

SECTION 22

TOWNSHIP 4 NORTH, RANGE 24 EAST, W.M.

RECEIVED

AUG 03 2020

OWRD

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water

Application G-14397 Water Resources Department

PERMIT G-13765

level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Within one year of permit issuance, the appropriator shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long term water supply.

Within 1 year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

Under this permit, groundwater shall not be produced from the basalt source developed by Port of Morrow wells #1 and #4, identified in Department records as MORR 752 and MORR 1526.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

RECEIVED

AUG 03 2020

OWRD

13504

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

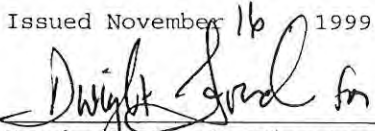
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2002.

This permit is issued to correctly describe the maximum rate allowed. Permit G-13283, dated December 29, 1997, is superseded by this instrument and is of no further force or effect.

Issued November 16 1999


Martha J. Pagel, Director
Water Resources Department

Application G-14397 Water Resources Department
Basin 7 Volume 3A COLUMBIA R & MISC
RWK MGMT.CODE 7AG, 7AR, 7BG, 7BR

PERMIT G-13765
District 5

RECEIVED
AUG 03 2020
OWRD



RECEIVED

AUG 03 2020

OWRD

July 28, 2020

Oregon Water Resources Department
ATTN: Mr. Kelly Starnes
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Permit Amendment Application for G-13765
Port of Morrow

Dear Kelly:

This Permit Amendment Application is submitted on behalf of the Port of Morrow (POM) for G-13765. The requested change is to add additional points of appropriation (APOA).

The Extension of Time Final Order for G-13765 includes the following condition: "The permit holder shall provide written documentation that Airport Well #1 (MORR 50471/MORR 50531/MORR 51712) is not producing water from the basalt source which is common to the Port of Morrow Wells #1 and 2 on or before October 1, 2021." The proposed final order and groundwater review specify that Well #1 cannot be completed in the same source which is common to the POM Well #1 and Well #4. The POM is submitting this application to add two POA locations: 1) to site a replacement well for Well #1 (Well 3), and 2) add Port Well 5A (which already meets the construction standards in permit G-13765) to the permit to provide operational flexibility.

If you have any questions regarding the enclosed Permit Amendment Application, please call me at (971) 200-8519. Thank you for your assistance and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Brody-Heine".

Bruce Brody-Heine, RG, CWRE
GSI Water Solutions, Inc.

Enclosures: Permit Amendment Application for G-13765
Check in the amount of \$1,570

CC: Miff Devin, Port of Morrow

13504

Permit Amendment Application Authorized and Proposed Points of Appropriation (Map 1 of 2)

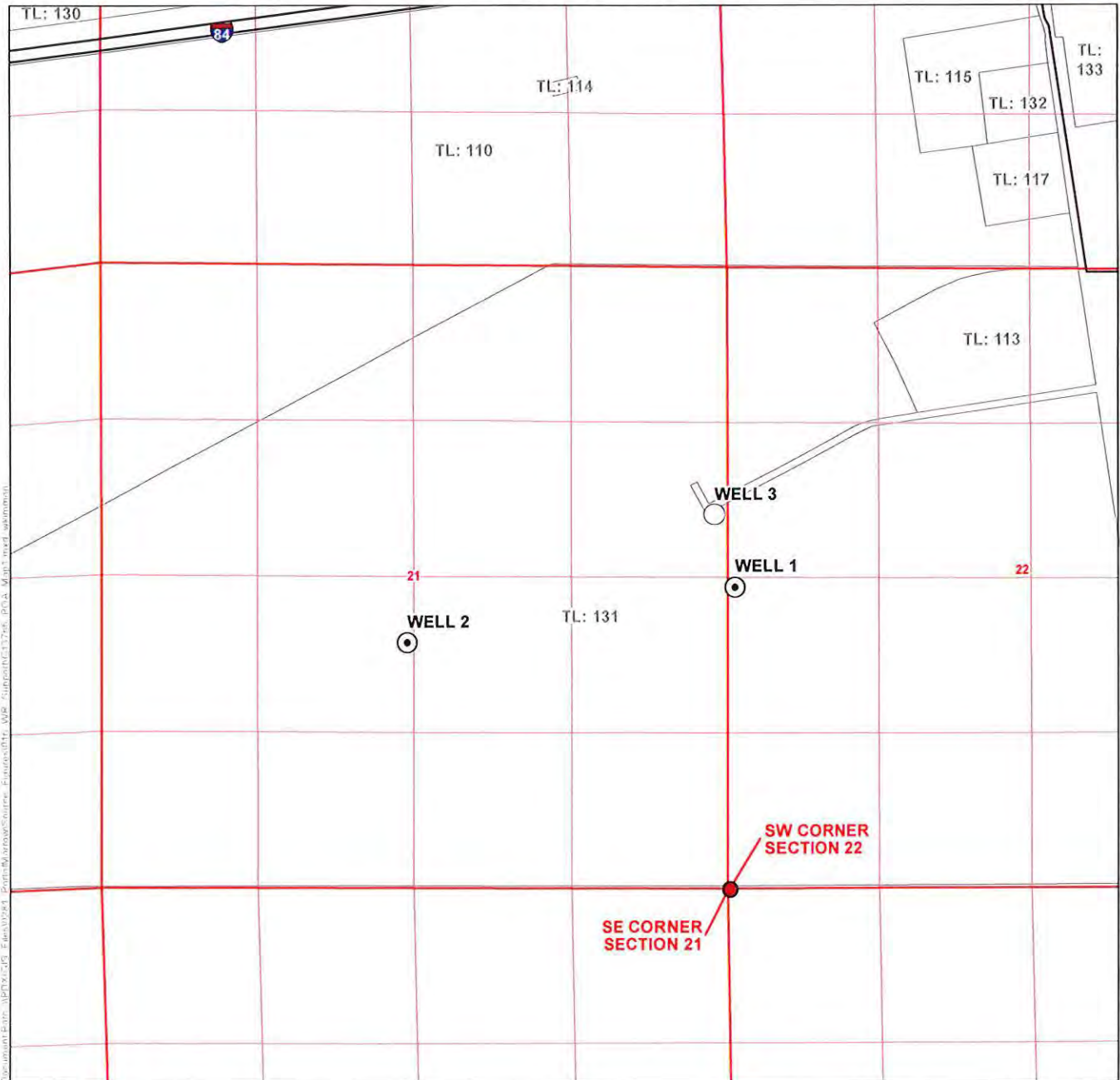
G-13765

Morrow County, Oregon
Township 4 North, Range 24 East (W.M.)

