

ROUTING & REQUEST

Please...

- Read
- Handle
- Approve

And...

- Forward
- Return
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- Review with Me

To: Russ,

this needs A permit
(see e-mail) then

send package to

Dwight. Only permit

will need to be signed.

From: Ad

Post-it® 7664 ©3M 1995

Date: 5/11/99

Intergovernmental Agreement
Between the Confederated Tribes of the Umatilla Indian Reservation by and through its
Department of Natural Resources and Department of Economic and Community
Development
and
The State of Oregon by and through the Oregon Water Resources Department and the
Oregon Economic and Community Development Department

This Intergovernmental Agreement ("Agreement") is entered into between the Confederated Tribes of the Umatilla Indian Reservation, hereinafter referred to as "CTUIR," by and through its Department of Natural Resources and Department of Economic and Community Development, hereinafter referred to as "DNR" and "DECD" respectively, and the State of Oregon, hereinafter referred to as "State," by and through the Oregon Water Resources Department, and the Oregon Economic and Community Development Department, hereinafter referred to as "WRD" and "OECDD" respectively. The CTUIR and the State are jointly referred to as "the Parties." The Parties hereby agree as follows:

I. Introduction

The CTUIR, through its Department of Economic and Community Development, and the State of Oregon, through its OECDD are part of a cooperative effort to bring a new business development, the Coyote Business Park, including the Accenture Project, to the Umatilla Indian Reservation. The CTUIR has requested financial assistance from the State of Oregon to fund part of the infrastructure costs for both the Coyote Business Park and the Accenture project. Oregon has responded that it will not proceed to evaluate, and potentially grant CTUIR's request for financial assistance until CTUIR completes this Intergovernmental Agreement, and submits applications for an extension of time and a permit amendment, respectively, for CTUIR water wells #3 and 4 that will supply water to this development and that were granted Oregon permits under CTUIR "protest" in 1996.

Economic development in rural Oregon is a high priority of the State, Oregon Governor Theodore Kulongoski and the CTUIR. The State and the CTUIR agree that projects such as the Coyote Business Park and the Accenture project should be fostered and encouraged to the greatest extent possible and desire to work in partnership to bring new business to rural Oregon. The State and CTUIR wish to work together to bring the Accenture project to the Umatilla Indian Reservation in Oregon and to encourage its success.

Accenture is a commercial venture that will require approximately 3,000 gallons of water per day. The CTUIR intends to supply the water from ground water. The Parties recognize that on-reservation and off-reservation ground water uses have the potential to affect each other. The CTUIR Department of Natural Resources and WRD share an interest in management of the ground water resource.

II. General Provisions

A. Interests and Responsibilities of CTUIR

The CTUIR claims a reserved water right, including a right to ground water, pursuant to the 1855 Treaty between the Cayuse, Umatilla and Walla Walla Tribes, acting in Confederation, and the United States.

2. The CTUIR asserts it has the most senior water right to groundwater in the Umatilla Basin and that it has authority to regulate the use of ground water within the Umatilla Indian Reservation and has adopted a Tribal Water Code. Pursuant to this Code, the ground water wells that provide water to the CTUIR community water system, which will serve the Coyote Business Park, including the Accenture Project, have been permitted by the Tribal DNR.
3. In recognition of the Parties' mutual interest in the management of the ground water resource and promoting economic development at Coyote Business Park, the CTUIR agrees to develop an extension of time and a permit amendment for Tribal well nos. 3 and 4, that meet the minimum requirements for WRD applications for an extension of time and a permit amendment.
4. The CTUIR will develop its permit amendment and extension of time applications, in consultation with WRD, under the Tribal Water Code. After completion of the amendment processes under the Tribal Water Code, the CTUIR will forward to WRD the CTUIR-issued ground water permit and related information in report form and formally request from WRD an extension of time and amended permit, which submission shall be without prejudice to the CTUIR right to assert that it has a federal reserved right to groundwater.
5. The CTUIR does not recognize or concede that WRD has any regulatory authority over ground water resource development on trust lands within the Umatilla Indian Reservation, including authority to require a water right permit, permit amendment, extension of time or other WRD authorization.
6. CTUIR will submit the request for extension of time and permit amendment for wells #3 and 4, as described in II(A)(4) above, because these two wells have preexisting Oregon groundwater permits with a WRD-issued priority date of 1996, because

CTUIR understands that Oregon will not assist CTUIR development of Coyote Business Park without CTUIR requesting from Oregon an extension of time and permit amendment for these two wells, and because CTUIR believes it important to clarify Oregon and CTUIR water jurisdiction until a federal reserved water rights settlement for CTUIR on-Reservation groundwater is completed.

B. Interests and Responsibilities of WRD

1. WRD acknowledges that the CTUIR claims a federal reserved water right as described in paragraph II(A)(1) above, but has not agreed that the CTUIR has the claimed reserved water right or that such a right extends to ground water.
2. The Governor has executed a letter with the CTUIR Chairman and Westland Irrigation District's Chairman asking the Secretary of the United States Department of Interior for an appointment of a federal Indian Water Rights Assessment Team to assess CTUIR's claim to federal reserved water rights. The WRD supports the assessment of CTUIR water right claims, and supports the efforts of the CTUIR and other stakeholders in the Umatilla Basin for the study of Phase III of the Umatilla Basin Project and potential settlement of any CTUIR water rights claims identified by the Federal Indian Water Rights Assessment Team, and in the interim supports the maintenance of both State and CTUIR permits for wells # 3 and 4 to provide security to CTUIR on-Reservation water use pending potential settlement.
3. The State has established a system under the Oregon Water Code for regulating the use of ground water within the State, the purpose of which includes the orderly allocation of ground water and the protection of senior water rights. The WRD has a strong interest in the comprehensiveness of that system.
4. WRD acknowledges CTUIR's desire for the least amount of WRD involvement with its on-reservation water use. Further, WRD agrees to respect CTUIR's tribal sovereignty to the greatest extent possible.
5. In recognition of the Parties' mutual interest in the management of the ground water resource, WRD agrees to accept from the CTUIR an amended ground water permit developed and authorized under the CTUIR Water Code for Tribal wells no. 3 and 4 as described in II (A)(4) above. WRD will accept the CTUIR-issued amended ground water permit and related

information in place of a WRD permit amendment application form and extension of time application form. WRD will process CTUIR's request for an extension of time and permit amendment and commits to work closely with CTUIR DNR staff to assure that the CTUIR permit and related information satisfies the minimum WRD requirements for extension of time and permit amendment applications. WRD will process the CTUIR requests pursuant to the standards and processes established in OAR chapter 690, division 315 and ORS 537.211.

6. WRD's acceptance of an amended CTUIR-issued permit under B(5) above for purposes of gathering information related to WRD's permitting requirements does not constitute recognition of the CTUIR's authority to regulate ground water, but does reflect Oregon's respect for CTUIR sovereignty, its interest in working with CTUIR regarding on-Reservation groundwater management authority prior to settlement of the CTUIR's asserted claims to groundwater rights, and its support for rural economic development at Coyote Business Park.
7. The WRD acknowledges that the CTUIR proposed ground water use for the Accenture Project would likely qualify as exempt from water right permit requirements if the water was obtained from an independent well. It is the objective of WRD to have the least amount of WRD involvement possible upon CTUIR on-reservation ground water use; WRD will work through CTUIR DNR staff for the information necessary to complete the permit extension and amendment requests and without an on-the-ground presence at wells #3 and 4.
8. It is the objective of WRD that CTUIR hold state-issued water right permits for the protection of CTUIR water use, without prejudice to CTUIR's right to assert that it has a federal reserved right to ground water.
9. It is the objective of WRD that CTUIR obtain state-issued water right permits to provide certainty and assign a priority date to these water rights pending the outcome of potential settlement of CTUIR's claim of federal reserved water rights.

C. Agreement of the Parties

1. The circumstances of the Parties in entering this Agreement are unique, including the timing of the request for financial assistance from the State. Hence, this Agreement is limited to the present circumstances, and the parties to this Agreement.

2. OECD recognizes, and WRD agrees, that upon the Parties' execution of this Agreement, WRD will not object to the CTUIR requests currently contemplated by the parties for State financial assistance for the Coyote Business Park, which includes the Accenture Project.
3. The Parties agree that entering into this Agreement does not affect the commitment of either the State or the CTUIR to the process of requesting or supporting a federal Indian Water Rights Assessment Team to assess the CTUIR's claim of reserved water rights.
4. The Parties agree that the issuance of independently issued permits as described in Section II above, may form the structural basis for the development of an interim agreement to cover water development and permitting to support CTUIR water needs pending potential settlement of CTUIR claims of federal reserved water rights. The parties agree to discuss a joint CTUIR-State groundwater management system to ensure the long-term sustainable use of ground water resources that would recognize the sovereign interests of the parties, and promote multiple beneficial uses of the ground water resource. The Parties agree to work with each other in good faith by conducting an initial meeting within 30 days of execution of this agreement to explore an interim resolution related to the management of the ground water resource to meet the mutual goals of CTUIR and WRD and pending potential settlement of the CTUIR's claims of federal reserved water rights.

III. Administration

A Authority

Each Party represents that the person who executes this Agreement on its behalf has the authority to enter into this Agreement on behalf of that Party.

B. Counterparts

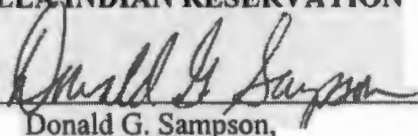
This Agreement may be executed simultaneously or with separate signature pages and in more than one counterpart, each of which will be deemed an original, and all of which together shall constitute one and the same Agreement.

C. No Waiver, Reservation of Rights

Nothing in this Agreement is intended to, nor shall be construed as a, waiver of the sovereign immunity of either party to this Agreement. Nothing in this Agreement is intended, nor shall be construed, to limit, diminish, abrogate or otherwise affect the rights reserved by the CTUIR in their Treaty of 1855.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Dated: 5-24-06

By: 
Donald G. Sampson,
Executive Director

STATE OF OREGON

BY AND THROUGH THE OREGON WATER RESOURCES DEPARTMENT

Date: _____

By: _____
Phillip C. Ward,
Director

AND BY AND THROUGH THE OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

Date _____

By: _____
Bob Repine,
Director

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Nothing in this Agreement is intended to, nor shall be construed as a, waiver of the sovereign immunity of either party to this Agreement. Nothing in this Agreement is intended, nor shall be construed, to limit, diminish, abrogate or otherwise affect the rights reserved by the CTUIR in their Treaty of 1855.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

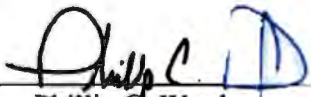
Dated: _____

By: _____
Donald G. Sampson,
Executive Director

STATE OF OREGON


BY AND THROUGH THE OREGON WATER RESOURCES DEPARTMENT

Date: 5/24/06

By: 
Phillip C. Ward,
Director

AND BY AND THROUGH THE OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

Date: 5/24/06

By: 
Bob Repine,
Director

September 20, 1996

Application No. 614395
Permit No.

Oregon

WATER
RESOURCES
DEPARTMENT

Donald G. Sampson, Chairman
Board of Trustees
Confederated Tribes of the Umatilla
Indian Reservation
P. O. Box 638
Pendleton, OR 97801

Dear Donald:

Thank you for your letter of September 5, regarding your proposal for resolving outstanding water rights issues between the State and Tribes. The Governor has also asked me to respond to some of the concerns expressed in your recent letter to him regarding water issues. Based on that letter, it appears to me that you may have received some inaccurate information concerning the state's position on various issues related to the Tribes' water rights. I hope I can clarify some of those points as well as respond to your proposal for helping us to move forward with final resolution of the Tribes' treaty rights.

Your letter to the Governor indicates that I have backed away from our previous agreement to enter into a formal negotiating process to resolve claims under the Tribes' treaty. This is not the case. To the contrary, we remain very much interested in pursuing a negotiation process. When I met with Antone Minthorn and other members of the Tribes' Water Committee last May, we reiterated our commitment to a formal negotiating process with the CTUIR, following completion of our current negotiations with the Warm Springs Tribes. At that meeting, your staff also expressed interest in the possibility of taking advantage of federal legislation relating to Phase III of the Umatilla Project as a vehicle for addressing the Tribes' water needs with other water users. In particular, your staff felt that they were very close to reaching consensus on a basin-wide comprehensive water management plan which could be endorsed by all affected parties. State representatives at the meeting, including Mike Ladd and myself, expressed our willingness to make every effort to negotiate such a consensus plan in time to incorporate the plan in federal legislation. However, our mutual agreement to do so was contingent on such consensus, in fact, being reached.

The May 2 agreement, approved by both state and tribal representatives, specifically addressed the possibility that there might not be sufficient time to reach a basin-wide consensus within the short time frame needed for the legislation. In that event, we all agreed to drop that issue from federal legislation and to pursue the previously agreed-upon approach of formal negotiations under a process similar to that undertaken with the Warm Springs Tribes. I have enclosed a copy of the agreement made on May 2.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Donald G. Sampson
September 20, 1996
Page 2

Please be assured that I have never varied from that agreement. Mike Ladd has been available for meetings with your staff and has participated in good faith to try to develop the basin-wide "comprehensive water management plan" addressed in the May 2 strategy. However, the plan has not been drafted and it is my understanding that your staff proposed to the technical group that the development of the plan be placed on a slower track. Accordingly, our position on S1986 has been that the legislation should not include any provisions relating to the concept of a "comprehensive water management plan." This position is fully in accord with the May 2 agreement. At the same time, however, we remain ready -- upon completion of our negotiating process with the Warm Springs Tribes -- to "pursue resolution of the water rights issues in another forum." At our May 2 meeting, I believe all parties were expecting that the other "forum" would be some type of negotiating process. The approach you have described in your September 5 letter is certainly a workable alternative.

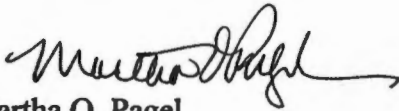
In our discussion on May 2, we did not have time to speak at length about ground water issues. However, we did acknowledge the differences between the state and Tribes' legal position on the use of ground water. I believe we all shared the hope that a comprehensive water plan could be developed which might have helped us avoid a confrontation on the legal issues relating to ground water. Unfortunately, we were not able to do so within the short time period available. The funding issues related to the Economic Development Department award have further complicated the situation. It was our understanding at the time the award agreement was entered into that the Tribes did intend to submit a water right application, under protest. I regret any confusion which may have existed between the state and Tribes regarding this matter.

Your proposal now offers a good alternative for addressing these issues of mutual concern. I have discussed the proposal with our legal counsel, as well as with representatives of the Economic Development Department and the Governor's office. We are all supportive of the approach and concepts described in your letter. We appreciate your willingness to consider filing, under protest, for a "limited license" from the state for the ground water uses in connection with the Economic Development Department award. Our attorney has discussed this issue in greater detail with Dan Hester to clarify that the State would need to have both the limited license application, as well a water right application, in order to release the funds from the Economic Development Department. Both applications could be submitted under protest, as you have requested. If this is agreeable to you, we would be prepared to proceed with the process you have described and process the applications promptly. This would also permit the immediate release of the funds held by the Economic Development Department for which the Tribes have submitted requests for disbursement.

Donald G. Sampson
September 20, 1996
Page 3

Once again, I want to thank you for offering a productive approach for resolving legal disputes concerning the Tribal water rights. We appreciate your willingness to address these legal issues within the framework of a constructive working relationship between the state and Tribes.

Sincerely,



Martha O. Pagel
Director

B1:672

c: Governor John Kitzhaber
Bill Scott, Director, OEDD

PROCESS FOR OREGON/CTUIR WORK/PROGRESS
May 2, 1996

1. Placeholder for Legislation

In the next 2 weeks, develop concepts and principals for a placeholder in legislation for the Umatilla Basin Comprehensive Water Management Plan.¹ This water allocation and management plan will contain the following concepts and principals:

- a. Restore the fisheries.
- b. Restore healthy watershed conditions.
- c. Ensure reliable water supplies for all Umatilla Basin water users.
- d. Resolve the legal disputes and provide certainty.

2. Development of Comprehensive Water Management Plan

In the next 2 months,² work together to develop the Comprehensive Water Management Plan.

Identify what groups need to be included in a consensus of support for the Plan. The consensus must include multiple interests. Such interests should include, among others, ODFW, the Governor's Office, Federal agencies, irrigation interests, local governments, counties, environmental groups, and HDC.

A Technical Team will be designated to develop the draft Plan. The Technical Team will include representatives from CTUIR, OWRD, ODFW, the Bureau of Reclamation, and possibly the irrigation districts and the City of Pendleton. This draft Plan will then be taken back to policy representatives of the respective interests. Then the draft Plan will be presented to the interests identified above for finalization of a consensus Plan.³

A Legal Team will also be designated to define the necessary legal steps to implement the consensus Plan.⁴

¹CTUIR will develop a draft letter to Senator Hatfield as a placeholder for OWRD review.

²The date will be defined within the next few days.

³CTUIR will take the lead in arranging the Technical Team meetings.

⁴CTUIR will take the lead in arranging the Legal Team meetings.

3. Consult with Other Tribes on this Proposed Process

OWRD is currently engaged in resolving water rights issues with the Warm Springs Tribes and the Klamath Tribe. Both WRD and CTUIR will contact these two Tribes concerning the process being developed between OWRD and CTUIR on the Umatilla Basin water rights Plan.

4. Implementation of the Comprehensive Water Management Plan

If consensus is reached, OWRD and CTUIR will proceed with the necessary legal/legislative tools needed to implement the consensus Plan. If consensus is not reached, OWRD and CTUIR will still pursue the rest of the legislation, and will pursue resolution of the water rights issues in another forum.

October 25, 1996

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
PO BOX 638
PENDLETON, OR 978010638

REFERENCE: File(s) G-14395

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

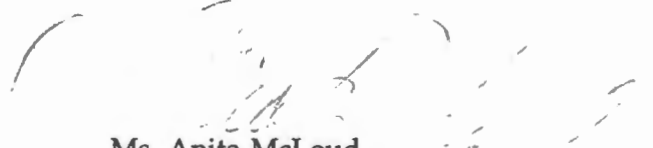
This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group—Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,


Ms. Anita McLoud
Water Rights Specialist
Water Rights Division



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # G14395

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

10-18-90

[Handwritten Initials]

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved no pending _____

If reservoir < 5 AF \$ _____, if > 5 AF \$ _____

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____

Entered into WRIS

SUPPORT SERVICES

10/29/90 ca

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

APPLICATION SECTION

Stream Indexed Basin # _____

Plat Carded and copy made YES NO

If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete YES NO

Within Irrigation District _____

District Notified _____

District excerpt received _____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

August 3, 1998

Bob Patterson, Director
Public Works
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, OR 97801

RE: Application G-14395

Dear Mr. Patterson:

Adam Sussman provided a copy of the CTUIR *Statement of Protest and Non-Waiver* which was enclosed in your July 15, 1998, letter. Adam has asked me to respond to the CTUIR *Statement* to be sure that the Department's application review process does not become complicated by the legal dispute surrounding the CTUIR reserved water rights.

To be sure there is no misunderstanding, we would like to reiterate our understanding as to the matters discussed in the CTUIR *Statement*. We understand and acknowledge that there is an unresolved legal dispute concerning the status of the CTUIR claims to water for the Umatilla Indian Reservation. In addition, we acknowledge that the CTUIR filed Application G-14395 under protest.

We intend to proceed with our standard application review process, including completion of the contested case hearing on the Proposed Final Order for Application G-14395. Department staff will appear at the hearing to present evidence in support of the Proposed Final Order; therefore, tribal participation is not necessary. We do not believe the unresolved legal dispute concerning the CTUIR federal reserved water rights affects Application G-14395, the Proposed Final Order or the ultimate decision of the contested case.

Thank you for your correspondence. If you have any questions, or would like to comment further, please feel free to call me any time.

Sincerely,

Reed Marbut
Federal Water Rights Coordinator

cc: Adam Sussman
Mike Ladd

Application No. G-14395

RECEIVED

OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant(s) CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

(Please print or type - use dark ink)

Mailing Address: P.O. BOX 638
PENDLETON, OR 97801-0638
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon: SEE ATTACHED "STATEMENT OF PROTEST AND NON-WAIVER" AND "RESOLUTION".