RECEIVED

AUG 03 2020

OWRD



LEGEND

Point of Appropriation (POA)

- Authorized POA
- Proposed POA
- Government Lot (GL)
- ⊕ Tax Lot
- ≡ Major Road

- Watercourse
- Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 15, 2020

Data Sources: USGS, BLM, ESRI, Morrow Co.

POA LOCATION DESCRIPTION

Well 1 Located 2,580 feet North and 60 feet East from the SW Corner of Section 22, Township 4 North, Range 24 East (W.M.)
Well 2 Located 2,085 feet North and 2,650 feet West from the SE Corner of Section 21, Township 4 North, Range 24 East (W.M.)
Well 3 Located 3,200 feet North and 110 feet West from the SE Corner of Section 21, Township 4 North, Range 24 East (W.M.)

13504



0 660 1,320
1 inch = 1,320 feet



RECEIVED

AUG 03 2020

OWRD

Permit Amendment Application Authorized and Proposed Points of Appropriation (Map 2 of 2)

G-13765

Morrow County, Oregon
Township 4 North, Range 25 East (W.M.)



LEGEND

Point of Appropriation (POA)

- Authorized POA
- Proposed POA
- Government Lot (GL)
- Tax Lot
- Major Road

Watercourse
Waterbody

DISCLAIMER

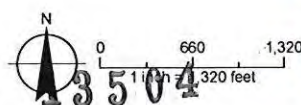
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 15, 2020
Data Sources: USGS, BLM, ESRI, Morrow Co.

POA LOCATION DESCRIPTION

Well 5A Located 1,650 feet South and 1,330 feet West from the NE Corner of Section 10, Township 4 North, Range 25 East (W.M.)

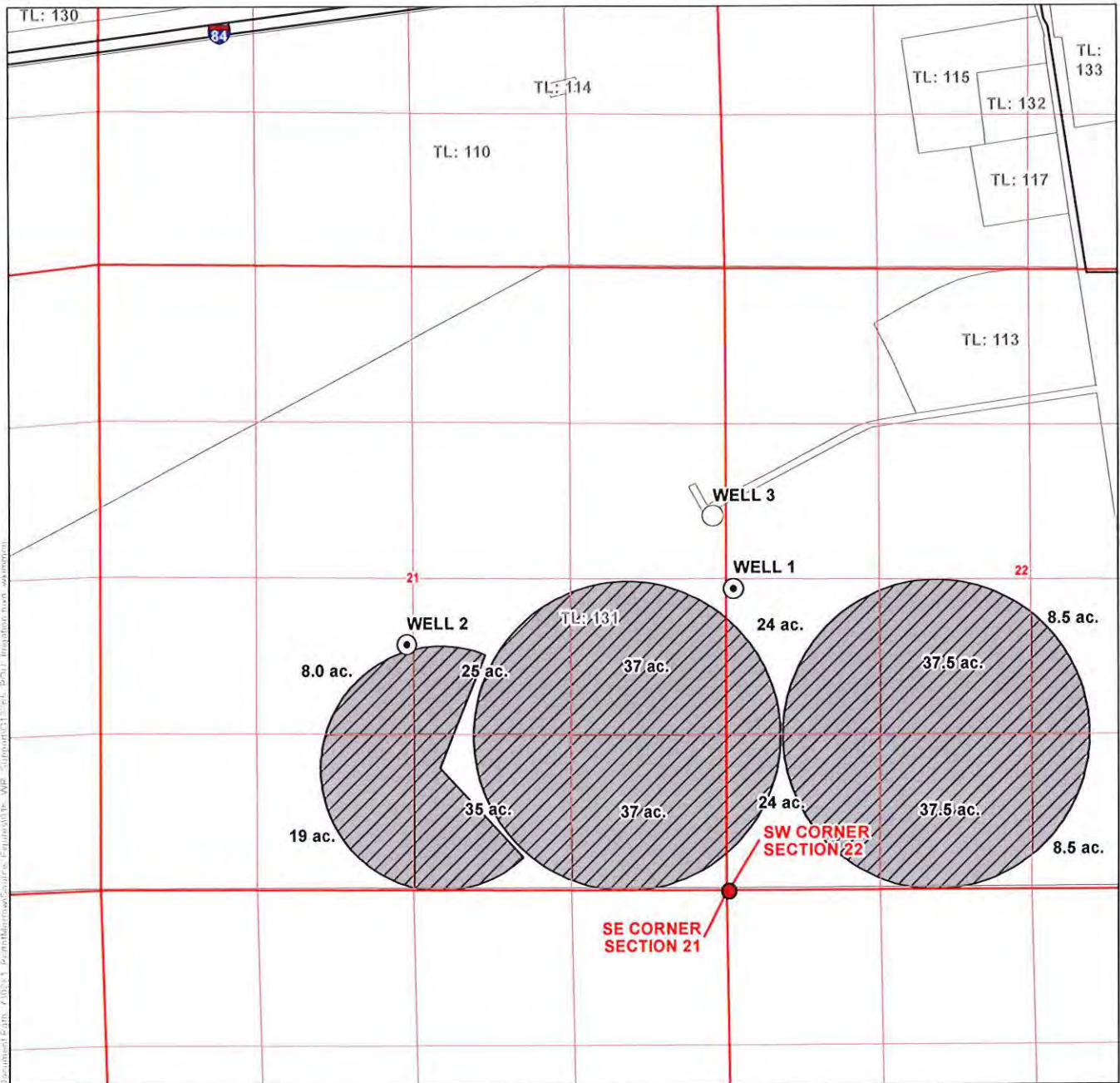


Permit Amendment Application Map Place of Use (Irrigation)

G-13765

Morrow County, Oregon

Township 4 North, Range 24 East (W.M.)