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): TWO (2)
MUNICIPAL WELLS FOR THE MISSION AREA WATER/SEWER SYSTEM.

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: WELL #3 1100FT. WELL #4 2800FT.

Elevation difference between streambed and development: APPROX. 10FT.

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

SEE ATTACHED WELL LOGS. *RAP*

Diameter of well: _____ Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

If the water well is flowing artesian, describe your water control and conservation works: CHECK VALVES INSTALLED TO ALLOW FLOW IN ONLY ONE (1) DIRECTION: WELL INTO DISTRIBUTION SYSTEM.

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 8.0 cubic feet per second, OR 3,600 gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: 1800 GPM MAXIMUM FROM EACH WELL. *GPM RAP*

3. INTENDED USE(s) OF WATER: MUNICIPAL

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; _____

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

PRESENT POPULATION @ 1,029. FUTURE POPULATION DEPENDENT ON ECONOMIC GROWTH.

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation _____

Other (describe) _____

4. DESCRIPTION OF WATER DELIVERY SYSTEM: Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

WELL #3 IS PUMPED DIRECTLY INTO DISTRIBUTION SYSTEM (8-INCH LINE).

WELL #4 IS PUMPED DIRECTLY INTO DISTRIBUTION SYSTEM (8-INCH LINE).

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin IN PROGRESS (1990)

Proposed date construction work will be completed (10/96)

Proposed date water use will be completed N/A

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

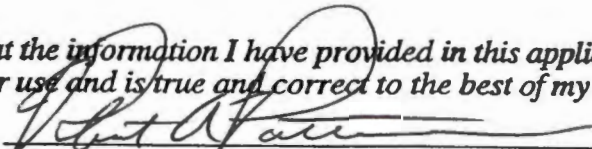
REMARKS: DISTRIBUTION LINES FOR CONVEYING WATER REQUIRED EASEMENTS IN SOME CIRCUMSTANCES. MOST OF THE DISTRIBUTION SYSTEM IS IN TRIBAL RIGHT-OF-WAY. (SEE ATTACHED "STATEMENT OF PROTEST AND NON-WAIVER" AND "RESOLUTION".

8. If you answered "NO" to question #7 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES NO

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:


Signature

10/4/96
Date

ROBERT A. PATTERSON, PUBLIC WORKS DIRECTOR
Signature

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 18th day of October, 1996, at 8 o'clock, A M.

APPLICATION NO: G-14395

NOTE TO LOCAL GOVERNMENTS

RECEIVED

OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

WATER
RESOURCES
DEPARTMENT

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed Land Use Information Form or the signed and dated receipt stub detached from the bottom of the Land Use Information Form.

Please complete this form and *return it to the applicant for inclusion in their application*. You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Department. If you have questions concerning the form, please contact WRD at 378-3739.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Planning Official Initials JD

DESCRIPTION OF WATER USE

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Address: P.O. BOX 638 OFFICE OF PUBLIC WORKS
PENDLETON, OR 97801-0638
Phone: (541) 276-4301

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project.

- Irrigation (crop type, golf course, nursery or greenhouse):

- Livestock (type of livestock, feedlot, slaughterhouse):

- Residential (# of units, single or multi-family, # of lots if partition or subdivision):

- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.):

- Industrial (i.e., factory, pulp mill, research and development, processing, etc.):

- Institutional (i.e., school, library, etc.):

- Mining (aggregate, metal, open pit, placer, etc.):

- Recreation (park, campsite, pond, etc.):

- Fish and Wildlife (pond, hatchery, etc.):

- Hydropower (dam, reservoir, power generating or transmitting facilities):

- Other (Name and list key characteristics):
MUNICIPAL

Indicate sources for the proposed water use below:

- Surface water
Name sources:

- Reservoir or pond
- Groundwater

Indicate the estimated quantity of water the use will require.

- 25 Cubic feet per second
- Gallons per minute
- 750 Acre-Feet

Land Use Information Form: Permits, Hydroelectric Licenses, **OCT 18 1996**
Water Uses in Addition to Classified Uses

WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: CTUIR PUBLIC WORKS DEPARTMENT
Address: P.O. BOX 638
City: PENDLETON State: OR Zip: 97801 Day Phone: (541) 276-4301

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) 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.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====

For Local Government Use Only

Local planning officials are to complete the remainder of this form: If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____. Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

*SEE COMMENTS

=====

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____
Staff Contact: _____ Phone: _____
Signature: _____ Date of Information Request: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: TERENCE J. DAVIS Date: 10/04/96

Title: ASSISTANT PLANNER Phone: (541) 278-5212

Signature: 

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

Additional Comments:

MUNICIPAL WATER SYSTEM: APPROVALS FOR EACH AND EVERY USE WITHIN THE SYSTEM BOUNDARY IS TOO NUMEROUS TO INCLUDE. HOWEVER, PLEASE FIND ATTACHED COPIES OF THE ZONING STANDARDS FOR ALL ZONES WITHIN THE SYSTEM BOUNDARY. ALL EXISTING USES HAVE BEEN ESTABLISHED PRIOR TO ZONING ON THE RESERVATION OR APPROVED THROUGH THE ATTACHED ZONING PROCEDURE.

ANY QUESTIONS PLEASE CONTACT CTWR PLANNING OFFICE @ (541) 276-0481.

*(SEE ATTACHED "STATEMENT OF PROTEST AND NON-WAIVER" AND "RESOLUTION".



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation
TRIBAL PLANNING OFFICE



Terry Davis
Assistant Planner

P.O. Box 638
Pendleton, Oregon 97801

Phone (541) 276-3099
Fax (541) 278-5393

Water Resources Department
158 12th NE
Salem, OR 97310
(503)378-3739

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: TERENCE J. DAVIS Date: 10/04/96

Title: ASSISTANT PLANNER Phone: (541) 278-5212

Signature: 

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

Additional Comments:

MUNICIPAL WATER SYSTEM: APPROVALS FOR EACH AND EVERY USE WITHIN THE SYSTEM BOUNDARY IS TOO NUMEROUS TO INCLUDE. HOWEVER, PLEASE FIND ATTACHED COPIES OF THE ZONING STANDARDS FOR ALL ZONES WITHIN THE SYSTEM BOUNDARY. ALL EXISTING USES HAVE BEEN ESTABLISHED PRIOR TO ZONING ON THE RESERVATION OR APPROVED THROUGH THE ATTACHED ZONING PROCEDURE.

ANY QUESTIONS PLEASE CONTACT CTWR PLANNING OFFICE @ (541) 276-0481.

*(SEE ATTACHED "STATEMENT OF PROTEST AND NON-WAIVER" AND "RESOLUTION".

Water Resources Department
158 12th NE
Salem, OR 97310
(503)378-3739

Application No. C-14395
Oregon Water Resources Department
Permit No.

Form M

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OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

This form is to be used in conjunction with applications for permits to use water for municipal purposes.

Read instructions carefully. Answer all questions.
Type or print clearly in dark ink.

1. POPULATION:

- a. What is the present population to be served? 1,029 PEOPLE
- b. Do you serve population beyond your city limits? NO
- c. According to your estimates, what will the population be 25 years from now? (Please cite source) YEAR 2015 - 3,400 PEOPLE

2. WATER NEEDS:

- a. What are your current water needs? 412 ACRE/FT.
- b. What will your water needs be 25 years from now? YEAR 2015 - 830 ACRE/FT.
- c. List your current source(s) of water by water body, amount of use and water right permit (e.g., Crystal Creek, .01 cfs, Permit S-12345). ALL SOURCES ARE PERMITTED UNDER CTUIR WATER CODE. NONE OF THE SOURCES HAVE BEEN PERMITTED BY THE STATE OF OREGON. THIS FILING IS BEING COMPLETED UNDER PROTEST.
- d. Explain how your existing water use permits and water rights will assist in meeting your water use needs (i.e., Have you identified any of your water use permits or water rights that cannot or will not be used to meet future needs?). Please explain.
N/A

3. CONSERVATION MEASURES: Please describe what you propose to do to prevent waste of water (e.g., metering, weekly measurements, etc.).

ALL CONNECTIONS TO THE MUNICIPAL WATER SYSTEM ARE METER. ALSO, ALL POINTS OF DIVERSIONS ARE METERED. RATE STRUCTURE ENCOURAGING SUMMER WATER CONSERVATION IS TO BE ADDRESSED.

Please include a copy of your water facilities plan with your application.

WATER SYSTEM FEASIBILITY STUDY WAS COMPLETED IN 1979.
WATER SYSTEM MASTER PLAN WILL BE COMPLETED IN 1997.
REGIONAL WATER SYSTEM FEASIBILITY STUDY WAS COMPLETED IN 1996.

1996 WELL LOG
PUBLIC WORKS DEPT.
CTUIR

Application No. G-14395
Permit No.

THESE WELL LOCATIONS DO NOT REPRESENT SURVEYED INFORMATION, BUT WERE SCALED FROM EXISTING MAPS OF RECORD.

ADDRESS:	WELL NO:	LEGAL DESCRIPTION
47563 SHORT MILE ROAD	#3	LOCATED IN THE NE 1/4 OF S11, T2N. R33E. W.M., UMATILLA CO. 142 FT. N. & 990 FT. W. OF SE CORNER OF S11.
46444 MISSION ROAD	#4	LOCATED IN THE SE 1/4 OF S9, T2N. R33E, W.M., UMATILLA CO. 275 FT. S. & 60 FT. W. OF SE CORNER OF S11.

E - - - - - S. 9

WATER RESOURCES DEPT.
SALEM, OREGON

OCT 18 1996

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ENCLOSURE(S): 1

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OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. G-14395
Permit No.

Resolution No. 96-85

C E R T I F I C A T E

The undersigned, Donald G. Sampson and Roberta J. Wilson, hereby certify that they are the Chairman and Secretary, respectively, of the Board of Trustees ("Board") of the Confederated Tribes of the Umatilla Indian Reservation of Mission, Oregon ("Confederated Tribes"), and that on October 3, 1996, a quorum of said Board was polled and the following Resolution was adopted by a vote of 5 to 0, 0 abstaining.

R E S O L U T I O N

WHEREAS, the Board of Trustees is the governing body of the Confederated Tribes by the authority of the Constitution and Bylaws of the Confederated Tribes as approved by the General Council on November 4, 1949 and approved by the Secretary of Interior on December 7, 1949; **AND**

WHEREAS, pursuant to Article VI, Section 1(b) of the Constitution and Bylaws of the Confederated Tribes, the Board of Trustees has the authority to "manage all affairs of the Confederated Tribes including the administration of Tribal lands, funds, timber and other resources, under appropriate contracts, leases, permits and loan or sale agreements"; **AND**

WHEREAS, pursuant to Article VI, Section 1(e) of the Constitution and Bylaws of the Confederated Tribes, the Board of Trustees has the authority to "exercise any rights and powers heretofore vested in the Confederated Tribes, but not expressly referred to in this Constitution, or any powers that may in the future be delegated by an agency of local, state or Federal government"; **AND**

WHEREAS, pursuant to Article II of the Constitution and Bylaws of the Confederated Tribes, "[t]he purpose and powers of the Confederated Tribes shall be within law, to exercise and protect all existing and future Tribal rights arising from any source whether treaty, federal statute, state statute, common law, or otherwise; to achieve a maximum degree of self-government in all Tribal affairs; and to protect and promote the interests of the Indians of the Umatilla Indian Reservation"; **AND**

WHEREAS, pursuant to Article I of the Treaty of 1855, 12 Stat. 945, the Umatilla Indian Reservation was established as the permanent homeland of the Confederated Tribes; **AND**

WHEREAS, in 1908 the U.S. Supreme Court issued its decision in Winters v. United States, 207 U.S. 564 (1908) in which the Court held that the tribes reserved a sufficient amount of unappropriated waters at the time the Reservation was established to satisfy the principal purposes for which the Reservation was established; **AND**

WHEREAS, none of the federally reserved water rights under the Winters doctrine have been quantified to date; **AND**

WHEREAS, by Resolution 92-24, adopted by the Board of Trustees on April 15, 1992, the Board of Trustees approved loan and grant agreements with the Farmers Home Administration (since renamed the United States Department of Agriculture, Rural Development, hereinafter "RD") for the expansion of the Confederated Tribes' water and sewer system to serve the Mission Basin, which expansion included the construction of two deep ground water wells to provide potable water to non-Indians as well as Indians; **AND**

WHEREAS, subsequently, the Board of Trustees has approved the financing and construction of several tribal community and economic development projects, all of which will be connected to the Confederated Tribes' water and sewer system; **AND**

WHEREAS, by adopting Resolutions 95-105^{AP} and 95-105B, the Board of Trustees approved loan and grant agreements with the Oregon Economic Development Department ("OEDD") to assist in financing the water and sewer utility infrastructure serving the mission basin and tribal community and economic development projects; **AND**

WHEREAS, the loan and grant agreements between the Confederated Tribes and OEDD contain a provision requiring the Confederated Tribes to acquire all necessary governmental permits as a condition precedent to the obligations of OEDD to provide the loan/grant funds; **AND**

WHEREAS, at the time the OEDD loan/grant agreements were negotiated, OEDD officials were informed by

representatives of the Confederated Tribes that all permits required by the Confederated Tribes Interim Water Code necessary for the development and use of the deep ground water wells had been secured and that the position of the Confederated Tribes was that no state permits were required for either the construction or use of the wells. Representatives of the Confederated Tribes were led to believe by OEDD officials that state groundwater permits would not be required prior to disbursement of OEDD loan/grant funds; **AND**

WHEREAS, subsequently, by letter dated July 19, 1996, the Oregon Attorney General's office advised OEDD that the position of the State of Oregon was that the federally reserved water rights of the Confederated Tribes did not include groundwater and that, as a result, OEDD loan/grant funds could not be disbursed for invoices associated with water utility infrastructure work until such time as the Confederated Tribes filed for and received state groundwater permits; **AND**

WHEREAS, by letter dated September 5, 1996, Chairman Donald Sampson submitted a proposal to Oregon Water Resources Department Director, Martha Pagel, to engage in a constructive dialogue to address and resolve various water rights disputes between the Confederated Tribes and the State of Oregon, which proposal initially focuses on resolving the dispute regarding the validity of the Oregon Supreme Court decision in the case of Byers v. Wa Wa Ne, 86 Or. 617, 169 Pac. 12 (Or. Sup. Ct. 1917), as it relates to the Winters reserved water rights of the Confederated Tribes and which proposal includes the filing by the Confederated Tribes of applications for state groundwater permits under protest; **AND**

WHEREAS, by letter dated September 12, 1996, BIA Area Director, Stan Speaks, expressed the position of the United States that the federally reserved water rights possessed by the Confederated Tribes includes groundwater resources within the Umatilla Indian Reservation and that the Confederated Tribes' reserved water have not been adjudicated; **NOW THEREFORE BE IT**

RESOLVED, that the Board of Trustees hereby authorizes the Director of the Tribal Public Works Department to file applications, under protest, for state groundwater

RESOLVED, that the Board of Trustees hereby authorizes the Director of the Tribal Public Works Department to file applications, under protest, for state groundwater permits for the two deep groundwater wells providing potable water to the Confederated Tribes' water and sewer system; **AND BE IT FURTHER**

RESOLVED, that the state groundwater applications shall be accompanied by a statement of Protest and Non-Waiver in a form similar to the Statement that is attached hereto and approved hereby; **AND BE IT FURTHER**

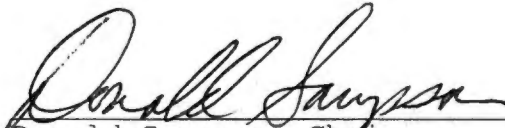
RESOLVED, that the Board of Trustees do not, by this Resolution, intend, nor shall it be construed as, conferring, recognizing or conceding to the State of Oregon any regulatory authority over on-Reservation groundwater resource development; **AND BE IT FINALLY**

RESOLVED, that the Board of Trustees directs the Tribal Water Committee and appropriate Tribal staff, working in conjunction with the United States government, including the Departments of Interior and Justice, to undertake all necessary action to assert, protect and put to productive use the reserved water rights of the Confederated Tribes; **AND**

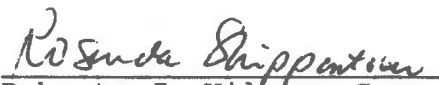
And that said Resolution has not been modified, amended or repealed and is still in full force and effect.

Dated this 3rd day October, 1996.

A T T E S T:



Donald Sampson, Chairman
Board of Trustees



for Roberta J. Wilson, Secretary
Board of Trustees

STATEMENT OF PROTEST AND NON-WAIVER

This Application for a limited license and permanent groundwater permit is filed under protest and to protect tribal interests, solely for purposes of securing loan/grant funds from the Oregon Economic Development Department. The groundwater wells that are the subject of this application are located on tribal lands within the Umatilla Indian Reservation ("Reservation") and are intended for use by tribal members and enterprises on Reservation lands. It is the position of the Confederated Tribes of the Umatilla Indian Reservation that:

1. the Confederated Tribes have federal reserved water rights under the Winters doctrine to the groundwater resources being developed by the wells that are the subject of this application; and

2. the Confederated Tribes possess the sovereign authority to regulate the development and use of the groundwater resources located underneath Reservation trust lands as well as lands owned in fee by the Confederated Tribes within the boundaries of the Umatilla Indian Reservation and, pursuant to its Interim Water Code, the Confederated Tribe have exercised such regulatory authority.

Accordingly, the filing of this application is not intended as, nor shall it be construed as, conferring, recognizing or conceding to the State of Oregon any regulatory authority over on-Reservation groundwater resource development. In addition, by the filing of this application, the Confederated Tribes do not relinquish or waive any rights it possesses to groundwater under the Winters doctrine.



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area code 503 Phone 276-4301 FAX 278-0839

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APR 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

April 11, 1997

1-541-276-4301 6-14395
Bob Patterson
4-18-97 re affidavit
8:05 - line busy
8:25 - line busy
9:00 - left message
11:45 - returned my call,
let him know that affidavit
appears to have ~~incorrect~~
date where notary public
signed. Dated for May &
it's only April. He will
have this fixed & will
send corrected affidavit
as soon as he can

LKS

for the public notice that appeared in the
complete the all the requirements outlined
e water conservation plan.

application under protest. Attached to

ne at (541) 276-4301.

Dan Hester, CTUIR Attorney
Mike Ladd, OWRD District Manager
File: Application for a Permit to Appropriate Groundwater
CO



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area code 503 Phone 276-4301 FAX 278-0839

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APR 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

April 11, 1997

Laura K. Snedaker, Senior Water Rights Examiner
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Permit Application G-14395

Dear Laura,

I have enclosed a copy of the "Affidavit of Publication" for the public notice that appeared in the *East Oregonian* over a three week period. This should complete all the requirements outlined in your January 31, 1997 letter with the exception of the water conservation plan.

The CTUIR is completing this permanent groundwater application under protest. Attached to this letter is our Statement of Protest and Non-Waiver.

If you have any questions or concerns, please contact me at (541) 276-4301.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Patterson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Patterson, PE
Public Works Director

copy: Gary E. George, CTUIR Executive Director
Dan Hester, CTUIR Attorney
Mike Ladd, OWRD District Manager
File: Application for a Permit to Appropriate Groundwater
CO

RECEIVED

APR. 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

STATEMENT OF PROTEST AND NON-WAIVER

This Limited License Application is filed under protest and solely for purposes of securing loan/grant funds from the Oregon Economic Development Department. The groundwater wells that are the subject of this application are located on tribal trust lands within the Umatilla Indian Reservation ("Reservation") and are intended for use by tribal members and enterprises on Reservation lands. It is the position of the Confederated Tribes of the Umatilla Indian Reservation that:

1. the Tribe has federal reserved water rights under the Winters doctrine to the groundwater resources being developed by the wells that are the subject of this application; and
2. the Tribe possesses the sovereign authority to regulate the development and use of the groundwater resources located underneath trust lands within Reservation boundaries and, pursuant to its Interim Water Code, the Tribe has exercised such regulatory authority.

Accordingly, the filing of this application is not intended as, nor shall it be construed as, conferring, recognizing or conceding to the State of Oregon any regulatory authority over on-Reservation groundwater resource development. In addition, by the filing of this application, the CTUIR does not relinquish or waive any claim it may have to groundwater under the Winters doctrine.

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

RECEIVED APR 17 1997
RECEIVED 1997

AFFIDAVIT OF PUBLICATION
OF WATER RESOURCES DEPT.
SALEM, OREGON

Equity Law } No. _____

STATE OF OREGON }
County of Umatilla } ss.

I Holly L. Davis being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-3987 Notice of Water Use Request
a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:
March 10, 17, 24, 1997

Holly Davis

Subscribed and sworn to before me in this 10 day of May, 1997.

Lisa M. Blagg
Notary Public if Oregon



EO-3987
NOTICE OF WATER USE
REQUEST
Regarding application:
G-14395
The Oregon Water Resources Department is evaluating the request by the Confederated Tribes of the Umatilla Indian Reservation, under protest, to use 3600 gallons per minute of basalt water for municipal purposes. The proposed source of water is located within Umatilla County, Township 2 North, Range 33 East. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.
ORS 537.130(3) requires notice to all affected landowners. ORS 537.130(4) allows this notice to be made through publication in a local newspaper if there are more than 25 landowners involved.
For further information contact the Water Resources Department Water Rights Information Group at 1-(800)-624-3199 x499. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97310-0210.
By posting this notice, the Tribes do not agree to state jurisdiction nor waive any treaty rights, water rights, or its inherent sovereignty.
March 10, 17, 24, 1997

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

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APR 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT OF PUBLICATION
OF

Equity } No. _____
Law } _____

STATE OF OREGON }
County of Umatilla } ss.

I Holly L. Davis being duly sworn, depose and say
that I am the principal clerk of the publisher of the East Oregonian, a
newspaper of general circulation, as defined by ORS 193.010 and
193.020; printed and published at Pendleton in the aforesaid county and
state; that the

EO-3987 Notice of Water Use Request
a printed copy of which is hereto annexed; was published in the entire
issue of said newspaper for 3 successive and consecutive
issues in the following issues:

March 10, 17, 24, 1997

Holly Davis

Subscribed and sworn to before me in this 10 day of
May, 1997.

Lisa M. Blagg
Notary Public if Oregon



EO-3987
NOTICE OF WATER USE
REQUEST
Regarding application:
G-14395
The Oregon Water Resources
Department is evaluating
the request by the
Confederated Tribes of the
Umatilla Indian Reservation,
under protest, to use 3600
gallons per minute of basalt
water for municipal purpos-
es. The proposed source of
water is located within
Umatilla County, Township
2 North, Range 33 East.
This process is to determine
if the request is in compliance
with state water laws and
regulations. Public partici-
pation and comment is
encouraged.
ORS 537.130(3) requires
notice to all affected
landowners. ORS
537.130(4) allows this notice
to be made through publi-
cation in a local newspaper
if there are more than 25
landowners involved.
For further information con-
tact the Water Resources
Department Water Rights
Information Group at 1-
(800)-624-3199 x499.
Written information requests
may be addressed to the
Oregon Water Resources
Department at 158 12th
Street NE, Salem, Oregon
97310-0210.
By posting this notice, the
Tribes do not agree to
state jurisdiction nor
waive any treaty rights,
water rights, or its inherent
sovereignty.
March 10, 17, 24, 1997

RECEIVED

APR 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

211 S.E. Byers

INVOICE

(541) 276-2211



P.O. BOX 1089
PENDLETON, OREGON 97801

EO-3987

March 24, 1997

Confederated Tribes
PO BOx 638
Pendleton, OR 97801

EO-3987 Notice of Water Use Rquest

3 insertions

5-3/4 inches \$157.72

KINDLY RETAIN THIS INVOICE - STATEMENTS ARE NOT ITEMIZED

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

Legal Support for People Feeding the World

FAXED
3-19-97

P.O. BOX 1392
115 W. HERMISTON AVE., STE. 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

March 19, 1997

RECEIVED
MAR 24 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Laura K. Snedaker
Senior Water Rights Examiner
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: File G-14395

Dear Ms Snedaker:

We would like to take this opportunity to express some of our concerns with the application referenced above.

You state that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference. With the known water shortages in Eastern Oregon in general and in the Umatilla River Basin specifically, we are concerned with any water that may be withdrawn that would effect the flows in the Umatilla River. We do not believe that the Department has adequately addressed this concern.

We are concerned with the quantity of water being requesting for approval. The request is for the development of a system that will produce 3600.0 gallons per minute. The average water demand for the City of Hermiston is only 1960 gallons per minute. This reflects a high of 3100.0 g.p.m. in the summer time to 840.0 g.p.m. during the winter months. We believe that the application is speculative especially considering its municipal nature of use.

We are concerned that the Department has allowed this application to move forward through the process without requiring the applicant to submit all required materials including the necessary maps that would show the exact location of the proposed wells. We know of no reason to allow a permit upon an incomplete application.

You have stated that one of the proposed conditions that will likely be imposed is:

2. 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) will be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the

Laura K. Snedaker
Page 2
March 19, 1997

department approves or implements an alternative administrative action to mitigate the interference.

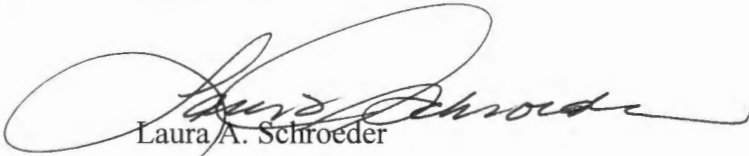
We believe that to adequately protect the resource the underlined portion should be replaced with: "If substantial interference with all existing users, including exempt users." This would protect all water users, not just those with senior water rights.

You also stated that one of the proposed conditions that will likely be imposed is:

5. 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) etc.

We feel the form for the presentation of this plan should be more fully described and outlined before a permit is issued.

Sincerely,



Laura A. Schroeder

3333 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 233-7100
FAX (503) 234-4076



SCHROEDER
LAW OFFICES

Legal Support for People Feeding the World

P.O. BOX 1392
115 W. HERMISTON AVE., STE. 130
HERMISTON, OR 97538
TELEPHONE (541) 564-9290
FAX (541) 564-0158

FAX TRANSMISSION * FAX * FAX * FAX * FAX * FAX TRANSMISSION

SCHROEDER LAW OFFICES *****SCHROEDER LAW OFFICES

TO: Laura Andaker
Oregon Water Resources Dept.

FROM: Laura Schroeder

DATE: 3-19-97

RE: File G-14395

PAGES: 3 (Including Cover Sheet)

NOTES: If You Have Problems Receiving this fax, Please Call (541) 564-9290

CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contains information belonging to Schroeder Law Office which is Confidential and/or legally privileged. The information is intended on for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone to arrange for return of the original documents to us.

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

P.O. BOX 1302
115 W. HERMISTON AVE., STE. 140
HERMISTON, OR 97138
TELEPHONE (541) 564-9290
FAX (541) 564-0158

Legal Support for People Feeding the World

March 19, 1997

Laura K. Snedaker
Senior Water Rights Examiner
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: File G-14395

Dear Ms Snedaker:

We would like to take this opportunity to express some of our concerns with the application referenced above.

You state that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference. With the known water shortages in Eastern Oregon in general and in the Umatilla River Basin specifically, we are concerned with any water that may be withdrawn that would effect the flows in the Umatilla River. We do not believe that the Department has adequately addressed this concern.

We are concerned with the quantity of water being requesting for approval. The request is for the development of a system that will produce 3600.0 gallons per minute. The average water demand for the City of Hermiston is only 1960 gallons per minute. This reflects a high of 3100.0 g.p.m. in the summer time to 840.0 g.p.m. during the winter months. We believe that the application is speculative especially considering its municipal nature of usc.

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Laura K. Snedaker
Page 2
March 19, 1997

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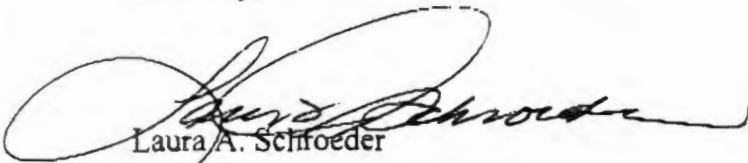
We believe that to adequately protect the resource the underlined portion should be replaced with: "If substantial interference with all existing users, including exempt users." This would protect all water users, not just those with senior water rights.

You also stated that one of the proposed conditions that will likely be imposed is:

5. 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) etc.

We feel the form for the presentation of this plan should be more fully described and outlined before a permit is issued.

Sincerely,



Laura A. Schroeder

PREMATURE PROTEST - ORIGINAL RETURNED
COPY KEPT AS COMMENTS

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SALEM, OREGON

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IN THE DEPARTMENT OF WATER RESOURCES

IN AND FOR THE STATE OF OREGON

Laura A. Schroeder)
) FORMAL PROTEST
 Protestant)

INTRODUCTION

On December 2, 1992 and on November 12, 1992 the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) with the assistance of well driller Stephen Schneider began construction of wells three and four respectively. Both wells have a completion date of October 26, 1993. Well three is located in Township 2N, Range 33 E, Section 11 within the SE 1/4 of the NE 1/4. Well four is located in Township 2N, Rand 33 E, Section 9 within the NE 1/4 of the SE 1/4. On October 18, 1996, the Department received an application for a limited license from the CTUIR. On that same date, the Department received an application to appropriate ground water which was assigned Application No. G-14395. This Application has been assigned Permit Nos. 46226 and 46225 respectively.

JURISDICTION

Jurisdiction is pursuant to ORS 690-310-160 (b).

APR 04 1997

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SALEM, OREGON

PROTESTANT'S INTEREST

1
2 Protestant is a water right's attorney who has represented numerous individuals and groups in
3 Umatilla County whose applications have been rejected or enforcement action taken because of exactly
4 the deficiencies expressed in this protest. Specifically, Protestant has made numerous complaints to the
5 Department concerning the illegal use of the Wells in this application. Protestant can certainly represent
6 the public interest and concern for water use in the Umatilla Basin because Protestant both lives and
7 works in Umatilla County. The issuance of this permit would impair and be detrimental to the
8 Protestant's interest because she is an officer of the Court and an attorney who is charged with
9 overseeing and supporting the correct enforcement of the laws and regulations of the State of Oregon.
10 Since Protestant's practice emphasizes agricultural water use in Umatilla County and on the Umatilla
11 and Columbia River, the issuance of these permits contrary to that law will be detrimental to her law
12 practice and to her post as an officer of the Court. In addition, it will be detrimental and injure her
13 agricultural client base both in particular individual cases, collectively, and as an industry.

SUMMARY OF PROTEST

14
15 These wells were drilled and used to provide water presumably to the areas listed in the
16 application prior to submitting the application to the Department. The "Water Availability Report" for
17 the limited licenses was prepared by Michael Ladd, Regional Manager of the North Central Region on
18 a "Surface Water Application" form. An incomplete application was submitted and processed. The
19 "municipal use" request is unsupported.

PROTEST

20
21
22 1. The CTUIR drilled these wells and used water from well #3 and well #4 prior to even making
23 application for a water use. In the Department's letter to the CTUIR dated October 25, 1996, the
24 Department informed the CTUIR that: "The filing of an application does not allow you to use water.
25 By law, an applicant may not legally store, divert or use water until the Department issues a final order
26 approving a water right permit." This Protestant complained about this illegal use both before and after
27 CTUIR's application for a water use was filed with the Department. The Department ignored these

APR 04 1997

WATER RESOURCES DEPT.
SALEM, OREGON

1 complaints and took no enforcement action to stop the illegal pumping.

2
3 2. Well #3 is within one quarter mile of the Umatilla River. There is no hydrological data submitted
4 to overcome the presumption of a hydrological connection as required. A permit for this well must be
5 denied considering this proximity. Considering this proximity to the Umatilla River, we are additionally
6 concerned with these withdrawals that would affect the flows in the Umatilla River.

7 In addition we note that there is exists documented proof of injury to other water users for wells
8 in the same area. On December 10, 1980, Jerry L. Headgate was issued a permit to drill a well in Section
9 11, T2N, R33E, WM. This well was permitted to withdraw 259 g.p.m. which equates to .56 cfs. The
10 withdrawal of .56cfs apparently caused interference with the following wells:

11 Bronson well located 350' from the Headgate well

12 Sheoship well located 360' from the Headgate well

13 Farrow well located 675' from the Headgate well

14 Considering the fact the withdrawal of .56 cfs caused interference with the other wells in the area, there
15 is evidence to prove that if Well #3 is allowed to pump 4.0 cfs it will interfere with all of the wells in the
16 area and therefore cause injury to these existing senior rights. We are concerned that additional pumping
17 in this area will necessitate the creation of a limited groundwater area to the detriment of all users and
18 the public. These permits must be denied.

19
20 3. We further protest that he Department moved this application through the process with an
21 incomplete application. Incomplete applications are required to be denied. Here the applicant did not
22 submit all the required materials including the necessary maps that would show the exact location of the
23 well. According to 690-310-050 (1): Each application shall be accompanied by a map or drawing which
24 shall be considered a part of the application. 690-310-050 (2)(c) requires that: All maps shall be drawn
25 to a standard, even scale of not less that 4 inches = 1 mile. All maps must include the scale to which the
26 map is drawn and a north directional symbol. Neither the original application nor the maps submitted
27 March 19, 1997 by the CTUIR meet these requirements. The map that was submitted is on a scale of

1 2 5/8 inches = 1 mile. The map submitted March 19, 1997 by the CTUIR did not have a north
2 directional symbol.

3

4 4. The request to withdraw 3600.0 g.p.m. or 8.0 cfs is an excessive for the use requested. The
5 applicant is simply speculating. The applicant has presented no evidence to support its use, need or a
6 legitimate municipal purpose for future use. According to the Form "M" filed with the application the
7 system would currently serve the population of 1029 people with a projection of 3400 people by the year
8 2015. During the month of September, 1996 the City of Hermiston with a population of approximately
9 15,000 only used 3080 g.p.m.

10

11 5. Because of the hydrologic connection of the Wells to the Umatilla and Columbia River systems
12 the application must be rejected pursuant to the moratorium and endangered species concerns. The
13 CTUIR has presented no mitigating reasons to allow the use of these wells or any exception to the rules.

14 ///

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28 Page 4 - FORMAL PROTEST

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APR 04 1997

WATER RESOURCES DEPT.
SALEM, OREGON

1 CONCLUSION

2 Because the Confederated Tribes of the Umatilla Indian Reservation failed to fulfill the minimum
3 application requirements, to provide adequate maps with the application, to consider the potential of
4 interference with nearby wells and the flows in the Umatilla River, the request for an excessive amount
5 of water, the moratorium and ESA concerns, Confederated Tribes of the Umatilla Indian Reservation's
6 application must be rejected.

7
8 Respectfully Submitted,

9 SCHROEDER LAW OFFICES

10
11
12 

13 Laura A. Schroeder, OSB #87339

14 3355 NE Davis

15 Portland, OR 97232

16 (503) 232-4033 (h/o)

17 And

18 115 W Hermiston Ave, Suite 140

19 Hermiston, OR 97838

20 (541) 564-9290 (o)

21
22
23
24 RECEIVED

25 APR 04 1997

26 WATER RESOURCES DEPT.
27 SALEM, OREGON



GENERAL COUNCIL
and
BOARD OF TRUSTEES

CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code 541 Phone 276-3165 FAX 276-3095

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DEC 16 1997

WATER RESOURCES DEPT.
SALEM, OREGON

December 8, 1997

VIA FACSIMILE: (503)378-8130

Adam Sussman
Program Analyst and Department Representative
Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97310-0210

Re: Protested Water Right Application G-14395

Dear Mr. Sussman:

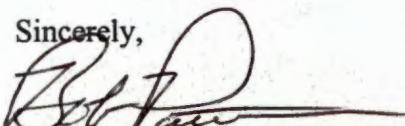
Pursuant to your letter of November 12th and ORS 537.153(8), the Tribes, as the applicant, request a contested case hearing in this matter.

The Tribes, however, believe that the issues raised by Laura Schroeder in her letter of protest are questions of law and, thus, only require a hearing on the briefs.

As a reminder, the Tribes are only participating in this process under protest in order to protect their economic interests and this letter in no way constitutes a waiver of any sovereignty, regulatory authority or water rights, nor any concession that the state has jurisdiction over groundwater on the reservation.

Thank you for your assistance in this matter.

Sincerely,


Bob Patterson
Public Works Director

no encl.

cc: Mike Ladd, OWRD

TRANSMISSION REPORT

:UMATILLA TRIBE

(DEC 08 '97 05:01PM)

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	MODE	TIME	RESULTS	TOTAL PAGES	DEPT. CODE	FILE NO.
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DEC 16 1997

WATER RESOURCES DEPT.
SALEM, OREGON

FILE

*with 12-8-97 Fax
to Adam Sussman
OWRD*



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

March 6, 1998

Stephen H. Elmore
Employment Department
Hearings
875 Union Street NE
Salem, OR 97311

Re: Appointment as Hearings Officer
Confederated Tribes of the Umatilla Indian Reservation
WRD File G-14395

Dear Mr. Elmore:

On December 16, 1997, the Confederated Tribes of the Umatilla Indian Reservation requested a contested case hearing. This letter is to confirm our telephone conversation appointing you as the hearings officer for this proceeding. As we discussed, the Tribes believe the issues raised in Laura Schroeder's protest are questions of law and only require a hearing on the briefs.

Adam Sussman will be representing the Department in this proceeding. Adam will be working with Assistant Attorney General Meg Reeves. The Department will provide you a copy of the entire water right application file within a week. Bonnie King can be your point of contact for any support services the Department can provide to you.

Please contact me if you have any questions.

Sincerely,

Geoffrey M. Huntington
Deputy Director

GMH/bk

c: Rebecca J. Osborne, Employment Department
Meg Reeves, Department of Justice
Adam Sussman, Water Resources Department

STATEMENT OF PROTEST AND NON-WAIVER

The applications for a limited license and permanent groundwater permit were filed under protest and to protect tribal interests, solely for purposes of securing loan/grant funds from the Oregon Economic Development Department. The groundwater wells that are the subject of the applications are located on tribal lands within the Umatilla Indian Reservation ("Reservation") and are intended for use by tribal members and enterprises on Reservation lands. It is the position of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) that:

- 1) the CTUIR have federal reserved water rights under the Winters doctrine to the groundwater resources developed by the wells that are the subject of the applications; and
- 2) the CTUIR possess the sovereign authority to regulate the development and use of the groundwater resources located underneath Reservation trust lands as well as lands owned in fee by the CTUIR within the boundaries of the Reservation and, pursuant to its Interim Water Code, the CTUIR have exercised such regulatory authority.

Accordingly, the filing of the applications were not intended as, nor should be construed as, conferring, recognizing or conceding to the State of Oregon any regulatory authority over Reservation groundwater resource development. In addition, by the filing of the applications, the CTUIR do not relinquish or waive any rights it possesses to groundwater under the Winters doctrine.

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JUL 16 1998
WATER RESOURCES DEPT.
SALEM, OREGON

**Final Order
Extension of Time for Permit Number G-13655**

Appeal Rights

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

Application History

The Department issued Permit G-13655 on May 13, 1999. The permit called for complete application of water to beneficial use by October 1, 2003. On November 6, 2006, Confederated Tribes of Umatilla Indian Reservation submitted an application to the Department for an extension of time for Permit G-13655. In accordance with OAR 690-315-0050(2), on May 22, 2007, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2026. The protest period closed July 6, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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

CONDITIONS

1. **Development Limitations**

Diversion of any water beyond 3.13 cfs under Permit G-13655 shall only be authorized upon issuance of a final order approving a WMCP under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-13655 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

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

Department orders.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application G-14395, Permit G-13655, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2026.

DATED: July 19, 2007



Dwight French, Administrator of
Water Rights and Adjudications

for

Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0808.