LEGEND

Point of Appropriation (POA)

Authorized POA

Proposed POA

Place of Use (POU)

Government Lot (GL)

Tax Lot

Major Road

Watercourse

Waterbody

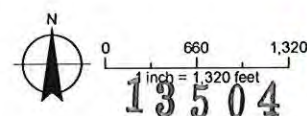
DISCLAIMER

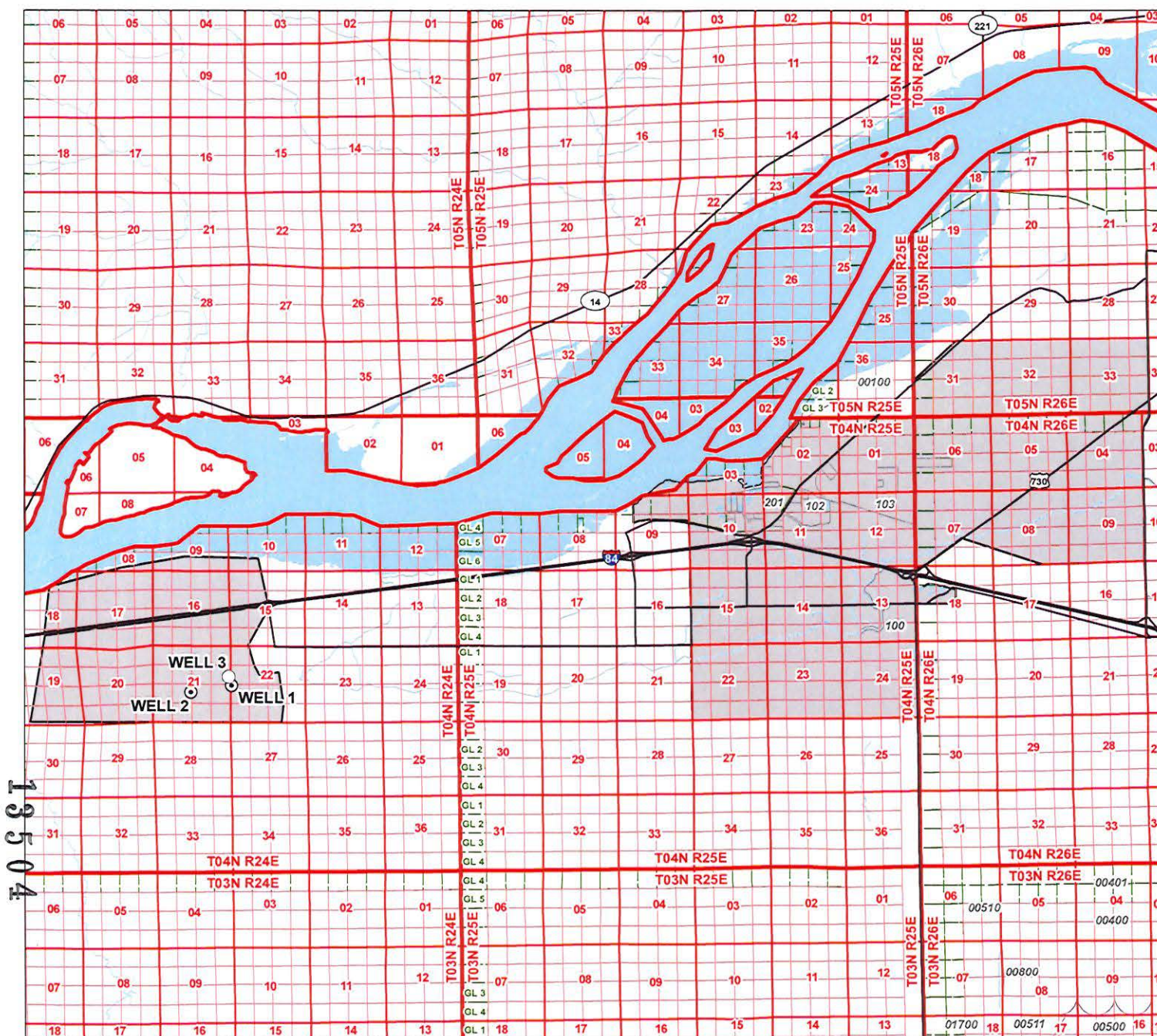
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 13, 2020

Data Sources: USGS, BLM, ESRI, Morrow Co.





Water Solutions, Inc.