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

NOTE: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

Mailing List for Extension FO Copies

FO Date: July 19, 2007

Application G-14395

Permit G-13655

Original mailed to permit holder:

Confederated Tribes of the Umatilla Indian Reservation
Attn: Donald Sampson, Executive Director
PO Box 638
Pendleton, OR 97801

Copies sent to:

1. WRD - Appl. File G-14395/ Permit G-13655
2. WRD - Watermaster District 05, Tony Justus, Pendleton
3. WRD - NCR Regional Manager, Mike Ladd
4. WRD- Ken Starr
5. WRD - Lisa Jaramillo, Permit Amendments
6. WRD - Sarah Henderson, Technical Services (for MU and QM requiring Division 86 plan)
7. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

8. None

Receiving via e-mail (10 AM day of signature date)

12. None

CASEWORKER: ALR

Copies Mailed
By: (SUPPORT STAFF)
on: (DATE)

*Resent
7/20/07 w/updated
application
#5
ALS*

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-13655, Water Right Application G-14395,) PROPOSED FINAL ORDER
in the name of Confederated Tribes of Umatilla Indian Reservation)

Permit Information

Application File G-14395 / Permit G-13655

Basin 07 – Umatilla Basin / Watermaster District 05

Date of Priority: October 18, 1996

Authorized Use of Water

Source of Water: Well 3 and Well 4 in the Umatilla River Basin
Purpose or Use: Quasi-Municipal
Maximum Rate: 8.0 Cubic Feet per Second (cfs), being 4.0 cfs
from each well

**This Extension of Time request is being processed in accordance
with Oregon Administrative Rule Chapter 690, Division 315.**

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-13655, water right Application G-14395.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time to apply water to full beneficial use from October 1, 2003 to October 1, 2026.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

CTUIR – Confederated Tribes of the Umatilla Indian Reservation

PFO – Proposed Final Order

WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second

gpm – gallons per minute

mgd – million gallons per day

AUTHORITY

Generally, see ORS 537.690 and OAR Chapter 690 Division 315.

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, shall order and allow an extension of time, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0090(3) requires the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized

upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit G-13655 was granted by the Department on May 13, 1999. The permit authorizes the use of up to 8.0 cfs of water, being 4.0 cfs from Well 3 and 4.0 cfs from Well 4, for quasi-municipal use. It specified complete application of water was to be made on or before October 1, 2003.
2. No prior extensions have been granted for the permit. This is the first extension of time request for Permit G-13655.
3. Due to an ongoing permit extension rulemaking, the Department placed all pending applications for extension of time for municipal and quasi-municipal permits on hold and did not require municipal and quasi-municipal water use permit holders to submit applications for extension of time until the new rules were adopted.
4. Municipal and quasi-municipal water use permit extension rules OAR 690-315-0070 through 690-315-0100 were adopted by the Water Resources Commission November 1, 2002, were further revised, filed with the Secretary of State, and became effective on November 22, 2005.
5. The permit holder, CTUIR, submitted an Extension of Time Report to the Department on November 15, 2006, meeting the Department's requirements for an Application for Extension of Time. CTUIR requested the time in which to apply water to full beneficial use under the terms of Permit G-13655 be extended from October 1, 2003 to October 1, 2026.
6. Notification of CTUIR's application for an extension of time for Permit G-13655 was published in the Department's Public Notice dated January 30, 2007. No public comments were received regarding the extension application.

Review Criteria for Municipal and Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 537.010(5) applies to surface water and ground water permits.

Complete Extension of Time Application [OAR 690-315-0080(1)(a)]

7. On November 15, 2006, the Department received an Extension of Time Report from the permit holder which met the Department's requirements for an Application for Extension of Time. The fee required by ORS 536.050 was waived.

Start of Construction [OAR 690-315-0080(1)(b)]

8. Actual construction of the wells began in November 11, 1992, which was within the time specified in the permit.

Duration of Extension [OAR 690-315-0080(1)(c)(d)]

Under OAR 690-315-0080(1)(c), (d), in order to approve an extension of time for municipal and quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

9. The remaining work to be accomplished under Permit G-13655 consists of (1) receiving Department approval for permit amendment T-10281, (2) completing construction of the water system and (3) applying water to full beneficial use.
10. As of November 15, 2006, the permit holder has appropriated 3.13 cfs (1.73 cfs from Well 3 and 1.40 cfs from Well 4 cfs) of the 8.0 cfs of water allowed under Permit G-13655 for quasi-municipal purposes.
11. CTUIR currently utilizes a peak day demand total of 4.2 cfs of water, and a peak hourly demand of 5.7 cfs of water. CTUIR has not yet made use of 4.87 cfs of the total 8.0 cfs of water authorized under Permit G-13655.
12. Currently, the Tribal Municipal Water System serves approximately 1019 residential users. CTUIR expects to serve 1360 residents by the year 2026, a population growth rate of approximately 1.5 percent per year. The water system also supplies water to Tribal government offices, Bureau of Indian Affairs facilities, the Yellowhawk Tribal Health Center, Tamastlikt Cultural Institute, and Tribal commercial and industrial development (including Wildhorse Resort and Casino), all located within the service area of the Tribal Municipal Water System.
13. CTUIR anticipates the number of hook-ons to the water system will continue to grow as the population within the service area of the Tribal Municipal Water System continues to increase, and as CTUIR attracts new businesses to the new Coyote Business Park. Future flow projections for major commercial facilities are based on projected facility expansions as per the CTUIR Comprehensive Plan, Mission Community Plan and Overall Economic Development Plan.
14. CTUIR's projected peak day demand is approximately 12 cfs of water by the year 2026.
15. Full development of Permit G-13655 is needed to meet the present and future water demands of CTUIR.

16. CTUIR's request for an extension of time until October 1, 2026 to apply water to full beneficial use under the terms of Permit G-13655 is both reasonable and necessary, considering findings in this PFO, including:
- the amount of development and expansion of the water system left to occur;
 - CTUIR's projected annual growth rate and associated projected demands for water; and
 - CTUIR's need for redundancy and emergency water supply needs.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g)and (4)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a),(c) and (4)]

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

17. Prior to the issuance of Permit G-13655 on May 13, 1999, CTUIR constructed Wells 3 and 4; installed flow meters on each well, and extended service to several areas.
18. During the original development time frame under Permit G-13655, being from May 13, 1999 to October 1, 2003, CTUIR relocated water lines to Wildhorse Casino and extended service to the Wetlands Community Park.
19. Since October 1, 2003, CTUIR extended service to a tribal subdivision.
20. As of November 15, 2006, the permit holder has invested \$4.04 million, which is 48 percent of the total projected cost for complete development of this project. CTUIR anticipates an additional \$4.4 million investment is needed for the completion of this project.
21. Since the issuance of Permit G-13655 on May 13, 1999, approximately 3.13 cfs (1.73 cfs from Well 3 and 1.40 cfs from Well 4 cfs) of the 8.0 cfs allowed has been appropriated for beneficial quasi-municipal purposes under the terms of this permit.
22. The record does raise concerns about the permit holder's compliance with conditions.
- a. The permit holder has not submitted annual water use records as required by Permit G-13655.
 - b. The permit holder has not submitted a Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 86), due within one year of issuance of Permit G-13655.

- c. The permit holder has not submitted a water use monitoring and reporting plan, due within one year of issuance of Permit G-13655. The applicant described their method of monitoring and reporting of water use within their Extension of Time Report; however, details described are not sufficient to meet the Department's monitoring plan requirements.
- d. Periodic static water level measurements, a stipulated requirement of the monitoring and reporting plan mentioned above in Item 22.c. have not been submitted; however, the static water level measurements reported within the CTUIR's Extension of Time Report are sufficient to meet any static water level measurement requirements that may have been required by such a plan.

Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose
[OAR 690-315-0080(3)(b)]

23. As of November 15, 2006, CTUIR has invested an approximate total of \$4.04 million into the project for the following:
 - completion of construction of Wells 3 and 4
 - installation of flow meters on Wells 3 and 4
 - extension of service to Mission Creek residential subdivision;
 - extension of service to Tamastlikt Cultural Institute;
 - construction of a booster pump station and two reservoirs;
 - extension of service to Lucky 7 Trailer Park;
 - extension of service to Wildhorse golf course;
 - extension of service to a baseball field;
 - relocation of water lines to Wildhorse Casino;
 - extension of service to Wetlands Community Park; and
 - extension of service to a tribal subdivision.

CTUIR anticipates an additional \$4.4 million investment is needed for the completion of this project.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d) and (5)(a-f)]

For municipal or quasi-municipal water use permits issued after November 2, 1998, in making a determination of good cause pursuant to 690-315-0080(3)(d), the Department shall also consider, but is not limited to, the factors in 690-315-0080(5)(a-f).

24. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas

or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0080(5)(a-c)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13655; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-13655, located within the Umatilla River Basin, are not located within a limited or critical ground water area. The Umatilla River is not located within or above any state or federal scenic waterway, however it is located within an area ranked highest for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The Umatilla River is listed by the Department of Environmental Quality as a water quality limited stream.

25. Economic investment in the project to date [OAR 690-315-0080(5)(d)].

- a. As of November 15, 2006, the permit holder has invested 48 percent of the total projected cost for complete development of this project. An approximate total of \$4.04 million has been invested into the project for the following:
 - completion of construction of Wells 3 and 4
 - installation of flow meters on Wells 3 and 4
 - extension of service to Mission Creek residential subdivision;
 - extension of service to Tamastlikt Cultural Institute;
 - construction of a booster pump station and two reservoirs;
 - extension of service to Lucky 7 Trailer Park;
 - extension of service to Wildhorse golf course;
 - extension of service to a baseball field;
 - relocation of water lines to Wildhorse Casino;
 - extension of service to Wetlands Community Park; and
 - extension of service to a tribal subdivision.

CTUIR anticipates an additional \$4.4 million investment is needed for the completion of this project.

26. Other economic interests dependent on completion of the project [OAR 690-315-0080(5)(e)].
- a. None have been identified.
27. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0080(5)(f)].
- a. As described in Findings 9 through 15 CTUIR has indicated, and the Department finds that CTUIR must rely on full development of Permit G- 13655 to meet its present and future water demands.
 - b. CTUIR projects a population increase within the service area of the Tribal Municipal Water System, on average, of 1.5 percent per year over the next twenty years and also expects commercial and industrial growth.
 - c. Given the current water supply situation of CTUIR, as well as current and expected demands, there is a market and present demand for the water to be supplied under Permit G-13655.
28. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide the diversion of water beyond 3.13 cfs under Permit G-13655 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. A “Development Limitation” condition” is specified under Item 1 of the “Conditions” section of this PFO to meet this requirement.

Fair Return Upon Investment [OAR 690-315-0080(3)(e)]

29. Use and income from the permitted water development project would result in reasonable returns upon the investment made in the project to date.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

30. None have been identified.

Events which Delayed Development under the Permit [OAR ~~690-315-0090(3)(g)~~]

31. According to CTUIR, delay of development under Permit G-13655 was due, in part, to the size and scope of the quasi-municipal water system, which was designed to be phased in over a period of years, and to the availability of funding to expand the water supply system.

CONCLUSIONS OF LAW

1. CTUIR is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(2).
2. CTUIR submitted an Extension of Time Report to meet the Department's requirement for a complete extension application form pursuant to OAR 690-315-0080(1)(a). The fee specified under ORS 536.050(1)(k) was waived.
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0080(1)(b).
4. The time requested to apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Full application of water to beneficial use can be completed by October 1, 2026 pursuant to OAR 690-315-0080(1)(d).
6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that CTUIR has shown good cause for an extension of time to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 28 above and specified under Item 1 of the "Conditions" section of this PFO, the diversion of water beyond 3.13 cfs under Permit G-13655 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time to apply the water to beneficial use under Permit G-13655 from October 1, 2003 to October 1, 2026.

Subject to the following conditions:

CONDITIONS

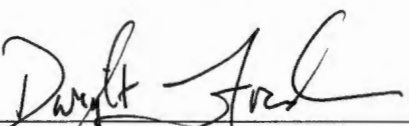
1. **Development Limitations**
Diversion of any water beyond 3.13 cfs under Permit G-13655 shall only be authorized upon issuance of a final order approving a WMCP under OAR Chapter 690, Division 86. The

required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-13655 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

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

DATED: May 22, 2007

If you have any questions, please check the information box on the last page for the appropriate names and phone numbers.



Dwight French
Administrator
Water Rights and Adjudications Division

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **July 6, 2007**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other

- than the water right permit holder; and
 - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

If you have any questions about statements contained in this document, please contact Ann L. Reece at 503-986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.

Address any correspondence to: Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266

Fax: 503-986-0901

Mailing List for Extension PFO Copies

PFO Date: May 22, 2007

Permit G-13655

Application G-14395

Original mailed to Applicant:

Confederated Tribes of the Umatilla Indian Reservation
Attn: Donald Sampson, Executive Director
PO Box 638
Pendleton, OR 97801

Copies Mailed
By: <i>AS</i> (SUPPORT STAFF)
on: <i>5/20/07</i> (DATE)

Copies sent to:

1. WRD - Appl. File G- 14395 / Permit G-13655
2. WRD - Watermaster District 05 – Tony Justus, Pendleton

Fee paid as specified under ORS 536.050 to receive copy:

5. None

Receiving via e-mail (10 AM Tuesday of signature date)

6. None

CASEWORKER: ALR

Municipal or Quasi-Municipal

(AFTER 11-2-98)

PFO Checklist for Muni and Quasi-Muni water use permits issued after November 2, 1998

Application: G-14395 / Permit: G-13655

Permittee's Name: Confederated Tribes of the Umatilla Indian Reservation

Permittee's Mailing Address: PO box 638 Pendleton, OR 97801

POD Location: Township 2 N Range 33 E Section 1/4
*well 3 = 11 well 3 - SE NE
well 4 = 9 well 4 - NE SE*

Drainage Basin: Umatilla 07 County: Umatilla Watermaster District: 05
541-278-5456 Tony Gustus

1. Was this MU/QM permit issued after 11-2-98? Yes / No
*** If "No" STOP. You are using the wrong form. Please use PFO Checklist for MU/QM permits issued on or prior to 11-2-98.

2. Has the applicant submitted the appropriate fee? Yes / No
NOTE: \$100 if received prior to October 1, 2003 // \$250 if received on or after October 1, 2003
*** If "No" STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
** See memo in file dated 1/11/2007*

Date of Public Notice 1-30-07

3. Has the applicant completely filled out the Extension Application form? Yes / No
*** If "No" List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.

4. Date Permit was issued: May 13, 1999 Priority Date: October 18, 1996

5. Source: Well 3 + well 4 in Umatilla River Basin

6. Use: Quasi-Municipal

7. "Q": 8.0 cfs being 4.0 cfs from each well

8. Orig "A" Date: May 10, 2000 Orig "B" Date: NA Orig "C" Date: October 1, 2003

9. Conditions of Permit:
1) Install measuring device 2) Submit water use report annually 3) Water management + conservation Plan shall be submitted 4) ~~Baseline~~ Monitoring Plan
1) met 2) not met 3) not met 4) ~~no~~ white meters

10. Extension request received: Nov 15, 2006 Request Number (...1st 2nd, 3rd): 1st

11. Last Authorized "B" Date: NA Last Authorized "C" Date: October 1, 2003

12. Proposed "B" Date: NA Proposed C Date: October 1, 2020

13. Amount Invested to date: 4.04 million Estimated Total Cost: 4.4 million
(***Estimated Remaining Cost: 4.4 million)

14. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes No ***If "No"..... Identify which permit terms and/or conditions have not been met?
• did not submit WMC? (due 1 yr after permit issued)
• did not submit monitoring plan (due 1 yr after permit issued)
• did not submit annual water use reports
• SWL measurements ~~sub~~ reported in Ext. Application OK

15. Work on the water development project completed to date includes: construction of 2 wells
installation of meters on wells
several expansions

16. The work remaining to be completed consists of: expansion -
complete construction
complete application of water

17. Progress in perfecting the permit is being held up by: size & scope

18. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

19. Determination of the market and the present demand for water or power to be supplied:

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:
a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
d. Economic investment in the project to date;
e. Other economic interests dependent on completion of the project; and

Surface Water Permits: Is the POD located.....(Yes or No)
Ground Water Permits: Identify the closest surface water or localized water basin. Is it located.....(Yes or No)
well 4 Mission Creek well 3 Umotik River
within or above a state scenic waterway? Source: "/gisdata/dev/projects/harmonrc/plots/state/abv-scenic_v2.aml" NO
within a stream segment designated as a federal wild and scenic river? Source: www.nps.gov/rivers/wildriverslist.html#or
within a critical or limited Ground Water Area? Name of area NO
in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? ~~Date added to list~~ yes Umotik R
within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml" YES
within an area ranking low / medium / high (circle one) for stream flow restoration needs source: ODFW/OWRD Streamflow Restoration needs Maps 2002(by region)
Highest

20. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" cannot be found. Denial of Extension Request

21. Conditions to be included in Extension PFO (if applicable)? Yes / No
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

Max "Q" Development Limitations and Div. 86 Water Management and Conservation Plan

Other: _____

22. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987
"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987
"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates Checklist Last Revised: 09/18/2006

Mailing / Issuance Date: _____ **Reviewer's Name:** _____

Protest Deadline Date: _____ **Date:** _____

**Division 315 - Municipal/Quasi-Municipal
Extension of Time - Completeness Checklist
OAR 690-315-0070(3)**

Place a (✓) in the box if the item is satisfied

<p>✓</p>	<p>7. [OAR 690-315-0070(3)(i)] A description of financial expenditures made toward completion of the water development; <i>\$ 4.04 million since '96 to extend service? spent on... water distribution system? (wells already in, booster pump station + 2 reservoirs already built)</i></p>
<p>✓</p>	<p>8. [OAR 690-315-0070(3)(j)] An estimate of the cost to complete the water development; <i>4.4 million - extension of service continuing/facility expansions</i></p>
<p>✓</p>	<p>9. [OAR 690-315-0070(3)(k)] A summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project that have significantly delayed completion of construction or perfection of the right; <i>Size + scope buildout & funding TWC limits pumping to 2 cfs per well</i></p>
<p>✓ <i>ok</i> <i>do we need cfs total</i></p>	<p>10. [OAR 690-315-0070(3)(l)] PART A: An estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use. <i>Current Peak Water Demands: 1990 gpm peak daily (2580 gpm peak hourly) in 2026 need 12 cfs peak hour demand (5475 gpm) Projected Population: 1360 residents in 2026 wells 3+4 provide ± 50% of current total demand Potential Growth: increase # hookups as Mission area pop. ↑; new business in Coyote Bus. PK. Inventory of Water Rights Held: 5 wells total, including permitted wells 3+4 Wells 3+4 represent 50% of the water input to tribal Municipal System.</i> PART B: Extension requests for <u>greater than 50 years</u> must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.</p>
<p>✓</p>	<p>11. [OAR 690-315-0070(3)(m)] A summary of the applicant's plan and schedule to complete construction and/or perfect the water right; <i>extend service to new facilities + residential residential areas Apply to TWC to ↑ pumping rates @ wells 3+4 Increase pumping rates construction of facilities to accommodate ↑ pumping capacity</i></p>
<p>✓</p>	<p>12. [OAR 690-315-0070(3)(n)] Justification for the time requested to complete the project and/or apply the water to full beneficial use; <i>future population/future commercial expansion</i></p>
	<p>13. [OAR 690-315-0070(3)(o)] Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and rules;</p>
	<p>* [OAR 690-315-0070(3)(p)] Any other information required by the Department that is necessary to evaluate the application in accordance with applicable statutory requirements.</p>
	<p>[OAR 690-315-0070(3)(q)] For Municipal water use permits issued on or before November 2, 1998: for the first extension issued after June 29, 2005, the completed application must include a copy of any agreements regarding the use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit.</p>
<p>✓</p>	<p>* Signature(s) of the water right permit holder(s) or authorized agent.</p>

Name of Reviewer: A. Roece

Date: 4-20-07

Application # G-14395

Permit # G-13655

Permit Holder: C.T.U.I.R.

05 - Tony Justus

Drainage Basin: Umatilla 07

Watermaster Name and #:

**Division 315 - Municipal/Quasi-Municipal
Extension of Time - Completeness Checklist
OAR 690-315-0070(3)**

Place a (✓) in the box if the item is satisfied

L*

1. [OAR 690-315-0070(3)] The appropriate extension of time fee (as specified in ORS 536.050).
\$100 - applications received by September 30, 2003 / \$250 - applications received on or after October 1, 2003
Duplicate Fees Paid? see memo filed 1/11/07

* missing

* [OAR 690-315-0070(3)(a)] The name and mailing address of the water right permit holder(s);

* missing

* [OAR 690-315-0070(3)(b)] The application number and the permit number for which an extension is requested;

✓

2-A. [OAR 690-315-0070(3)(c)] For **Quasi-Municipal** water use permit holders, evidence of the actions taken to begin actual construction on the project, as defined in 690-315-0020(3)(d), if required under the applicable statute;
• "Actual construction" means physical work performed toward completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence;
• "Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying.

Date permit issued: 5-13-1999 (NOTE: Municipal and Quasi-Municipal permits issued after 11/2/98 are also subject to review under 690-315-0080(5)... See PFO Checklist)

"A" date: 5-10-00 "B" date: N/A "C" date: 10-1-2003

"A" Date Met? YES or NO Well 3 construction began in Dec 1998 / well 4 in 1999

N/A

2-B. [OAR 690-315-0070(3)(d)] - For **Municipal** water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project, as defined in 690-315-0020(3)(d);
• "Actual construction" means physical work performed toward completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence;
• "Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying.

Date permit issued: _____ (NOTE: Municipal and Quasi-Municipal permits issued after 11/2/98 are also subject to review under 690-315-0080(5)... See PFO Checklist)

"A" date: _____ "B" date: _____ "C" date: _____

"A" Date Met? YES or NO

✓

3. [OAR 690-315-0070(3)(e)] - This is extension request # 1
Evidence of actions taken to develop the right within the original permitted time period OR, during the most recent extension period from 5-13-99 to 10-1-2003
Extension of Service to baseball field - 1998
Relocated water lines to Wildhorse casino 2001
Extension of Service to Wetlands Community Park - 2003
2003 - Ext of Service to tribal subdivision

✓

4. [OAR 690-315-0070(3)(f)] Evidence of compliance with conditions contained in the permit and any previous extension(s) or the reason the condition was not satisfied.
• Install meter before use in 1996
• submit water use reports annually submitted to TWR (call out)
• By 5-13-2000 submit WMP (Div 86) needs (call out)
• By 5-13-2000 submit Monitoring Plan Tribe imposes periodic review of permit every 10 yrs needs or count as a plan (call out)

L

5. [OAR 690-315-0070(3)(g)] Evidence of the maximum INSTANTANEOUS rate (or duty if applicable) of diversion for beneficial water use, if any, made to date:
Well 3 - 778.3 gpm (1.73 cfs)
Well 4 - 628.6 gpm (1.40 cfs)
3.13 39% use of permit Total 1/8

✓

6. [OAR 690-315-0070(3)(h)] An estimate of the population served and a description of the methodology(ies) used to make the estimate; Tribal Municipal Water System serves 1019 residential users

① necessary Fee + signature

② major issue

③ minor

③ minor

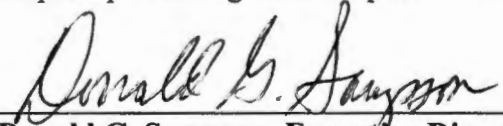
Work Copy

**Extension of Time Report to Oregon Water Resources Department
Permit #G-13655**

As per the May 24, 2006, Intergovernmental Agreement (IGA) approved by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and State of Oregon, the CTUIR submits this report to the Oregon Water Resources Department (OWRD) in fulfillment of the requirements of the IGA for the extension of time request for permit #G-13655 (application file number G-14395). OWRD may send written correspondence regarding this report to the CTUIR at the following address:

ATTN:
Donald Sampson, Executive Director
Confederated Tribes of the Umatilla Indian Reservation
P. O. Box 638
Pendleton, OR 97801

I am the authorized representative of the holder of permit #G-13655, and hereby submit this report to the Oregon Water Resources Department on behalf of the CTUIR in fulfillment of the "extension of time" request as described in the IGA. I certify that the information provided in this report is accurate and true to the best of my knowledge. I understand that false or misleading statements in this report are grounds for the Oregon Water Resources Department (OWRD) to suspend processing of the request and/or reason to deny the extension.



Donald G. Sampson, Executive Director
CTUIR

11-8-06

Date

Proposed Extension of Time to Perfect Permit #G-13655

According to the Oregon Water Resources Department, October 1, 2003, was the expiration date for CTUIR to accomplish beneficial use of water to the full extent under the terms of permit #G-13655. The sources of water allowed under the permit are CTUIR Municipal Wells #3 and #4. CTUIR, the holder of permit #G-13655, requests that the permit, which is for municipal purposes, be extended to October 1, 2026. *Quasi-*

Description of CTUIR Municipal Wells #3 and #4

Well #3 (UMAT 5930) is located in the SE ¼ NE ¼ of Sec. 11 in T2N, R33E WM, 142 feet N and 990 feet W from the E ¼ corner of Sec. 11. Schneider Drilling Company, using tribally licensed well drillers, constructed the well, starting in December 1992 and completing the well in October 1993. When Well #3 was originally constructed, it was located approximately 1400 feet (0.26 mile) from the Umatilla River. Flood flows in the Umatilla River in the late 1990's damaged, and then eventually destroyed, a levee east of Well #3. The levee was not repaired and

*Const
began
12-9-92
10-26-93*

the river changed course. Well #3 is currently located approximately 770 feet (0.15 mile) south of the Umatilla River.

Schneider Drilling Company acquired a State of Oregon start card, no. 46226, prior to drilling Well #3. Schneider Drilling Company submitted a CTUIR well log to CTUIR Water Resources Program upon completion of the well and a separate State of Oregon Water Well Report to OWRD. On the Water Well Report, the well constructors (licensed by the State of Oregon) certified that they constructed the well in compliance with Oregon well construction standards. The Water Well Report for Well #3 is on file with the OWRD.

Under the requirements of Tribal Water System Development Permit #WP-139 (approved by the Tribal Water Commission and issued by the Director of the Tribal Department of Natural Resources on July 23, 1992), Schneider Drilling Company cased and sealed the well to a depth of 424 feet below ground surface (400+ feet into the basalt formation). The purpose of this deep-casing requirement was to minimize or prevent interference with nearby wells, which generally draw water from depths less than 400 feet into the basalt aquifer. The well is cased and sealed into a deep, confined basalt aquifer which has no hydraulic connection to the Umatilla River. Schneider Drilling's well log shows the alluvial gravels contacting the upper surface of the basalt formation at a depth of 22 feet below ground surface.

Well #4 (UMAT 5929) is located in the NE ¼ SE ¼ of Sec. 9 in T2N, R33E WM, 275 feet S and 60 feet W from the E ¼ corner of Sec. 9. Schneider Drilling Company, using Tribally licensed well drillers, constructed the well, starting in November 1992 and completing the well in October 1993. Well #4 is located approximately 2710 feet (0.51 mile) south of the Umatilla River.

Schneider Drilling Company acquired a State of Oregon start card, no. 46225, prior to drilling Well #4. Schneider Drilling Company submitted a CTUIR well log to CTUIR Water Resources Program upon completion of the well and a separate State of Oregon Water Well Report to OWRD. On the Water Well Report, the well constructors (licensed by the State of Oregon) certified that they constructed the well in compliance with Oregon well construction standards. The Water Well Report for Well #4 is on file with the Oregon Water Resources Department.

Began const.
11-11-92

Umat
5929

Under the requirements of the Tribal Water System Development Permit #WP-140 (approved by the Tribal Water Commission and issued by the Director of the Tribal Department of Natural Resources on July 23, 1992), Schneider Drilling Company cased and sealed the well to a depth of 450 feet below ground surface (430+ feet into the basalt formation). The purpose of this deep-casing requirement was to minimize or prevent interference with other nearby wells, which draw water from depths less than 400 feet into the basalt aquifer. The well is cased and sealed into a deep, confined basalt aquifer which has no hydraulic connection to the Umatilla River. Schneider Drilling's well log shows the alluvial gravels contacting the upper surface of the basalt formation at a depth of 11 feet below ground surface.

Land Ownership

The CTUIR is the owner of Wells #3 and #4 and the lands on which these wells are located. These lands are currently in the process of being converted from fee to trust status. On May 8,

2006, the CTUIR submitted applications to the Bureau of Indian Affairs (BIA) for fee-to-trust conversion for each property. The BIA anticipates completing the fee-to-trust conversions by November 2006.

Use of Wells #3 and #4

CTUIR's Public Works Department (Public Works) began utilizing water from the Wells #3 and #4 in the fall of 1996. Wells #3 and #4 provide part of the water supply to the CTUIR's municipal water system. The water system provides water for residential use, Tribal government offices, BIA facilities, the Yellowhawk Tribal Health Center, Tamastlikt Cultural Institute, and Tribal commercial and industrial development (including Wildhorse Resort and Casino), all of which are located in the Mission area.

Currently, the Tribal Municipal Water System serves approximately 1019 residential users. The Mission Census Designated Place (CDP) is generally congruent with the Tribal Municipal Water System service area. In 2000, the Mission CDP was home to 1019 people (source: U.S. Census).

In 1996, Public Works proposed the following modifications to their permits (WP-139 and WP-140): increase pumping rate to 900 gallons per minute (gpm) for each well, increase total annual use to 200 acre feet per well and enlarge the water service area. The Tribal Water Commission approved the modifications, and use of the wells is currently regulated by Tribal Water Use Permits #WP-235 (Well #4) and #WP-236 (Well #3), which were issued on November 19, 2001. Each well is limited to a 900 gpm maximum pumping rate and total annual use of 200 acre feet.

by Tribal Water Use Permits

Current water demands for the entire Tribal Municipal Water System are approximately 1,890 gpm peak daily demand and 2580 gpm peak hourly demand. Wells #3 and #4 provide about 50 percent of the current total annual demand of the system.

4.2 cfs

5.7 cfs

3.13

Since the wells were constructed in 1993, Public Works has expanded its water service area and upgraded the Tribal Municipal System to accommodate expanding demands. The following is a listing of the various extensions and upgrades to the system.

- 1995 - Extension of service to Mission Creek (residential) subdivision
- 1995 - Extension of service to Tamastlikt Cultural Institute
- 1995 - Construction of booster pump station and two reservoirs
- 1996 - Extension of service to Lucky 7 Trailer Park
- 1997 - Extension of service to Wildhorse golf course
- 1998 - Extension of service to baseball field
- 2001 - Relocated water lines to Wildhorse Casino
- 2002 - Extension of service to Wetlands Community Park
- 2003 - Extension of service to tribal subdivision (water not used at subdivision, to date)

Since 1994, CTUIR has expended an estimated \$4.04 million to extend the Tribal Municipal Water System to its current service area.

Monitoring Water Use

Monitoring and reporting the impact of water use on water levels within the aquifer is codified in tribal water law. The Tribal Water Code requires that all non-domestic water permits that divert more than 25 gallons per minute shall contain a condition requiring the installation and maintenance of a flow and totalizing metering system. Under the Tribal Water Code, the Tribal Water Commission and the Director of the Department of Natural Resources (Director) may require the owner or operator of any facility, or the permittee to any activity for which a permit has been issued, to establish and maintain records, make reports, install and use monitoring equipment and conduct sampling. In addition, all permits issued under the Code must be conditioned to conform to all the applicable standards for the beneficial use of water. The TWC and the Director shall impose any other special conditions necessary to fulfill the purposes of the Code and Tribal Water Policy.

When the Tribal Water Commission approved Permit #WP-235 (Well #4) and Permit #WP-236 (Well #3), the Commission required that “a flow and totalizing meter shall be maintained on the well and the Tribal Public Works Department shall provide monthly reports to the Tribal Water Resources Program that reflect the amount of water pumped from the well, and the static water or pumping level in the well.”

Tribal Public Works fitted each well (#3 and #4) with a Water Specialties flow meter; the meters are housed in a well house erected a few yards from each well. The date of installation of these meters is not known, but the first recorded reading of the meter on Well #3 was November 25, 1996, and the first recorded reading of the meter on Well #4 was on December 3, 1996. The meters are inspected and read several times each week by employees of Public Works, and the reading is recorded on a daily log sheet. The information entered on the daily log sheet from each well includes volume pumped and the water level in the well (pumping or static, whichever is applicable). The recorded data are totaled monthly and entered on a water use report that is compiled by Public Works and submitted to the Tribal Water Resources Program, which records and monitors water use by the Tribal Municipal Water System for compliance with permits #WP-235 and #WP-236.

Flow-meter records obtained by Tribal Public Works during 2004 provide data on the maximum instantaneous pumping/discharge rates for Wells #3 and #4. During a continuous 29.4-hour pumping/discharge period on July 27 and 28, 2004, Well #3 produced 1,373,000 gallons of water. The average pumping/discharge rate during this period of continuous pumping/discharge of Well #3 was 778.3 gpm (1.73 cfs). During a continuous 25.4-hour pumping/disharge period on April 7 and 8, 2004, records show that Well #4 produced 958,000 gallons of water. The average pumping/discharge rate during this period of continuous pumping/discharge of Well #4 was 628.6 gpm (1.40 cfs). These rates, 778.3 gpm for Well #3 and 628.6 gpm for Well #4, represent the maximum instantaneous pumping/discharge rates for each well.

Tribal Water Policy states that, “Groundwater supplies are vitally important to the health and welfare of the citizens of the Reservation and to the progressive development of the

Reservation economy. Development of water resources shall be controlled and regulated to prevent the depletion of aquifers and overdraft of groundwater." Further, the "Development of water resources shall be controlled and regulated to reduce or prevent well interference and competition for water among users."

To address these policies, the Tribal Water Commission imposed the following conditions on Permits #WP-235 and #WP-236: "Periodic review of this permit shall occur at least once every ten (10) years to determine compliance of the water use with the conditions of the permit, the provisions of the Water Code, amendments, and with rules and regulations adopted hereunder, and Tribal government reserves the right for future actions, considerations, and modifications, such as reducing the pumping rate, total annual withdrawal, etc., if water level declines occur in the basalt aquifer in the vicinity of any of the Tribal Municipal wells."

As set forth in §II.B.7 of the Intergovernmental Agreement between the CTUIR and the State of Oregon dated May 24, 2006 (IGA), there shall be no "on-the-ground presence" of OWRD at Wells #3 and #4 during the permit extension and amendment process. As set forth in §II.B.4 of the IGA, the watermaster shall minimize its involvement with CTUIR use and regulation of Wells #3 and #4. As a sovereign government, the CTUIR believes it is not obligated to provide the OWRD access to any tribal well for any purpose at any time. CTUIR, however, is interested in negotiating with the State to resolve the issue of sharing information on groundwater resources, as well as other joint CTUIR-State groundwater management issues, per §II.C.4 of the IGA. It is not the goal or intent of the CTUIR to interfere with other water-rights holders in the Umatilla Basin. However, CTUIR believes it has the most senior groundwater and surface water rights (1855 and "time immemorial") in the Umatilla River Basin, based on its unquantified Winters reserved water rights. CTUIR has successfully worked with the State of Oregon and all the stakeholders in the Umatilla Basin to restore its fishery resources to the Umatilla River and tributaries and will continue to work with the State and other stakeholders to ensure water supplies are available to meet tribal water needs, while preventing or minimizing any impact to other water users in the basin.

Water Levels for Wells #3 and #4

Wells #3 and #4 are flowing artesian wells with pressure heads exceeding 40 psi and 65 psi, respectively, at static spring-time conditions. Although these psi readings are distinctly different, water levels in both wells track similar pressure-head elevations at about 1380 feet above mean sea level. When well construction was completed in 1993, the static pressure head for Well #3 was 46 psi, and Well #4 was 74 psi. Since 1996, when the wells were put into service, the artesian pressure has been recorded sporadically, but often three or more times each week by personnel in Public Works. The pressure readings are taken at a control panel for the gages located at the wellheads. For Well #3, Public Works is unable to locate the records of the pressure readings taken between January 2003 and April 2004. However, because the water levels in the wells track closely, the spring-time pressure-head elevation in Well #3 is similar to Well #4. Between 1996 and 2002, pressure head in Well #4 declined at a rate of about 2.5 feet per year. Between 2002 and March 2006, the annual spring pressure head in Well #4 has been steady, with little or no change; the same condition is true for Well #3 during the past three

springs (2004, 2005, and 2006). In March 2006, pressure readings were 40 psi and 66 psi for Wells #3 and #4, respectively.

Circumstances and Events that Delayed Perfection of the Water Right

The Tribal Municipal Water System has been built in phases over time as the Mission community has grown and as funding to expand the system has become available. Perfection of the state water right for wells located on trust land on the Umatilla Indian Reservation is a complex legal issue that involves questions about whether tribes have any obligation under federal law to apply for and receive State groundwater permits. These questions remain unresolved, but the CTUIR has recently negotiated and executed an IGA on how these issues will be addressed for Wells #3 and #4.

Compliance with Land-use Goals and Land-use Plan

The Tribal Municipal Water System provides water to trust lands within the Umatilla Indian Reservation and, as such, these trust lands are not subject to Oregon land use goals. See, Bryan v. Itasca County, 426 US 373 (1976). These Reservation trust lands and their associated land uses fully comply with the CTUIR’s Comprehensive Plan and Land Development Code.

Future Water Needs Projections for the Tribal Municipal Water System

Public Works anticipates that the number of hook-ons to the water system will continue to grow as the population in the Mission area increases and the CTUIR attracts businesses to the new Coyote Business Park. The rate of growth is uncertain; therefore, the completion of the Tribal Municipal Water System to serve this growth and the timing of perfection of the water right are difficult to predict. However, it is anticipated that substantial completion of water development for the tribal community should occur within the 20- to 25-year period, between 2023 and 2028.

→ Five wells provide all of the water supply to the Tribal Municipal Water System. Two of these wells (#3 and #4) are the only wells with a State permit. In 2006, Anderson-Perry & Associates of La Grande, Oregon, developed an estimated demand projection for the Tribal Municipal Water System for the year 2026. Their methodology is as follows. In order to estimate demand projection for these two permitted wells, past water use characteristics are converted to a per capita (per person) rate of use. This is done by dividing the average day, peak day, and peak hourly water use rates by the number of people being served by the water system. These water demand rates can then be expressed as gallons per capita day (gpcd). A per capita usage is calculated and used for residential flow projections. Future flow projections for major commercial facilities are based on projected facility expansions as per the CTUIR Comprehensive Plan, Mission Community Plan and Overall Economic Development Plan.

The 23-year (year 2026) projected total water demand for the Tribal Municipal System is approximately 1,403,700 gallons per day on average, with an average daily flow of 975 gpm. Based on a population estimate of 1360 residents in 2026, the peak daily demand is estimated to be 5,416,750 gallons per day with a peak flow demand of 4105 gpm and a peak hourly demand of 4950 gpm. The recommended “supply flow”, which is based on pumping 18 hours per day and considering the estimated population growth and future commercial facility expansion, is

8.37
cfs

11.02

2.17 cfs

2.17

9.14

12.2
1.08 cfs
5475 gpm. Wells #3 and #4 would represent about 50% of the total water discharged into the Tribal Municipal System, which would provide an average of 701,850 gallons per day with an average daily flow of 488 gpm and a peak flow of 2052 gpm or 4.57 cfs (1026 gpm or ≈ 2.28 cfs per well) and a peak hourly demand of 2475 gpm (1237 gpm or ≈ 2.75 cfs per well). This projected peak demand for Wells #3 and #4 accounts for 69% of the permitted pumping under permit #G-13655.

The prediction of the time of completion of water development is difficult in small municipal water supply systems, and a 23-year planning projection is speculative at best. However, it is anticipated that substantial completion of water development under Permit #G-13655 for the tribal community should occur within the 20- to 25-year period, between 2023 to 2028. To achieve the projected increases in pumping rate from Wells #3 and #4, Public Works would need to apply to the Tribal Water Commission and obtain a modification of their current permits, which limit pumping to 2 cfs per well and total annual use to 200 acre feet per well.