RECEIVED

AUG 03 2020

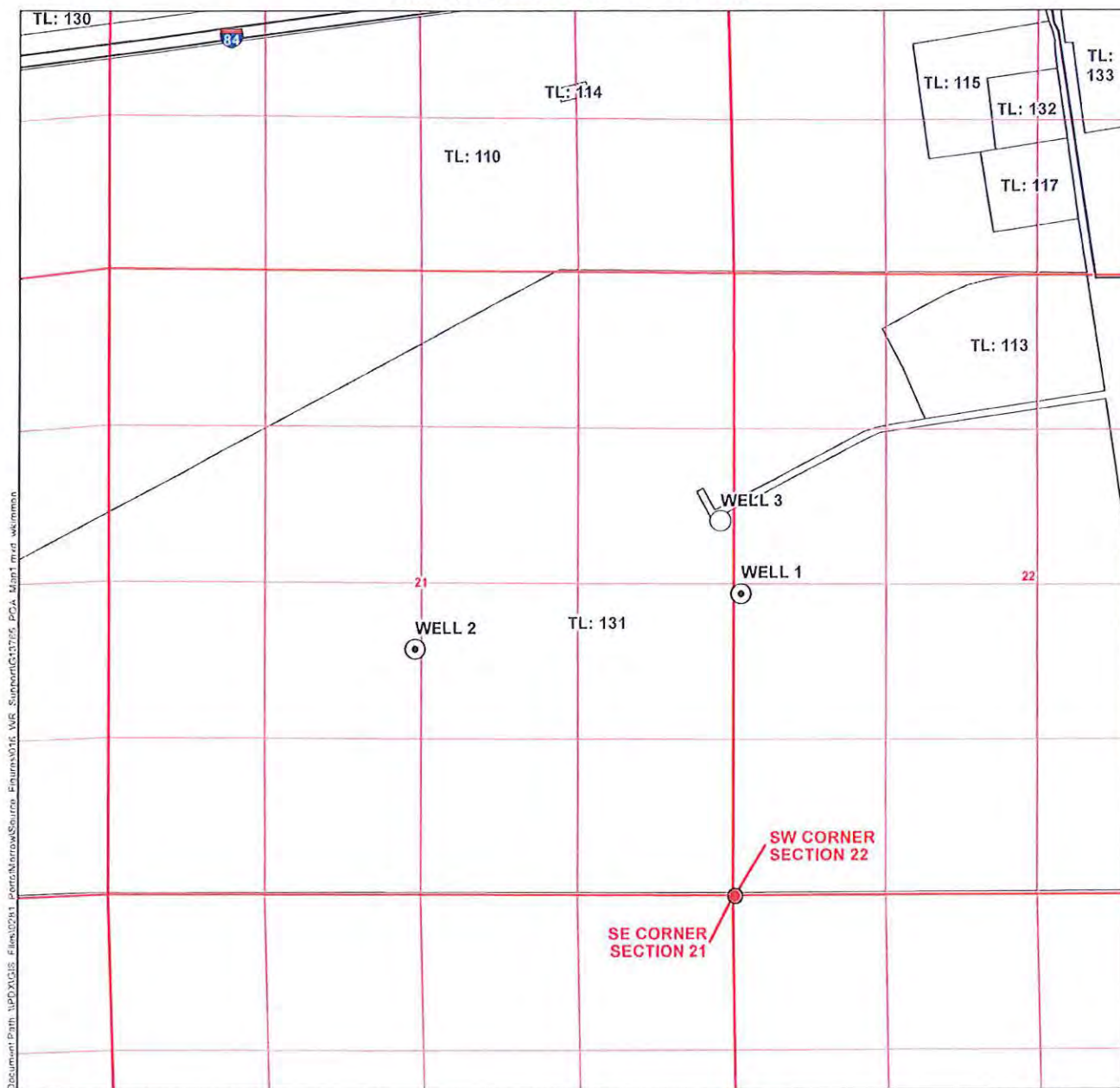
OWRD

Permit Amendment Application Authorized and Proposed Points of Appropriation (Map 1 of 2)

G-13765

Morrow County, Oregon

Township 4 North, Range 24 East (W.M.)



LEGEND

Point of Appropriation (POA)

● Authorized POA

○ Proposed POA

□ Government Lot (GL)

□ Tax Lot

— Major Road

— Watercourse
— Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

13504

MAP NOTES

Date: July 15, 2020

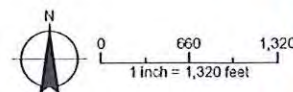
Data sources: USGS, BLM, ESRI, Morrow Co.

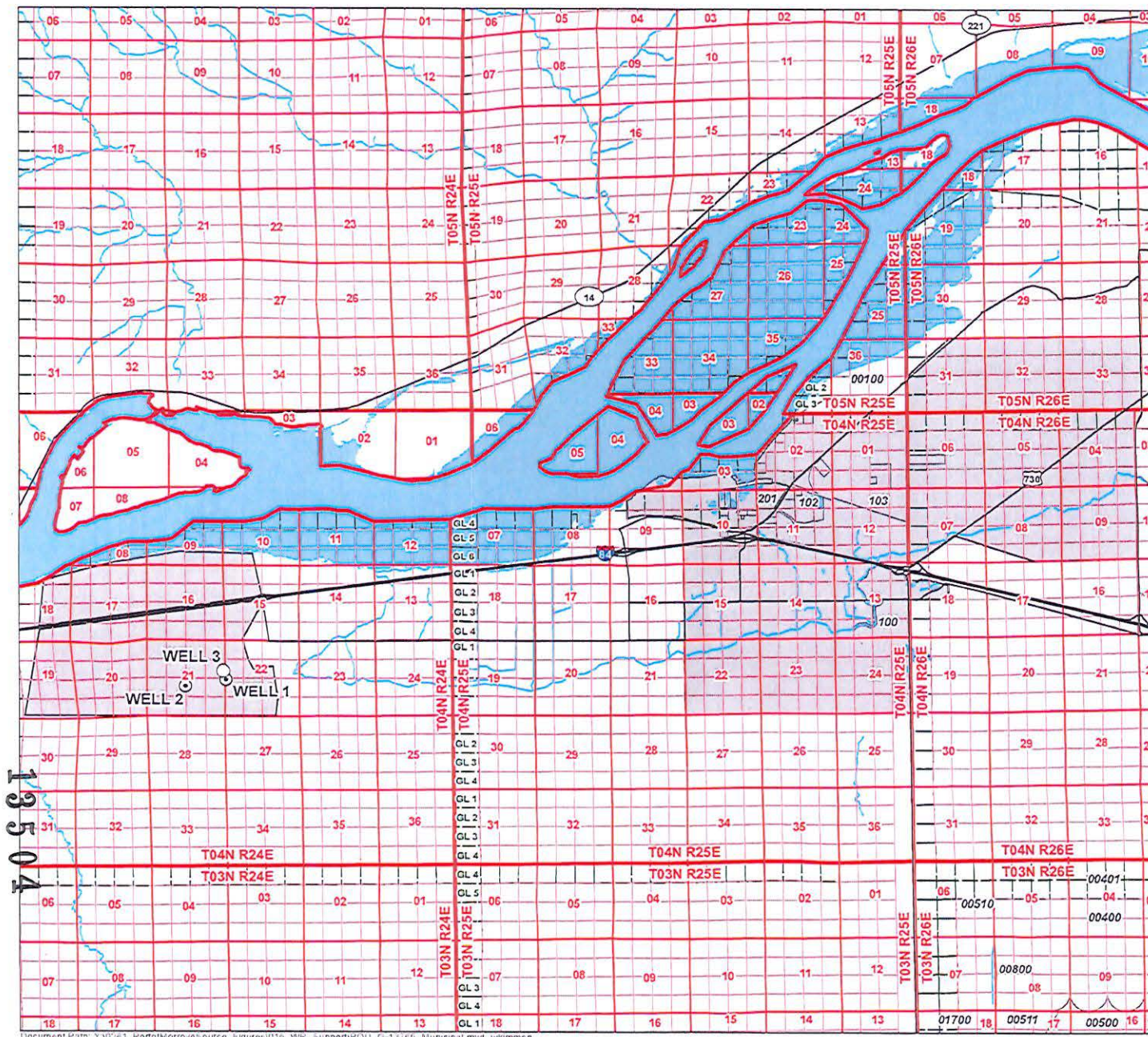
POA LOCATION DESCRIPTION

Well 1 Located 2,580 feet North and 60 feet East from the SW Corner of Section 22, Township 4 North, Range 24 East (W.M.)

Well 2 Located 2,095 feet North and 2,650 feet West from the SE Corner of Section 21, Township 4 North, Range 24 East (W.M.)

Well 3 Located 3,200 feet North and 110 feet West from the SE Corner of Section 21, Township 4 North, Range 24 East (W.M.)





**Permit Amendment
Application Map**
Place of Use (Municipal)
G-13765
Morrow County, Oregon
Township 4 & 5 North,
Range 25 & 26 East (W.M.)

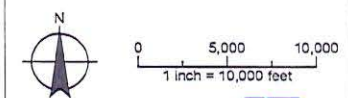
- LEGEND**
- Point of Appropriation (POA)
- ⊙ Authorized POA
 - Proposed POA
- Port Service Area Boundary (POU)
- Government Lot (GL)
- Tax Lot
- Major Road
- Watercourse
- Waterbody

RECEIVED

AUG 03 2020

OWRD

DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



Date: July 16, 2020
Data Sources: USGS, BLM, ESRI, Morrow Co.