Future Development of the Tribal Municipal Water System

Several projects that will require water from the water system are imminent or under plan development:

- 2006 - Construction of water extension to "Coyote North" commercial area
- 2006 - Construction of water extension to CTUIR's Public Safety Facility
- 2007 - Construction of water extension to "Coyote Business Park" Light Industrial Area
- 2008 - Construction of water extension to residential development
- 2010 - Construction of water extension to Tribal Government Building
- 2012 - Construction of water extension to tribal school and wellness center
- 2015 - Construction of water extension to community sports fields
- 2020 - Construction of water extension to residential development
- 2025 - Construction of water extension to residential development

\$4,400,000 total estimate

The proposed schedule (above) assumes that construction of facilities needed to apply water to its full beneficial use will occur in phases as demand increases and as funding becomes available and may extend out 20 to 25 years (until at least 2026). Thus, the perfection of water right may take 20 or more years to complete. The projects and facilities proposed for 2006-2007 are in the process of being designed and scheduled now. Projects proposed for 2008 and beyond are envisioned as part of the implementation of the CTUIR Mission Community Plan (1998). An estimated expenditure of \$4.4 million would be necessary to expand and improve the water system to extend water service to the new facilities anticipated in the next 20 years.

Water Conservation Planning

CTUIR's water policy requires permittees to utilize the minimum amount of water to accomplish the purposes of the permit. When the Tribal Water Commission authorized the permits for Wells #3 and #4, it limited pumping to a maximum of 900 gallons per minute (~ 2 cfs) and 200 acre feet per year from each well. These Tribal Water Commission-authorized pumping rates are considerably less than the water withdrawals permitted under Permit #G-13655. These strict

' limitations represent a built-in conservation standard, but if the Tribal Water Commission finds that additional conservation measures are required, it will require Tribal Public Works to develop a conservation plan for the wells and water system. No such additional conservation planning has been determined necessary to date. Further, the CTUIR and OWRD may jointly choose to address the need for a Water Conservation and Management Plan for Wells #3 and #4 during the discussions on, and development of, an interim agreement on groundwater management, as provided in §II.C.4 of the IGA.

Monitoring Plan and Annual Reporting

Sharing the CTUIR's data with OWRD on water levels, pumping rates, annual water use from Wells #3 and #4 should be a part of the development of the prospective interim agreement on groundwater management, as provided in §II.C.4 of the IGA. As previously stated, it is the position of the CTUIR that, because of its sovereignty and Winters reserved water rights, the CTUIR is not obligated to share this information with the State of Oregon. CTUIR is willing, however, to attempt to negotiate data sharing as part of the interim groundwater management agreement with OWRD. An interim agreement could be a significant step toward ensuring sustainable use and management of groundwater resources in the upper Umatilla River Basin and ensuring that CTUIR's inherent sovereignty, water resources management authority and water rights are protected as intended by CTUIR's 1855 treaty with the United States Government.

To: File for permit G13655

From: Dwight French



Jan. 11, 2007

Director Ward, through Kim Grigsby, let me know that he wanted to not collect the fees normally due for the extension filed by the Umatilla Indian Tribe November 15, 2006. Therefore, it will be processed the same as if the fee had been timely paid.

Additionally, it has been previously agreed that the UIT did not need to use our form to file their application. If there are any completeness or other issues that necessitate contact with the UIT please check with Kim Grigsby first.

If there are any questions, please see myself or Kim Grigsby.

Brook Geffen

From: Kimberly Grigsby [Kimberly.J.GRIGSBY@wrd.state.or.us]
Sent: Tuesday, January 23, 2007 10:33 AM
To: Brook.A.GEFFEN@wrd.state.or.us
Cc: 'Mike LADD'
Subject: RE: Evaluation of needs for CTUIR time extension request

-->

Hi Brook,

In looking at the e-mail that Mike sent us, it does not appear that we previously requested the estimated cost for the entire project. Since we did not previously indicate that this information was necessary, and due to the unique circumstances of this case, I am very reluctant to ask for it now. Is there a way that you can proceed without that information?

See Application for Extension of Time:

Costs to Date: \$4.04 million p.3 of 8

Future Costs : \$4.4 million p.7 of 8

Thanks,

Kim

Kimberly Grigsby

Water Resources Policy Analyst

Director's Office

Oregon Water Resources Department

725 Summer St. NE, Suite A

Salem, OR 97301-1271

503-986-0874

From: Mike LADD [mailto:Michael.F.LADD@wrd.state.or.us]
Sent: Tuesday, January 23, 2007 10:00 AM
To: 'Kimberly Grigsby'
Cc: Brook.A.GEFFEN@wrd.state.or.us

1/23/2007

Subject: FW: Evaluation of needs for CTUIR time extension request

Below is the e-mail that I send the Ctuir on information that was needed for the time extension. This was a review that Ann Reece had done on the lacking information. Let me know if you have any other questions.

Michael F. Ladd
Regional Manager
North Central Region
Oregon Water Resources
116 SE Dorion
Pendleton, Oregon 97801
(541) 278-5456
(541) 278-0287 Fax
Michael.F.Ladd@wrд.state.or.us

From: Mike LADD [<mailto:Michael.F.LADD@wrд.state.or.us>]
Sent: Wednesday, August 09, 2006 8:49 AM
To: 'AaronSkirvin'; 'AudieHuber'
Cc: 'Kimberly.J.GRIGSBY@wrд.state.or.us'
Subject: Evaluation of needs for CTUIR time extension request

After evaluating your draft report for time extension, below is an evaluation of what additional information is needed. We have also identified some items that need additional clarification. Please give me a call and we can set up a time to discuss this in more detail so it will help you understand what the needs are. In summary, I don't believe you are off the mark by much.

These are necessary items missing from the report:

1. Name of permit holder
2. Mailing address of permit holder
3. Application number

As a reminder, when submitting the final report the following items will be necessary:

1. \$250 filing fee
2. The permit holder's signature and signature date. The signature should follow a paragraph stating something like: "I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Water Resources Department (WRD) to suspend processing of the request and/or reason to deny the extension.

Clarification and/or additional information is needed in the following sections of the report:

1. Future Water Needs Projections for the Tribal Municipal Water System
 - a. The peak water demands for 2026 are clearly stated as being 12 cfs (5475 gpm). However, there is no clear statement of current peak water demands. When evaluating a request for an extension of time, in order to adequately address the estimated demand projections, it is necessary to have an idea of current needs.

b. The statement is made in this section that "Wells #3 and #4 represent 50% of the water input to the Tribal Municipal System..." Is that 50% of the maximum discharge rate (555 gpm from Well 3 and 584 gpm from Well 4)? or 50% of current peak water demand (unknown – see above) or 50% of the permitted quantity (8 cfs)?

2. Monitoring Water Use and Water Levels

a. What date were the flow meters installed?

Clarification is desirable in the following sections of the report:

3. Description of CTUIR Municipal Wells #3 and #4

a. The statement is made in this section that "Since 1996, CTUIR has expended an estimated \$4.04 million to extend the Tribal Municipal Water System to its current service area." When evaluating a request for an extension of time, in order to adequately address the financial expenditures made toward completion of the water development it would be helpful to have a better understanding of the work accomplished with the investment. For example, did the \$4.04 million include the costs of the distribution system, construction of the 2 wells, booster pump station, construction of 2 reservoirs, etc? A brief, estimated breakdown of the investment would be helpful for the evaluation.

4. Use of Wells #3 and #4

a. The report includes a complete list of work accomplished since 1996. However, for purposes of evaluating the work accomplished during the permit development period of May 13, 1999 to October 1, 2003 perhaps the work done in 1999 could include the month it was accomplished so that if possible, it can be included as work during the permit development period. Any maintenance work or upgrades to the water system during this time period could be added to the list as well.

Comments on Unmet Permit Conditions:

1. Monitoring Plan (developed and submitted by permit holder to WRD by May 13, 2000)

It appears that the Tribal Water Commission requires some monitoring of the resource. Perhaps the monitoring guidelines set by CTUIR for the wells under this permit could be submitted to WRD as a plan to meet the requirement of the permit condition. In absence of a Monitoring Plan, this deficiency will be "called out" in the Proposed Final Order.

2. Water Management and Conservation Plan (submitted to WRD by May 13, 2000)

In absence of a Water Management and Conservation Plan, this deficiency will be "called out" in the Proposed Final Order. CTUIR has the option to include in their Extension of Time Report how they plan to address (with timelines) this deficiency.

3. Annual Water Use Reports (submitted to WRD annually)

It appears that monthly water use is reported to the Tribal Water Resources Program. A copy of the water use records as an attachment to the Extension of Time Report would probably satisfy this permit condition. In absence of a water use records on file at WRD, this deficiency will be "called out" in the Proposed Final Order.

In general, unmet permit conditions are not fatal to an approval for an extension of time. To the contrary, extensions are sometimes granted to allow the permit holder more time to comply with permit conditions.

Michael F. Ladd
Regional Manager
North Central Region
Oregon Water Resources
116 SE Dorion
Pendleton, Oregon 97801
(541) 278-5456
(541) 278-0287 Fax
Michael.F.Ladd@wrd.state.or.us

Brook Geffen

From: Ann Reece [Ann.L.REECE@wrд.state.or.us]
Sent: Monday, January 22, 2007 10:59 AM
To: 'Brook Geffen'
Subject: FW: CTUIR - Draft Extension of Time Report for Appl G-14395 (Permit G-13655)

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Brook, I came across this in my e-mail. You might find it helpful.

Ann Reece

Water Resources Department

From: Ann Reece [mailto:Ann.L.REECE@wrд.state.or.us]
Sent: Tuesday, August 08, 2006 1:40 PM
To: 'Mike LADD'
Cc: 'Dwight French'; 'Kimberly Grigsby'
Subject: CTUIR - Draft Extension of Time Report for Appl G-14395 (Permit G-13655)

Mike,

Here is my review of the Extension of Time Report, August 2, 2006 Draft, that you forwarded to me this week.

These are necessary items missing from the report:

1. Name of permit holder
2. Mailing address of permit holder
3. Application number

As a reminder, when submitting the final report the following items will be necessary:

1. \$250 filing fee

1/23/2007

2. The permit holder's signature and signature date. The signature should follow a paragraph stating something like: "I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Water Resources Department (WRD) to suspend processing of the request and/or reason to deny the extension.

Clarification and/or additional information is needed in the following sections of the report:

1. Future Water Needs Projections for the Tribal Municipal Water System

- a. The peak water demands for 2026 are clearly stated as being 12 cfs (5475 gpm). However, there is no clear statement of current peak water demands. When evaluating a request for an extension of time, in order to adequately address the estimated demand projections, it is necessary to have an idea of current needs.
- b. The statement is made in this section that "Wells #3 and #4 represent 50% of the water input to the Tribal Municipal System..." Is that 50% of the maximum discharge rate (555 gpm from Well 3 and 584 gpm from Well 4)? or 50% of current peak water demand (unknown – see above) or 50% of the permitted quantity (8 cfs)?

2. Monitoring Water Use and Water Levels

- a. What date were the flow meters installed?

Clarification is desirable in the following sections of the report:

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- a. The statement is made in this section that "Since 1996, CTUIR has expended an estimated \$4.04 million to extend the Tribal Municipal Water System to its current service area." When evaluating a request for an extension of time, in order to adequately address the financial expenditures made toward completion of the water development it would be helpful to have a better understanding of the work accomplished with the investment. For example, did the \$4.04 million include the costs of the distribution system, construction of the 2 wells, booster pump station, construction of 2 reservoirs, etc? A brief, estimated breakdown of the investment would be helpful for the evaluation.

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- a. The report includes a complete list of work accomplished since 1996. However, for purposes of evaluating the work accomplished during the permit development period of May 13, 1999 to October 1, 2003 perhaps the work done in 1999 could include the month it was accomplished so

that if possible, it can be included as work during the permit development period. Any maintenance work or upgrades to the water system during this time period could be added to the list as well.

Comments on Unmet Permit Conditions:

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It appears that the Tribal Water Commission requires some monitoring of the resource. Perhaps the monitoring guidelines set by CTUIR for the wells under this permit could be submitted to WRD as a plan to meet the requirement of the permit condition. In absence of a Monitoring Plan, this deficiency will be "called out" in the Proposed Final Order.

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In absence of a Water Management and Conservation Plan, this deficiency will be "called out" in the Proposed Final Order. CTUIR has the option to include in their Extension of Time Report how they plan to address (with timelines) this deficiency.

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It appears that monthly water use is reported to the Tribal Water Resources Program. A copy of the water use records as an attachment to the Extension of Time Report would probably satisfy this permit condition. In absence of a water use records on file at WRD, this deficiency will be "called out" in the Proposed Final Order.

In general, unmet permit conditions are not fatal to an approval for an extension of time. To the contrary, extensions are sometimes granted to allow the permit holder more time to comply with permit conditions.

Mike, I based this review on what I would need to be able to write a Proposed Final Order. Please give me a call if you need any further clarification.

Ann

Ann Reece - Extensions

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

503-986-0901 (fax)

503-986-0808 (tele)

From: Mike LADD [mailto:Michael.F.LADD@wrд.state.or.us]
Sent: Thursday, August 03, 2006 6:06 PM
To: 'Kimberly Grigsby'; 'Dwight French'; Ann.L.REECE@wrд.state.or.us
Subject: FW: Retry on sending draft Extension of Time report

I've not had a chance to look at the DRAFT, but here it is so we can have a phone call amongst us. What is the latest on the day and time that we will have our conference call?

From: AaronSkirvin [mailto:AaronSkirvin@ctuir.com]

1/23/2007

Sent: Thursday, August 03, 2006 4:02 PM
To: Mike LeADD
Subject: Retry on sending draft Extension of Time report

-->

Mike, My first try at sending the report was sent back as undeliverable, so here's the second try.

Mike,

Attached to this email is the draft report on the extension of time request for permit #G-13655. I would like to meet with you at your office tomorrow (Friday) sometime to discuss it with you. We will have until Wednesday or Thursday of next week to complete the consultation on the report. The schedule is to get Tribal policy-level review on August 15, so I want to have the report virtually completed by August 11.

I am still awaiting some water level information on the wells, so that part is not complete. I anticipate adding a paragraph about changes in water levels in the wells since they were put to use. I hope to get the water level information tomorrow, but may not receive it until next week.

I'll be in touch with you tomorrow morning to schedule a meeting.

Aaron Skirvin

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **17332**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Laura A Schroeder
BY: _____

APPLICATION	G14395
PERMIT	
TRANSFER	

CASH: CHECK: # X 2422 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

PCA AND OBJECT CLASS _____ CASH ACCT. _____

VOUCHER # _____ \$

0427 WRD OPERATING ACCT

PCA 77235

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY) _____		\$
(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____		\$
(Existing) TC168 _____		\$

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
<u>0223</u> OTHER (IDENTIFY) <u>Protest</u>			<u>200.00</u>

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **17332**

DATED: 11-7-97 BY: J Bloman

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

REMOVED

RECEIPT # **11221**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Laura A. Schroeder
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 24-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.-

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

PCA AND OBJECT CLASS	CASH ACCT.	\$
	VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC165 DEPOSIT LIAB. (IDENTIFY)	\$	

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

Teel

0223 OTHER (IDENTIFY) PCA 77235 Protests \$200.-

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **11221**

DATED: 4-4-97 BY: D. Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **7686**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: *Confederated Tribes of the Umatilla Indian Reservation*

APPLICATION	G-14395
PERMIT	
TRANSFER	

CASH: CHECK: # 124-2038 OTHER: (IDENTIFY)

TOTAL REC'D \$ 650.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC165 DEPOSIT LIAB. (IDENTIFY)		\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ 200.00	0204	\$ 450.00
0205 TRANSFER	\$	0206	\$

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **7686**

DATED: 10/18/96

BY: C. Richards

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

APPLICATION FOR OREGON WATER RESOURCES

TOTAL

No. 81613

\$650.00

\$650.00

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
PO BOX 638
PENDLETON, OREGON 97801 -0638

(541)276-3099

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

APPLICATION FILE NUMBER: G-14395

SOURCE OF WATER: WELL 3 AND WELL 4 IN UMATILLA RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 8.0 CUBIC FEET PER SECOND(CFS), BEING 4.0 CUBIC FEET PER SECOND FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 9, SE 1/4 NE 1/4, SECTION 11, T2N, R33E, W.M.; WELL 4- 275 FEET S AND 60 FEET W OF E1/4 CORNER SEC 9; WELL 3- 142 FEET N & 990 FEET W FROM E1/4 CORNER SEC 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

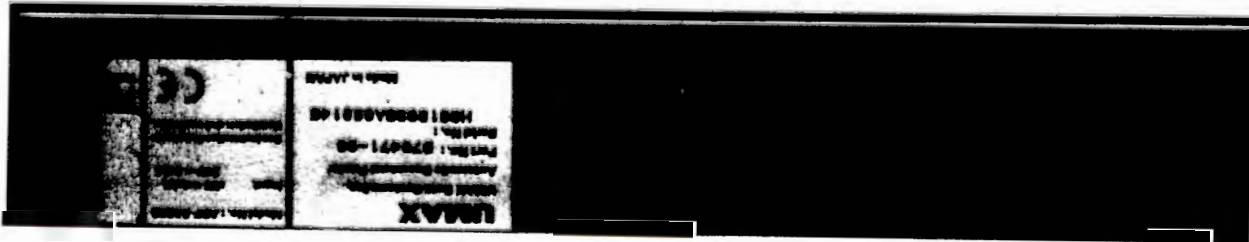
SW 1/4
SECTION 3

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 4

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4

Application G-14395 Water Resources Department

PERMIT G-13655



NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 9

SW 1/4 NE 1/4
SE 1/4 NE 1/4
NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 10

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 11

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SECTION 14

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 15

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

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

Application G-14395 Water Resources Department

PERMIT G-13655



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.

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

If substantial interference with a senior water right, including exempt uses as described in ORS 537.545, 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.

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 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.

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.



Actual construction of the well shall begin by May 10, 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 13th, 1999

Diya Ford for

Martha O. Pagel, Director
Water Resources Department

Application G-14395
Basin 7

Water Resources Department
Volume 3 UMATILLA R
MGMT.CODE 7BG, 7BR, 7AG, 7AR

PERMIT G-13655
District 5

INTEROFFICE MEMORANDUM

Water Rights Section

TO: G-14395

April 7, 2004

FROM: Jeana Eastman

RE: Scrivener's error in place of use

Please note the applicant did not apply for quasi-municipal use within NENW and SENW of Section 15, T2N, R33E. Because the error was found after the Completion Date, October 1, 2003, a correcting/superceding permit will *not* be issued per Dwight French, April 6, 2004.

7-20-07
-L. Jaramillo

This is correct.

How should this
be addressed in
Permit Amendment
T-10281?

S:lgr

7-20-07

NOTE:

Current Service
Area Map in
T-10281 includes
NENW & SENW of
Sec. 15.

INTEROFFICE MEMORANDUM

Water Rights Section

TO: G-14395

April 7, 2004

FROM: Jeana Eastman

RE: Scrivener's error in place of use

Please note the applicant did not apply for quasi-municipal use within NENW and SENW of Section 15, T2N, R33E. Because the error was found after the Completion Date, October 1, 2003, a correcting/superceding permit will *not* be issued per Dwight French, April 6, 2004.

S:\groups\wr\memos\g14395_ctui.wpd

OREGON WATER RESOURCES PLAT CARD: Township 2.00 N Range 33.00 E SECTION 3

1/29/1997

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	NE	SW	SE	NE	NW	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	SE	
G 14395 0	0	V														(MU)						
G 14395 0	0	V											(MU)									
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						

Subject file

OREGON WATER RESOURCES PLAT CARD: Township 2.00 N Range 33.00 E SECTION 4

1/29/1997

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	NE	SW	SE	NE	NW	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	SE	
G 14395 0	0	V																				(MU)
G 14395 0	0	V																				(MU)
G 14395 0	0	V														(MU)						
G 14395 0	0	V											(MU)									
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						

Subject file

OREGON WATER RESOURCES PLAT CARD: Township 2.00 N Range 33.00 E SECTION 9

1/29/1997

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	NE	SW	SE	NE	NW	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	SE	
G 14395 0	0	V																				(MU)
G 14395 0	0	V											(MU)									
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						
G 14395 0	0	V														(MU)						

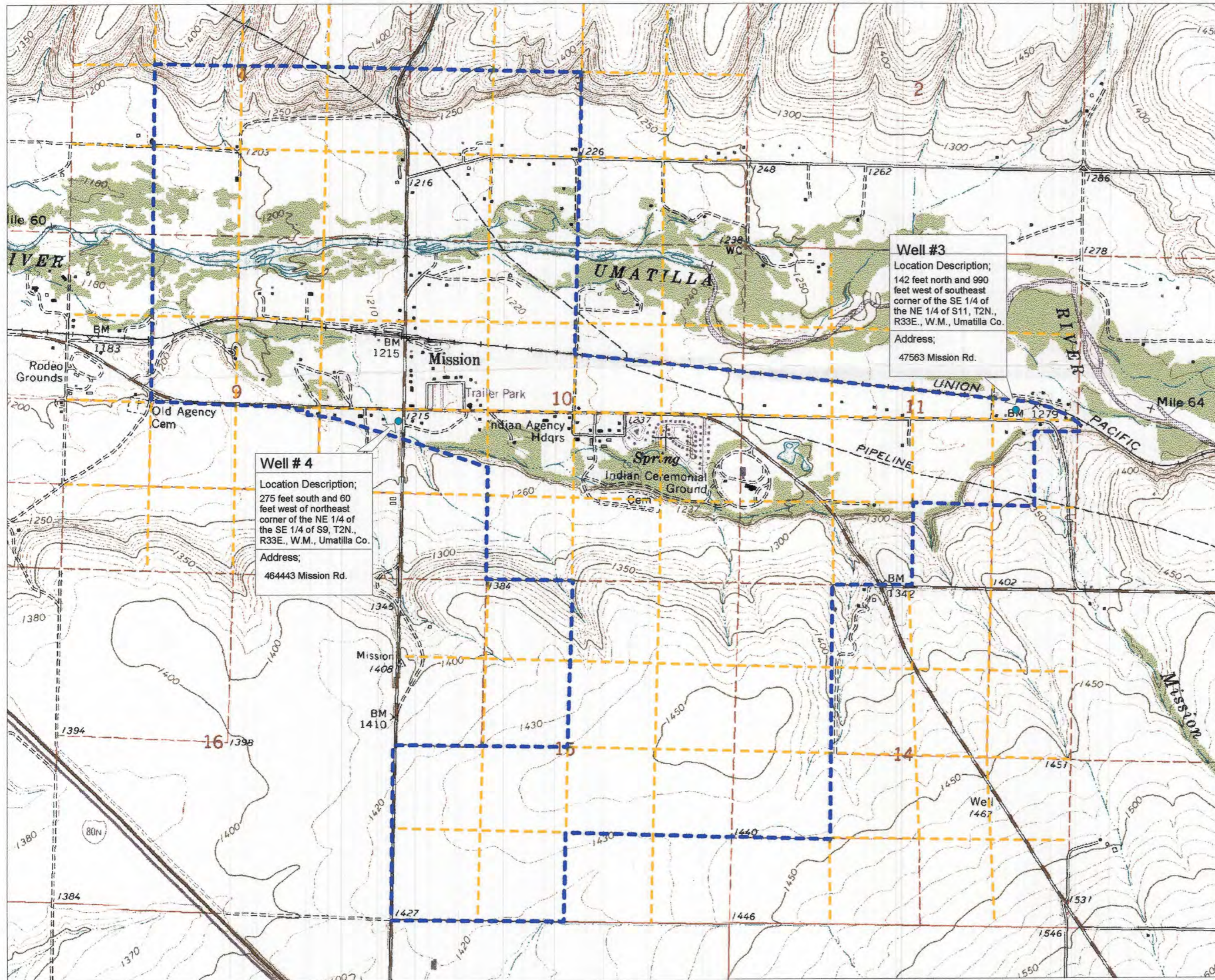
Subject file

RECEIVED

SEP 03 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water / Sewer Boundary Twp. 2 N., Rge. 33 E., W.M.



LEGEND

- Water/Sewer Boundary
- 1/4, 1/4 Grid
- Well location

1:15840
(4" = 1 mile)

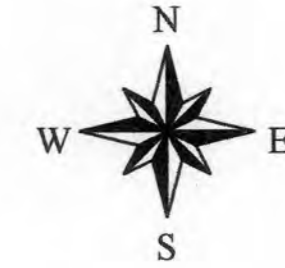
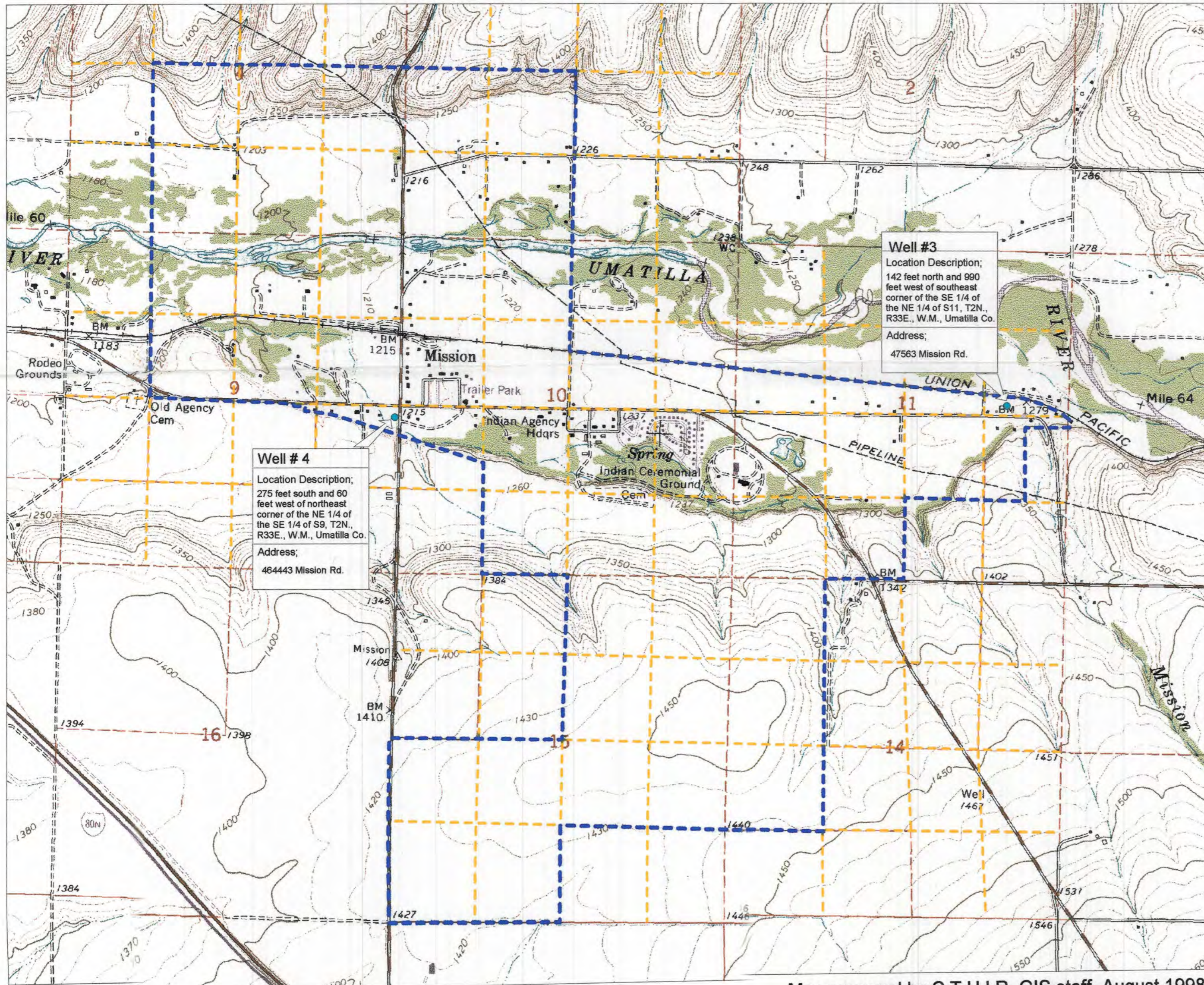
Map prepared by C.T.U.I.R. GIS staff, August 1998

RECEIVED

SEP 03 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water / Sewer Boundary Twp. 2 N., Rge. 33 E., W.M.



LEGEND

- Water/Sewer Boundary
- 1/4, 1/4 Grid
- Well location

1:15840
(4" = 1 mile)

Map prepared by C.T.U.I.R. GIS staff, August 1998

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment) **FINAL ORDER**
T-10281, Umatilla County) APPROVING A CHANGE
) IN PLACE OF USE

Authority

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

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
PUBLIC WORKS DEPARTMENT
ATTN: DONALD SAMPSON, EXECUTIVE DIRECTOR
PO BOX 638
PENDLETON, OR 97801

Findings of Fact

Background

1. On November 15, 2006, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) provided information to the Department meeting the Department's requirements for an application to amend the place of use under Permit G-13655 (Application G-14395). The Department assigned the application number T-10281.
2. The permit to be amended is as follows:
 - Permit:** G-13655, in the name of CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
 - Use:** QUASI-MUNICIPAL
 - Priority Date:** OCTOBER 18, 1996
 - Quantity:** 8.0 CUBIC FEET PER SECOND (CFS), BEING 4.0 CFS FROM EACH WELL
 - Source:** WELL 3 and WELL 4, in the UMATILLA RIVER BASIN
 - Date of Complete Application of Water:** OCTOBER 1, 2026

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, 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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
2 N	33 E	W.M.	9	NE SE	Well 4 – 275 FEET SOUTH AND 60 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 9
2 N	33 E	W.M.	11	SE NE	Well 3 – 142 FEET NORTH AND 990 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 11

Authorized Place of Use:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	¼ ¼
2 N	33 E	W.M.	3	NE SW
2 N	33 E	W.M.	3	NW SW
2 N	33 E	W.M.	3	SW SW
2 N	33 E	W.M.	3	SE SW
2 N	33 E	W.M.	4	NE SW
2 N	33 E	W.M.	4	SE SW
2 N	33 E	W.M.	4	NE SE
2 N	33 E	W.M.	4	NW SE
2 N	33 E	W.M.	4	SW SE
2 N	33 E	W.M.	4	SE SE
2 N	33 E	W.M.	9	NE NE
2 N	33 E	W.M.	9	NW NE
2 N	33 E	W.M.	9	SW NE
2 N	33 E	W.M.	9	SE NE
2 N	33 E	W.M.	9	NE NW
2 N	33 E	W.M.	9	SE NW
2 N	33 E	W.M.	9	NE SE
2 N	33 E	W.M.	9	NW SE
2 N	33 E	W.M.	10	SW NE
2 N	33 E	W.M.	10	SE NE
2 N	33 E	W.M.	10	NE NW
2 N	33 E	W.M.	10	NW NW
2 N	33 E	W.M.	10	SW NW
2 N	33 E	W.M.	10	SE NW
2 N	33 E	W.M.	10	NE SW
2 N	33 E	W.M.	10	NW SW
2 N	33 E	W.M.	10	SE SW
2 N	33 E	W.M.	10	NE SE
2 N	33 E	W.M.	10	NW SE

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	¼ ¼
2 N	33 E	W.M.	10	SW SE
2 N	33 E	W.M.	10	SE SE
2 N	33 E	W.M.	11	SW NE
2 N	33 E	W.M.	11	SE NE
2 N	33 E	W.M.	11	SW NW
2 N	33 E	W.M.	11	SE NW
2 N	33 E	W.M.	11	NE SW
2 N	33 E	W.M.	11	NW SW
2 N	33 E	W.M.	11	SW SW
2 N	33 E	W.M.	11	SE SW
2 N	33 E	W.M.	11	NE SE
2 N	33 E	W.M.	11	NW SE
2 N	33 E	W.M.	14	NW NW
2 N	33 E	W.M.	14	SW NW
2 N	33 E	W.M.	14	NW SW
2 N	33 E	W.M.	15	NE NE
2 N	33 E	W.M.	15	NW NE
2 N	33 E	W.M.	15	SW NE
2 N	33 E	W.M.	15	SE NE
2 N	33 E	W.M.	15	NE NW
2 N	33 E	W.M.	15	SE NW
2 N	33 E	W.M.	15	NE SW
2 N	33 E	W.M.	15	NW SW
2 N	33 E	W.M.	15	SW SW
2 N	33 E	W.M.	15	SE SW
2 N	33 E	W.M.	15	NE SE
2 N	33 E	W.M.	15	NW SE

3. Application T-10281 proposes to change the place of use of the permit to:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	¼ ¼
2 N	33 E	W.M.	3	NE SW
2 N	33 E	W.M.	3	NW SW
2 N	33 E	W.M.	3	SW SW
2 N	33 E	W.M.	3	SE SW
2 N	33 E	W.M.	4	NE SW
2 N	33 E	W.M.	4	SE SW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	¼ ¼
2 N	33 E	W.M.	4	NE SE
2 N	33 E	W.M.	4	NW SE
2 N	33 E	W.M.	4	SW SE
2 N	33 E	W.M.	4	SE SE
2 N	33 E	W.M.	9	NE NE
2 N	33 E	W.M.	9	NW NE
2 N	33 E	W.M.	9	SW NE
2 N	33 E	W.M.	9	SE NE
2 N	33 E	W.M.	9	NE NW
2 N	33 E	W.M.	9	SE NW
2 N	33 E	W.M.	9	NE SE
2 N	33 E	W.M.	9	NW SE
2 N	33 E	W.M.	10	SW NE
2 N	33 E	W.M.	10	SE NE
2 N	33 E	W.M.	10	NE NW
2 N	33 E	W.M.	10	NW NW
2 N	33 E	W.M.	10	SW NW
2 N	33 E	W.M.	10	SE NW
2 N	33 E	W.M.	10	NE SW
2 N	33 E	W.M.	10	NW SW
2 N	33 E	W.M.	10	SE SW
2 N	33 E	W.M.	10	NE SE
2 N	33 E	W.M.	10	NW SE
2 N	33 E	W.M.	10	SW SE
2 N	33 E	W.M.	10	SE SE
2 N	33 E	W.M.	11	SW NE
2 N	33 E	W.M.	11	SE NE
2 N	33 E	W.M.	11	SW NW
2 N	33 E	W.M.	11	SE NW
2 N	33 E	W.M.	11	NE SW
2 N	33 E	W.M.	11	NW SW
2 N	33 E	W.M.	11	SW SW
2 N	33 E	W.M.	11	SE SW
2 N	33 E	W.M.	11	NE SE
2 N	33 E	W.M.	11	NW SE
2 N	33 E	W.M.	14	NW NW
2 N	33 E	W.M.	14	SW NW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	¼ ¼
2 N	33 E	W.M.	14	NW SW
2 N	33 E	W.M.	15	NE NE
2 N	33 E	W.M.	15	NW NE
2 N	33 E	W.M.	15	SW NE
2 N	33 E	W.M.	15	SE NE
2 N	33 E	W.M.	15	NE NW
2 N	33 E	W.M.	15	SE NW
2 N	33 E	W.M.	15	NE SW
2 N	33 E	W.M.	15	NW SW
2 N	33 E	W.M.	15	SW SW
2 N	33 E	W.M.	15	SE SW
2 N	33 E	W.M.	15	NE SE
2 N	33 E	W.M.	15	NW SE
2 N	33 E	W.M.	16	NE SW*
2 N	33 E	W.M.	16	NW SW*
2 N	33 E	W.M.	16	SW SW*
2 N	33 E	W.M.	16	SE SW*
2 N	33 E	W.M.	21	NE NE*
2 N	33 E	W.M.	21	NW NE*
2 N	33 E	W.M.	21	SW NE*
2 N	33 E	W.M.	21	SE NE*
2 N	33 E	W.M.	21	NE NW*
2 N	33 E	W.M.	21	NW NW*
2 N	33 E	W.M.	21	SW NW*
2 N	33 E	W.M.	21	SE NW*
2 N	33 E	W.M.	21	NE SW*
2 N	33 E	W.M.	21	NW SW*
2 N	33 E	W.M.	21	SW SW*
2 N	33 E	W.M.	21	NE SE*
2 N	33 E	W.M.	21	NW SE*
2 N	33 E	W.M.	21	SE SE*

* = place of use change involved in this permit amendment.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on December 26, 2006, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.

6. The proposed place of use is owned and/or controlled by the permit holder.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.
9. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

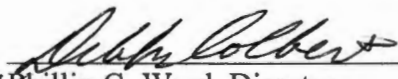
The change in place of use proposed by Permit Amendment Application T-10281 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. As required by the Confederated Tribes of the Umatilla Indian Reservation's Permits #WP-235M and #WP-236M, a flow and totalizing meter shall be maintained on the wells and the Tribal Public Works Department shall provide monthly reports to the Tribal Water Resources Program that reflect the amount of water pumped from the wells, and the static water or pumping level in the wells.
2. All other terms and conditions of Permit G-13655 remain the same.
3. Permit G-13655, in the name of the Confederated Tribes of the Umatilla Indian Reservation, is amended as described herein.

Dated at Salem, Oregon this 17th day of August 2007.



Phillip C. Ward, Director

Mailing Date: AUG 22 2007

Ann Reece
Water Resources Department
-----Original Message-----
From: Mike Zwart
Sent: Monday, April 23, 2007 2:10 PM
To: Ann Reece
Subject: CTUIR, Permit G-13655

Ann,

If I am to assume that the discussion included with the Extension of Time Report, dated 10/18/06, includes a draft proposal to monitor the impact of water use on water levels, then I cannot approve the draft. The proposal includes no provision for regular (usually annual) measurement and reporting of water levels at the wells, no reference levels, and no methodology or precision of the equipment was specified. Some water-level data were included with the report, but I do not find any aspect of the necessary underlying plan to be part of the report.

Mike Zwart

Michael J. Zwart - Hydrogeologist
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503.986.0844 fax: 503.986.0902

The State of Oregon
Water Resources Department

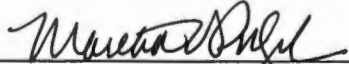
In the matter of Water Right)
Application G-14395)
Confederated Tribes of the)
Umatilla Indian Reservation)
 Applicant)
))
Laura A. Schroeder)
 Protestant)

**Final Order Incorporating
Settlement Agreement**

Based on the attached Settlement Agreement, which is incorporated herein and which includes the draft permit attached thereto, I find that the proposed use will ensure the preservation of the public health, safety and welfare.

Therefore, it is ORDERED that, pursuant to ORS 537.625, Application G-14395 is approved and the accompanying water use permit shall issue.

DATED *May 10*, 1999


Martha O. Pagel, Director
Oregon Water Resources Department

The State of Oregon
Water Resources Department

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SALEM, OREGON

In the matter of Water Right)
Application G-14395)
Confederated Tribes of the)
Umatilla Indian Reservation)
 Applicant)
))
Laura A. Schroeder)
 Protestant)

Settlement Agreement RECEIVED

APR 23 1999
WATER RESOURCES DEPT.
SALEM, OREGON

The Oregon Water Resources Department (Department), by and through Martha O. Pagel, Director, the Confederated Tribes of the Umatilla Indian Reservation (Applicant), and Laura A. Schroeder (Protestant) do hereby agree and stipulate as follows:

Stipulated Facts

1. On October 18, 1996, Applicant submitted an application to the Department for a water use permit. The application requests up to 8.0 cubic feet per second (cfs) of ground water from two wells for municipal use. Upon review, the Department determined that the application is for quasi-municipal use.
2. Under the provisions of ORS 537.621, a Proposed Final Order was issued September 23, 1997, conditionally approving Application G-14395. The Department determined that the proposed wells, as conditioned by the draft permit, do not have the potential for substantial interference with surface water (OAR 690-09), water is available for the proposed use (OAR 690-410-070), the proposed use (quasi-municipal) is allowable pursuant to the Umatilla Basin Program (OAR 690-507), and the proposed use, as conditioned, complies with the rules of the Water Resources Commission. Pursuant to ORS 537.621, the Department determined that a public interest presumption had been established.
3. On November 7, 1997, Protestant submitted a Protest to the Proposed Final Order. The Protest asserts: (1) the maps provided by the applicant do not meet Department standards, (2) the "substantial interference" condition should be modified to include exempt uses of water, in order to adequately protect the resource, and (3) the Applicant does not qualify as a quasi-municipal entity. Pursuant to ORS 537.621(9), the Applicant requested a hearing.
4. The Applicant has submitted a revised map meeting the Department standards for application maps under OAR 690-310-050. Herein, the parties agree to modify the

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WATER RESOURCES
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"substantial interference" condition to include exempt uses of water. Pursuant to rules adopted on September 11, 1998, by the Water Resources Commission, which clarify that federally recognized tribes that operate water systems for municipal type purposes are considered quasi-municipal entities, Applicant, a federally recognized tribe, is a quasi-municipal entity. OAR 690-300-010(40).