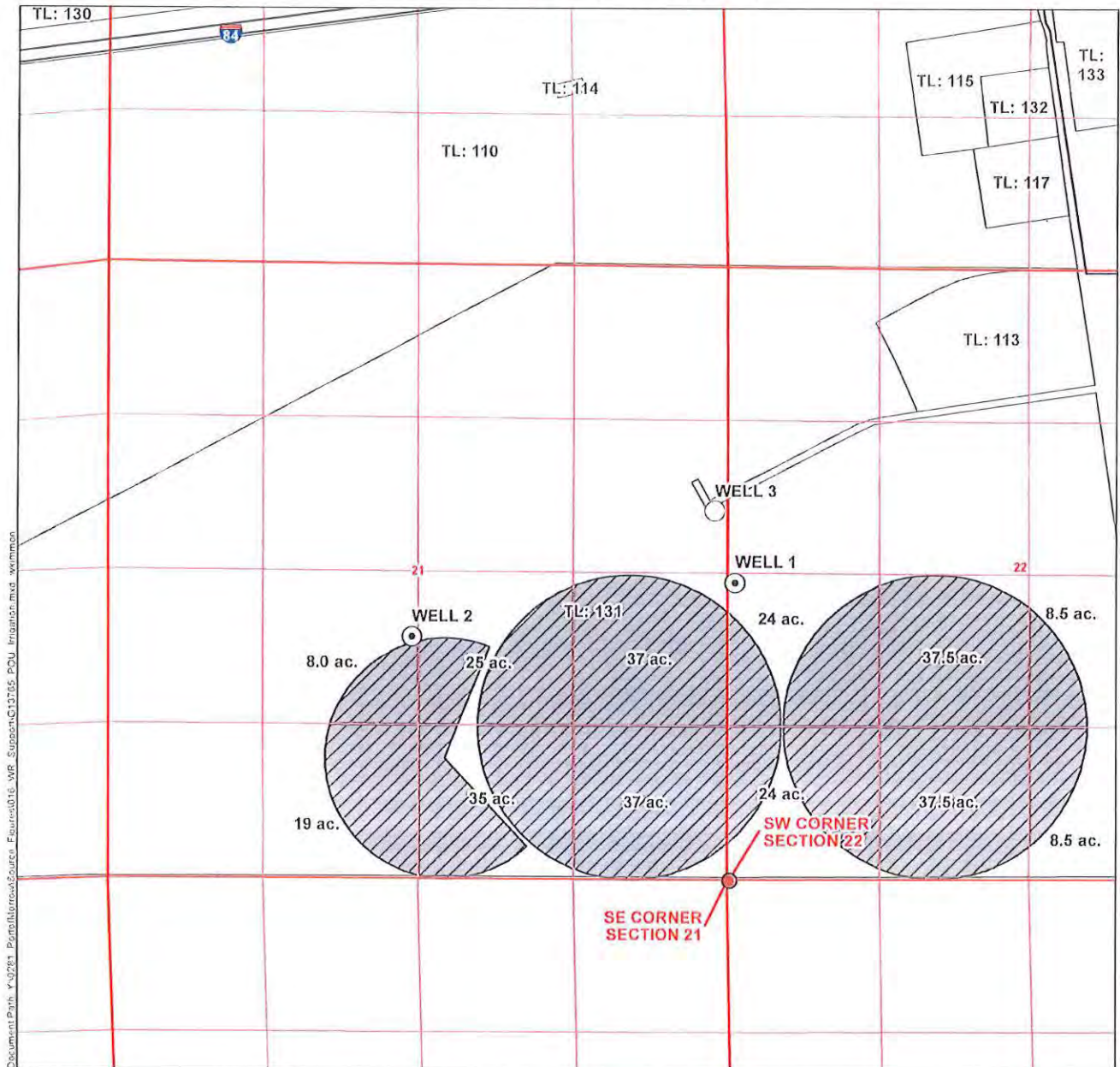
13504

Permit Amendment Application Map Place of Use (Irrigation)

G-13765

Morrow County, Oregon

Township 4 North, Range 24 East (W.M.)



LEGEND

- Point of Appropriation (POA)
- Authorized POA
 - Proposed POA
 - ▨ Place of Use (POU)
 - Government Lot (GL)
 - ⊕ Tax Lot
 - Major Road
- Watercourse
- Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 13, 2020

Data Sources: USGS, BLM, ESRI, Morrow Co.

RECEIVED

AUG 03 2020

OWRD



0 660 1,320
1 inch = 1,320 feet



Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED

AUG 03 2020

OWRD

Applicant(s): Port of Morrow

Mailing Address: PO Box 200; 2 Marine Drive

City: Boardman

State: OR

Zip Code: 97818

Daytime Phone: 541-481-7467

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:
<u>4N</u>	<u>24E</u>	<u>21</u>	<u>SE NE</u>	<u>131</u>	<u>AI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>MU water use</u>
<u>4N</u>	<u>25E</u>	<u>10</u>	<u>SW NE</u>	<u>100</u>	<u>PI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>MU water use</u>
<u>Within the Port of Morrow Service Area (see attached maps)</u>						☒ Diverted	☒ Conveyed	☒ Used	<u>MU water use</u>

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

City of Boardman, Morrow County

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) _____

Estimated quantity of water needed: 4.96 ☒ 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:

A permit amendment is being submitted to Oregon Water Resources to add two points of appropriation; one to replace an existing well, and the second to provide operational flexibility for Municipal water use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

13504

For Local Government Use Only

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): MC20 3.071 and MC20 3.073
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Stephanie Case Title: Interim Planning Director

Signature: Stephanie Case Phone: (541) 922-4624 Date: 7/28/2020

Government Entity: Morrow County Planning Department

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: _____

RECEIVED

AUG 03 2020

OWRD

Permit Amendment Application Checklist

Checked by Corey C

Date 8/6/20

App # G-14397

Permit # G-13765

Permit Amendments are authorized for changes in POD/POA, APOD/APOA, or POU.

(If OK, check box to left; if not, fill in the blank)

- ☒ 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 the 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. Are fees included and correct? Fee Paid: \$1570-

If not, the correct fee would be: _____, so the amount missing is: _____

- ☒ 4. 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? _____

- ☒ 5. Are the Permit completion date(s) current? 10-1-2040

If the Permit completion date has expired, we **CANNOT** accept the application.

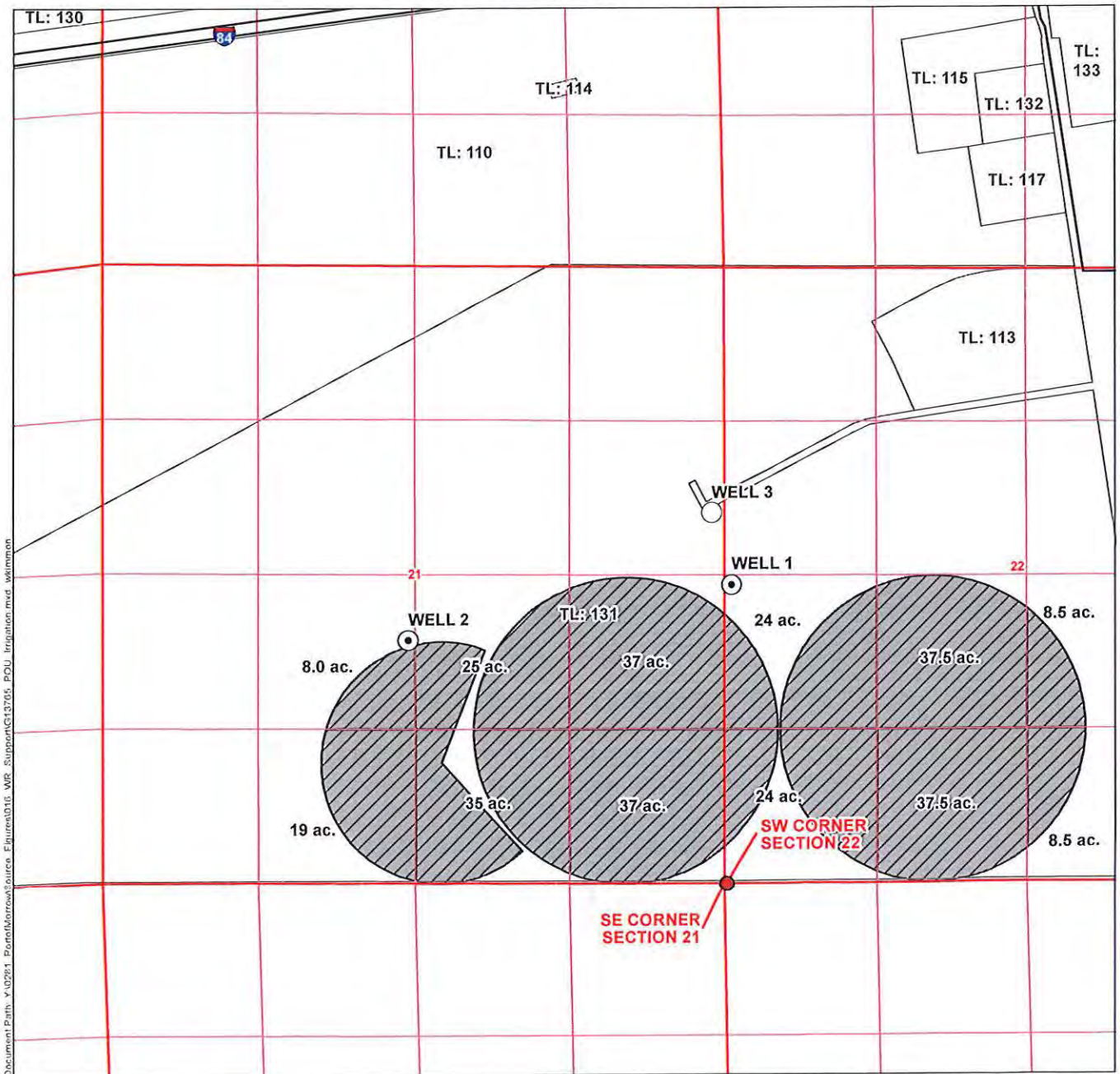
- ☒ 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 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 Map Place of Use (Irrigation) G-13765

Morrow County, Oregon
Township 4 North, Range 24 East (W.M.)



LEGEND

Point of Appropriation (POA)

- Authorized POA
- Proposed POA

Place of Use (POU)

Government Lot (GL)

Tax Lot

Major Road

Watercourse

Waterbody

OWRD

AUG 03 2020

RECEIVED

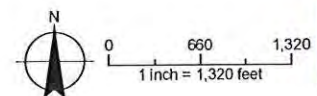
DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 13, 2020

Data Sources: USGS, BLM, ESRI, Morrow Co.



**Permit Amendment
Application Map
Place of Use (Municipal)
G-13765**
Morrow County, Oregon
Township 4 & 5 North,
Range 25 & 26 East (W.M.)

LEGEND

Point of Appropriation (POA)

- ⊙ Authorized POA
- Proposed POA
- Port Service Area Boundary (POU)
- Government Lot (GL)
- ⊕ Tax Lot
- Major Road
- Watercourse
- Waterbody

RECEIVED
AUG 03 2020
OWRD

DISCLAIMER

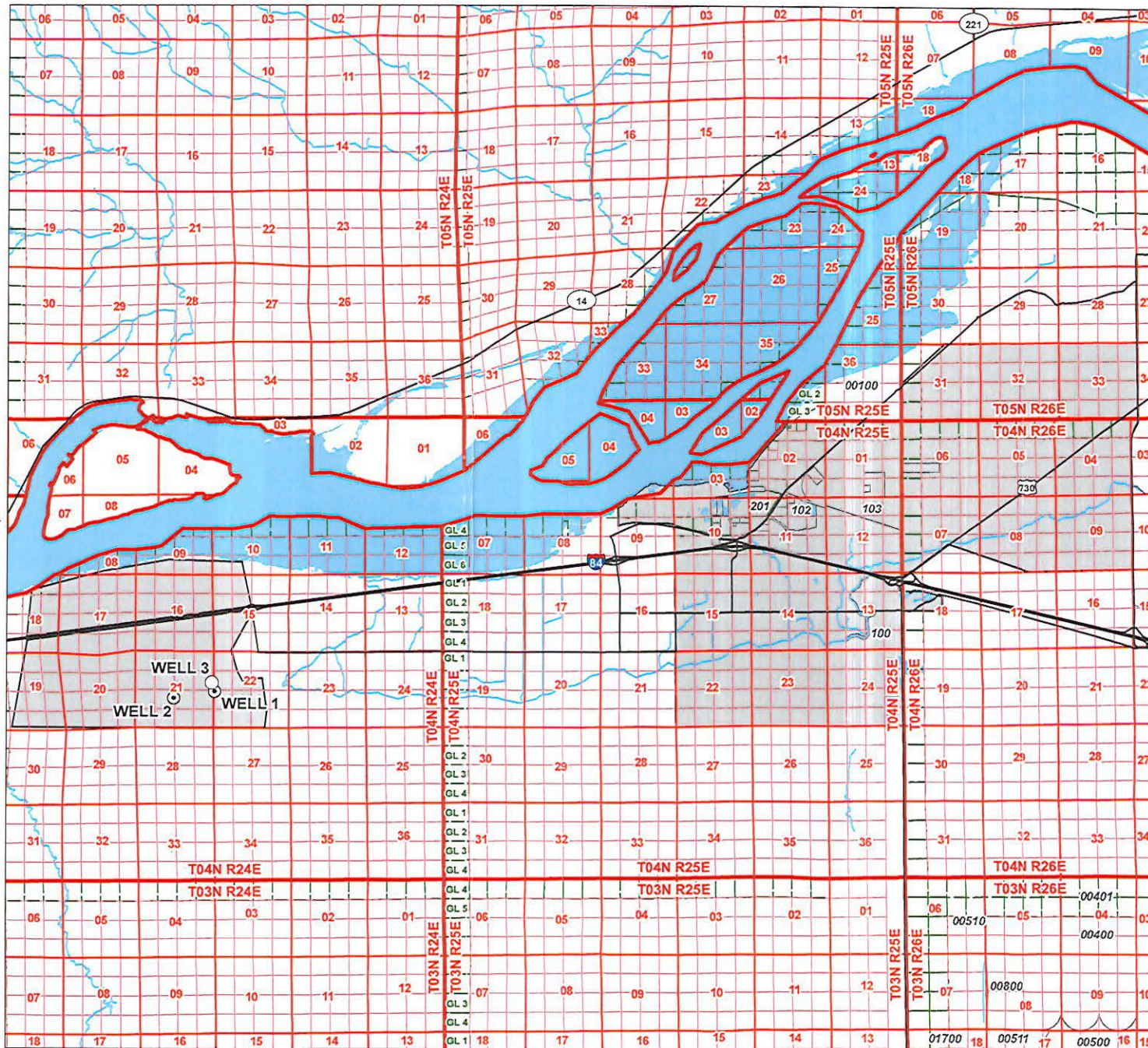
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



0 5,000 10,000
1 inch = 10,000 feet



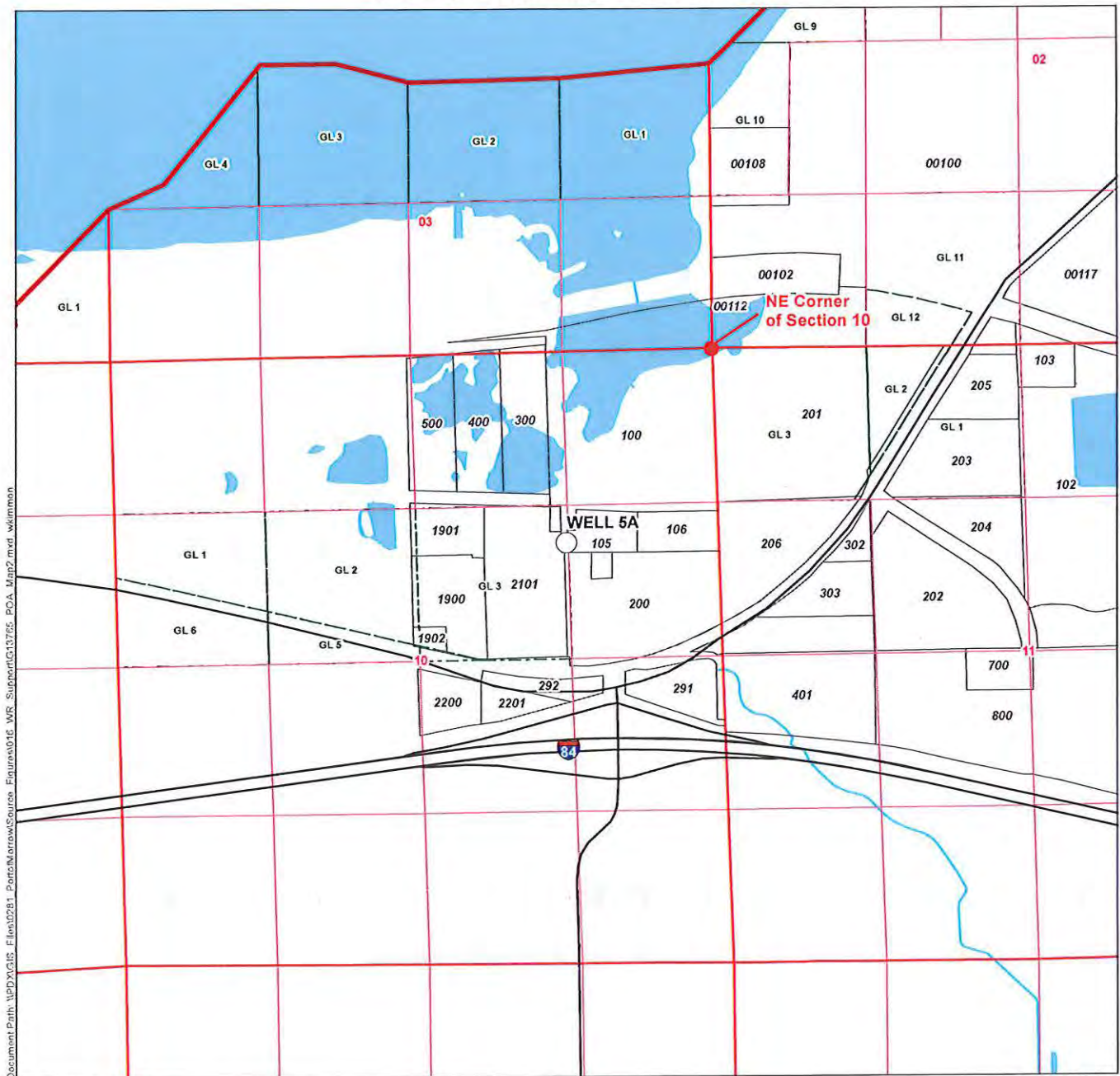
Date: July 16, 2020
Data Sources: USGS, BLM, ESRI, Morrow Co.



Permit Amendment Application

Authorized and Proposed Points of Appropriation (Map 2 of 2)

G-13765
Morrow County, Oregon
Township 4 North, Range 25 East (W.M.)



LEGEND

Point of Appropriation (POA)

- Authorized POA
- Proposed POA
- Government Lot (GL)
- Tax Lot
- Major Road

- Watercourse
- Waterbody

POA LOCATION DESCRIPTION

Well 5A Located 1,650 feet South and 1,330 feet West from the NE Corner of Section 10, Township 4 North, Range 25 East (W.M.)

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

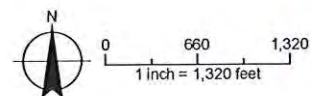
Date: July 15, 2020

Data Sources: USGS, BLM, ESRI, Morrow Co.

RECEIVED

AUG 03 2020

OWRD

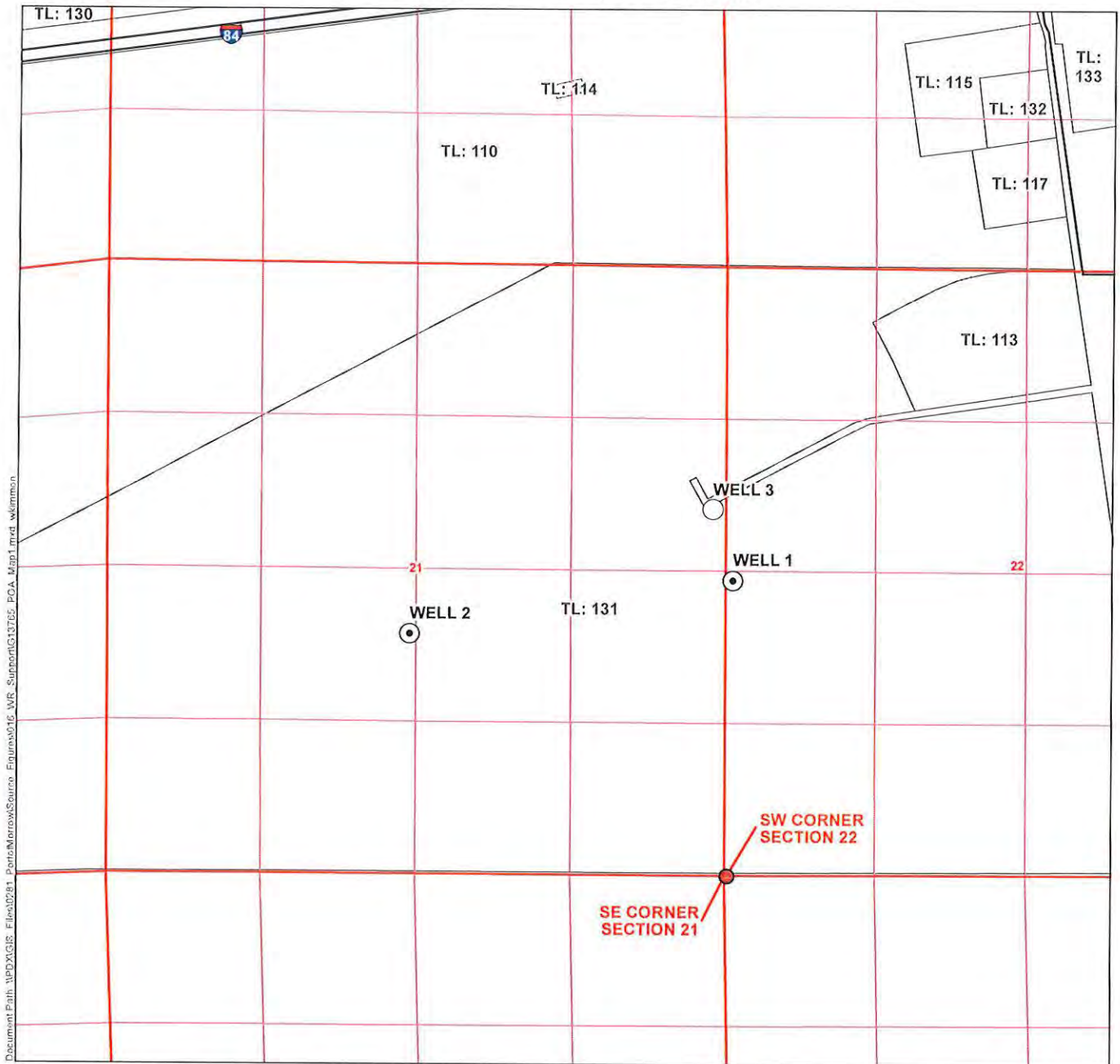


Permit Amendment Application

Authorized and Proposed Points of Appropriation (Map 1 of 2)

G-13765

Morrow County, Oregon
Township 4 North, Range 24 East (W.M.)



LEGEND

Point of Appropriation (POA)

● Authorized POA

○ Proposed POA

□ Government Lot (GL)

□ Tax Lot

— Major Road

— Watercourse

— Waterbody

POA LOCATION DESCRIPTION

Well 1 Located 2,580 feet North and 60 feet East from the SW Corner of Section 22, Township 4 North, Range 24 East (W.M.)
Well 2 Located 2,085 feet North and 2,650 feet West from the SE Corner of Section 21, Township 4 North, Range 24 East (W.M.)
Well 3 Located 3,200 feet North and 110 feet West from the SE Corner of Section 21, Township 4 North, Range 24 East (W.M.)

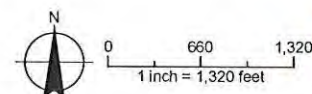
DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: July 15, 2020

Data Sources: USGS, BLM, ESRI, Morrow Co.



Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED

AUG 03 2020

OWRD

Applicant(s): Port of Morrow

Mailing Address: PO Box 200; 2 Marine Drive

City: Boardman

State: OR

Zip Code: 97818

Daytime Phone: 541-481-7467

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:
<u>4N</u>	<u>24E</u>	<u>21</u>	<u>SE NE</u>	<u>131</u>	<u>AI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>MU water use</u>
<u>4N</u>	<u>25E</u>	<u>10</u>	<u>SW NE</u>	<u>100</u>	<u>PI</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>MU water use</u>
<u>Within the Port of Morrow Service Area (see attached maps)</u>						☒ Diverted	☒ Conveyed	☒ Used	<u>MU water use</u>

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

City of Boardman, Morrow County

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) _____

Estimated quantity of water needed: 4.96 ☒ 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:

A permit amendment is being submitted to Oregon Water Resources to add two points of appropriation; one to replace an existing well, and the second to provide operational flexibility for Municipal water use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

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): MCZO 3.071 and MCZO 3.073
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Stephanie Case Title: Interim Planning Director

Signature: Stephanie Case Phone: (541) 922-4624 Date: 7/28/2020

Government Entity: Morrow County Planning Department

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: _____