Terms of the Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this Agreement and Final Order.

2. The "substantial interference" condition in the Applicant's permit shall be modified to read as follows:

If substantial interference with a senior water right, including exempt uses as described in ORS 537.545, 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.

3. The issues raised in the Protest by Protestant have been resolved and the attached draft permit, in all aspects, meets to the satisfaction of the parties and hereby is incorporated into this agreement by reference.

4. The parties agree to entry of the Final Order Incorporating Settlement Agreement and to issuance of the attached draft permit.

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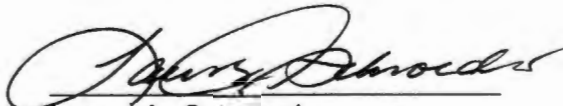
APR 23 1999

WATER RESOURCES DEPT.
SALEM, OREGON



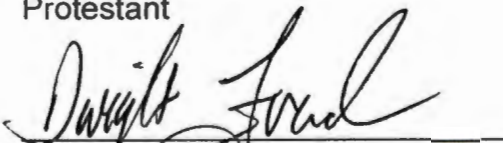
On Behalf of Confederated Tribes of the
Umatilla Indian Reservation,
Applicant

5/3/99
Date



Laura A. Schroeder,
Protestant

April 21, 1999
Date



Dwight French
Water Resources Department

May 10, 1999
Date

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

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WATER RESOURCES DEPT.
SALEM, OREGON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
PO BOX 638
PENDLETON, OREGON 97801 -0638

(541) 276-3099

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

APPLICATION FILE NUMBER: G-14395

SOURCE OF WATER: WELL 3 AND WELL 4 IN UMATILLA RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 8.0 CFS, BEING 4.0 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 9, SE 1/4 NE 1/4,
SECTION 11, T2N, R33E, W.M.; WELL 4- 275 FEET S AND 60 FEET W OF E1/4
CORNER SEC 9; WELL 3- 142 FEET N & 990 FEET W FROM E1/4 CORNER SEC 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4
SECTION 3

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 4

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 9

SW 1/4 NE 1/4
SE 1/4 NE 1/4
NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 10

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 11

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SECTION 14

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 15

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

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**WATER RESOURCES DEPT.
SALEM, OREGON**

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**WATER RESOURCES DEPT.
SALEM, OREGON**

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

MAY 07 1999

APR 23 1999

WATER RESOURCES DEPT.
SALEM, OREGONWATER RESOURCES DEPT. Page 3
SALEM, OREGON

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

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

If substantial interference with a senior water right, including exempt uses as described in ORS 537.545, 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.

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 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.

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.

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Page 4

WATER RESOURCES DEPT.
SALEM, OREGON

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 by March , 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

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WATER RESOURCES DEPT.
SALEM, OREGON

Issued _____, 199_
DRAFT

Martha O. Pagel, Director
Water Resources Department

Application G-14395
Basin 7

Water Resources Department
Volume 3 UMATILLA R
MGMT.CODE 7BG, 7BR, 7AG, 7AR

PERMIT DRAFT
District 5

Mailing List for Protested Application Copies

Application APPNUM G-14395

FO Date FODATE

Original mailed to:

Applicant:

Send copies
to everyone
Listed below

Copies sent to:

1. WRD - File # APPNUM
2. WRD - Water Availability: Ken Stahr

Copies Mailed	
By: <u>JF</u>	(SUPPORT STAFF)
on: <u>5-21-09</u>	(DATE)

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 5
4. WRD - Regional Manager (not Bob Main): Mike Ladd
5. ODFW District Biologist:

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

6. *Dan Hester, Fredericks, Pelayo, Hester and White
Christopher Plaza
7. 1075 South Boulder Rd, Suite 305
Louisville, Colorado 80027

9. *Laura A. Schroeder
3355 N.E. Davis
10. Portland, OR 97232

*J.D Williams
Office of In House
Counsel
Confed Tribes of Umatilla
Indian Reser.
P.O. Box 638
Prudleton OR 97801

12. *Bob Patterson
Public Works Director
13. Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638 Prudleton, OR 97801

~~"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies~~

1. *Oregon Water Resources Congress, 1201 Court St NE, Suite 303
Salem OR 97301-4188
2. City of Prudleton P.O. Box 190
3. Prudleton OR 97801

CASEWORKER: A.S

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STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
PO BOX 638
PENDLETON, OREGON 97801 -0638

(541)276-3099

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

APPLICATION FILE NUMBER: G-14395

SOURCE OF WATER: WELL 3 AND WELL 4 IN UMATILLA RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 8.0 CUBIC FEET PER SECOND (CFS), BEING 4.0 CUBIC FEET PER SECOND FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 9, SE 1/4 NE 1/4, SECTION 11, T2N, R33E, W.M.; WELL 4- 275 FEET S AND 60 FEET W OF E1/4 CORNER SEC 9; WELL 3- 142 FEET N & 990 FEET W FROM E1/4 CORNER SEC 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4
SECTION 3

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 4

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4

NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 9

SW 1/4 NE 1/4
SE 1/4 NE 1/4
NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 10

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 11

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SECTION 14

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 15

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

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.

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

If substantial interference with a senior water right, including exempt uses as described in ORS 537.545, 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.

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 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.

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.

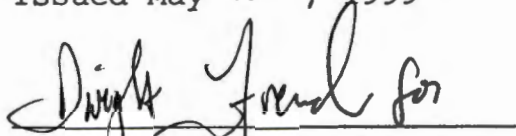
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction of the well shall begin by May 10, 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 13th, 1999


Martha O. Pagel, Director
Water Resources Department

Application G-14395
Basin 7

Water Resources Department
Volume 3 UMATILLA R
MGMT.CODE 7BG, 7BR, 7AG, 7AR

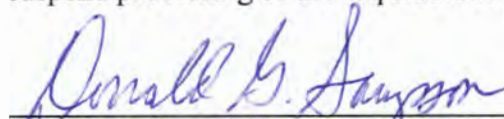
PERMIT G-13655
District 5

**Extension of Time Report to Oregon Water Resources Department
Permit #G-13655**

As per the May 24, 2006, Intergovernmental Agreement (IGA) approved by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and State of Oregon, the CTUIR submits this report to the Oregon Water Resources Department (OWRD) in fulfillment of the requirements of the IGA for the extension of time request for permit #G-13655 (application file number G-14395). OWRD may send written correspondence regarding this report to the CTUIR at the following address:

ATTN:
Donald Sampson, Executive Director
Confederated Tribes of the Umatilla Indian Reservation
P. O. Box 638
Pendleton, OR 97801

I am the authorized representative of the holder of permit #G-13655, and hereby submit this report to the Oregon Water Resources Department on behalf of the CTUIR in fulfillment of the "extension of time" request as described in the IGA. I certify that the information provided in this report is accurate and true to the best of my knowledge. I understand that false or misleading statements in this report are grounds for the Oregon Water Resources Department (OWRD) to suspend processing of the request and/or reason to deny the extension.



Donald G. Sampson, Executive Director
CTUIR

11-8-06

Date

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NOV 15 2006
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SALEM, OREGON

Proposed Extension of Time to Perfect Permit #G-13655

According to the Oregon Water Resources Department, October 1, 2003, was the expiration date for CTUIR to accomplish beneficial use of water to the full extent under the terms of permit #G-13655. The sources of water allowed under the permit are CTUIR Municipal Wells #3 and #4. CTUIR, the holder of permit #G-13655, requests that the permit, which is for municipal purposes, be extended to October 1, 2026.

Description of CTUIR Municipal Wells #3 and #4

Well #3 (UMAT 5930) is located in the SE ¼ NE ¼ of Sec. 11 in T21N, R33E WM, 142 feet N and 990 feet W from the E ¼ corner of Sec. 11. Schneider Drilling Company, using tribally licensed well drillers, constructed the well, starting in December 1992 and completing the well in October 1993. When Well #3 was originally constructed, it was located approximately 1400 feet (0.26 mile) from the Umatilla River. Flood flows in the Umatilla River in the late 1990's damaged, and then eventually destroyed, a levee east of Well #3. The levee was not repaired and

the river changed course. Well #3 is currently located approximately 770 feet (0.15 mile) south of the Umatilla River.

Schneider Drilling Company acquired a State of Oregon start card, no. 46226, prior to drilling Well #3. Schneider Drilling Company submitted a CTUIR well log to CTUIR Water Resources Program upon completion of the well and a separate State of Oregon Water Well Report to OWRD. On the Water Well Report, the well constructors (licensed by the State of Oregon) certified that they constructed the well in compliance with Oregon well construction standards. The Water Well Report for Well #3 is on file with the OWRD.

Under the requirements of Tribal Water System Development Permit #WP-139 (approved by the Tribal Water Commission and issued by the Director of the Tribal Department of Natural Resources on July 23, 1992), Schneider Drilling Company cased and sealed the well to a depth of 424 feet below ground surface (400+ feet into the basalt formation). The purpose of this deep-casing requirement was to minimize or prevent interference with nearby wells, which generally draw water from depths less than 400 feet into the basalt aquifer. The well is cased and sealed into a deep, confined basalt aquifer which has no hydraulic connection to the Umatilla River. Schneider Drilling's well log shows the alluvial gravels contacting the upper surface of the basalt formation at a depth of 22 feet below ground surface.

Well #4 (UMAT 5929) is located in the NE ¼ SE ¼ of Sec. 9 in T2N, R33E WM, 275 feet S and 60 feet W from the E ¼ corner of Sec. 9. Schneider Drilling Company, using Tribally licensed well drillers, constructed the well, starting in November 1992 and completing the well in October 1993. Well #4 is located approximately 2710 feet (0.51 mile) south of the Umatilla River.

Schneider Drilling Company acquired a State of Oregon start card, no. 46225, prior to drilling Well #4. Schneider Drilling Company submitted a CTUIR well log to CTUIR Water Resources Program upon completion of the well and a separate State of Oregon Water Well Report to OWRD. On the Water Well Report, the well constructors (licensed by the State of Oregon) certified that they constructed the well in compliance with Oregon well construction standards. The Water Well Report for Well #4 is on file with the Oregon Water Resources Department.

Under the requirements of the Tribal Water System Development Permit #WP-140 (approved by the Tribal Water Commission and issued by the Director of the Tribal Department of Natural Resources on July 23, 1992), Schneider Drilling Company cased and sealed the well to a depth of 450 feet below ground surface (430+ feet into the basalt formation). The purpose of this deep-casing requirement was to minimize or prevent interference with other nearby wells, which draw water from depths less than 400 feet into the basalt aquifer. The well is cased and sealed into a deep, confined basalt aquifer which has no hydraulic connection to the Umatilla River. Schneider Drilling's well log shows the alluvial gravels contacting the upper surface of the basalt formation at a depth of 11 feet below ground surface.

Land Ownership

The CTUIR is the owner of Wells #3 and #4 and the lands on which these wells are located. These lands are currently in the process of being converted from fee to trust status. On May 8,

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2006, the CTUIR submitted applications to the Bureau of Indian Affairs (BIA) for fee-to-trust conversion for each property. The BIA anticipates completing the fee-to-trust conversions by November 2006.

Use of Wells #3 and #4

CTUIR's Public Works Department (Public Works) began utilizing water from the Wells #3 and #4 in the fall of 1996. Wells #3 and #4 provide part of the water supply to the CTUIR's municipal water system. The water system provides water for residential use, Tribal government offices, BIA facilities, the Yellowhawk Tribal Health Center, Tamastlikt Cultural Institute, and Tribal commercial and industrial development (including Wildhorse Resort and Casino), all of which are located in the Mission area.

Currently, the Tribal Municipal Water System serves approximately 1019 residential users. The Mission Census Designated Place (CDP) is generally congruent with the Tribal Municipal Water System service area. In 2000, the Mission CDP was home to 1019 people (source: U.S. Census).

In 1996, Public Works proposed the following modifications to their permits (WP-139 and WP-140): increase pumping rate to 900 gallons per minute (gpm) for each well, increase total annual use to 200 acre feet per well and enlarge the water service area. The Tribal Water Commission approved the modifications, and use of the wells is currently regulated by Tribal Water Use Permits #WP-235 (Well #4) and #WP-236 (Well #3), which were issued on November 19, 2001. Each well is limited to a 900 gpm maximum pumping rate and total annual use of 200 acre feet.

Current water demands for the entire Tribal Municipal Water System are approximately 1,890 gpm peak daily demand and 2580 gpm peak hourly demand. Wells #3 and #4 provide about 50 percent of the current total annual demand of the system.

Since the wells were constructed in 1993, Public Works has expanded its water service area and upgraded the Tribal Municipal System to accommodate expanding demands. The following is a listing of the various extensions and upgrades to the system.

- 1995 - Extension of service to Mission Creek (residential) subdivision
- 1995 - Extension of service to Tamastlikt Cultural Institute
- 1995 - Construction of booster pump station and two reservoirs
- 1996 - Extension of service to Lucky 7 Trailer Park
- 1997 - Extension of service to Wildhorse golf course
- 1998 - Extension of service to baseball field
- 2001 - Relocated water lines to Wildhorse Casino
- 2002 - Extension of service to Wetlands Community Park
- 2003 - Extension of service to tribal subdivision (water not used at subdivision, to date)

Since 1994, CTUIR has expended an estimated \$4.04 million to extend the Tribal Municipal Water System to its current service area.



Monitoring Water Use

Monitoring and reporting the impact of water use on water levels within the aquifer is codified in tribal water law. The Tribal Water Code requires that all non-domestic water permits that divert more than 25 gallons per minute shall contain a condition requiring the installation and maintenance of a flow and totalizing metering system. Under the Tribal Water Code, the Tribal Water Commission and the Director of the Department of Natural Resources (Director) may require the owner or operator of any facility, or the permittee to any activity for which a permit has been issued, to establish and maintain records, make reports, install and use monitoring equipment and conduct sampling. In addition, all permits issued under the Code must be conditioned to conform to all the applicable standards for the beneficial use of water. The TWC and the Director shall impose any other special conditions necessary to fulfill the purposes of the Code and Tribal Water Policy.

When the Tribal Water Commission approved Permit #WP-235 (Well #4) and Permit #WP-236 (Well #3), the Commission required that "a flow and totalizing meter shall be maintained on the well and the Tribal Public Works Department shall provide monthly reports to the Tribal Water Resources Program that reflect the amount of water pumped from the well, and the static water or pumping level in the well."

Tribal Public Works fitted each well (#3 and #4) with a Water Specialties flow meter; the meters are housed in a well house erected a few yards from each well. The date of installation of these meters is not known, but the first recorded reading of the meter on Well #3 was November 25, 1996, and the first recorded reading of the meter on Well #4 was on December 3, 1996. The meters are inspected and read several times each week by employees of Public Works, and the reading is recorded on a daily log sheet. The information entered on the daily log sheet from each well includes volume pumped and the water level in the well (pumping or static, whichever is applicable). The recorded data are totaled monthly and entered on a water use report that is compiled by Public Works and submitted to the Tribal Water Resources Program, which records and monitors water use by the Tribal Municipal Water System for compliance with permits #WP-235 and #WP-236.

Flow-meter records obtained by Tribal Public Works during 2004 provide data on the maximum instantaneous pumping/discharge rates for Wells #3 and #4. During a continuous 29.4-hour pumping/discharge period on July 27 and 28, 2004, Well #3 produced 1,373,000 gallons of water. The average pumping/discharge rate during this period of continuous pumping/discharge of Well #3 was 778.3 gpm (1.73 cfs). During a continuous 25.4-hour pumping/discharge period on April 7 and 8, 2004, records show that Well #4 produced 958,000 gallons of water. The average pumping/discharge rate during this period of continuous pumping/discharge of Well #4 was 628.6 gpm (1.40 cfs). These rates, 778.3 gpm for Well #3 and 628.6 gpm for Well #4, represent the maximum instantaneous pumping/discharge rates for each well.

Tribal Water Policy states that, "Groundwater supplies are vitally important to the health and welfare of the citizens of the Reservation and to the progressive development of the



Reservation economy. Development of water resources shall be controlled and regulated to prevent the depletion of aquifers and overdraft of groundwater." Further, the "Development of water resources shall be controlled and regulated to reduce or prevent well interference and competition for water among users."

To address these policies, the Tribal Water Commission imposed the following conditions on Permits #WP-235 and #WP-236: "Periodic review of this permit shall occur at least once every ten (10) years to determine compliance of the water use with the conditions of the permit, the provisions of the Water Code, amendments, and with rules and regulations adopted hereunder, and Tribal government reserves the right for future actions, considerations, and modifications, such as reducing the pumping rate, total annual withdrawal, etc., if water level declines occur in the basalt aquifer in the vicinity of any of the Tribal Municipal wells."

As set forth in §II.B.7 of the Intergovernmental Agreement between the CTUIR and the State of Oregon dated May 24, 2006 (IGA), there shall be no "on-the-ground presence" of OWRD at Wells #3 and #4 during the permit extension and amendment process. As set forth in §II.B.4 of the IGA, the watermaster shall minimize its involvement with CTUIR use and regulation of Wells #3 and #4. As a sovereign government, the CTUIR believes it is not obligated to provide the OWRD access to any tribal well for any purpose at any time. CTUIR, however, is interested in negotiating with the State to resolve the issue of sharing information on groundwater resources, as well as other joint CTUIR-State groundwater management issues, per §II.C.4 of the IGA. It is not the goal or intent of the CTUIR to interfere with other water-rights holders in the Umatilla Basin. However, CTUIR believes it has the most senior groundwater and surface water rights (1855 and "time immemorial") in the Umatilla River Basin, based on its unquantified Winters reserved water rights. CTUIR has successfully worked with the State of Oregon and all the stakeholders in the Umatilla Basin to restore its fishery resources to the Umatilla River and tributaries and will continue to work with the State and other stakeholders to ensure water supplies are available to meet tribal water needs, while preventing or minimizing any impact to other water users in the basin.

Water Levels for Wells #3 and #4

Wells #3 and #4 are flowing artesian wells with pressure heads exceeding 40 psi and 65 psi, respectively, at static spring-time conditions. Although these psi readings are distinctly different, water levels in both wells track similar pressure-head elevations at about 1380 feet above mean sea level. When well construction was completed in 1993, the static pressure head for Well #3 was 46 psi, and Well #4 was 74 psi. Since 1996, when the wells were put into service, the artesian pressure has been recorded sporadically, but often three or more times each week by personnel in Public Works. The pressure readings are taken at a control panel for the gages located at the wellheads. For Well #3, Public Works is unable to locate the records of the pressure readings taken between January 2003 and April 2004. However, because the water levels in the wells track closely, the spring-time pressure-head elevation in Well #3 is similar to Well #4. Between 1996 and 2002, pressure head in Well #4 declined at a rate of about 2.5 feet per year. Between 2002 and March 2006, the annual spring pressure head in Well #4 has been steady, with little or no change; the same condition is true for Well #3 during the past three

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springs (2004, 2005, and 2006). In March 2006, pressure readings were 40 psi and 66 psi for Wells #3 and #4, respectively.

Circumstances and Events that Delayed Perfection of the Water Right

The Tribal Municipal Water System has been built in phases over time as the Mission community has grown and as funding to expand the system has become available. Perfection of the state water right for wells located on trust land on the Umatilla Indian Reservation is a complex legal issue that involves questions about whether tribes have any obligation under federal law to apply for and receive State groundwater permits. These questions remain unresolved, but the CTUIR has recently negotiated and executed an IGA on how these issues will be addressed for Wells #3 and #4.

Compliance with Land-use Goals and Land-use Plan

The Tribal Municipal Water System provides water to trust lands within the Umatilla Indian Reservation and, as such, these trust lands are not subject to Oregon land use goals. See, Bryan v. Itasca County, 426 US 373 (1976). These Reservation trust lands and their associated land uses fully comply with the CTUIR's Comprehensive Plan and Land Development Code.

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Future Water Needs Projections for the Tribal Municipal Water System

Public Works anticipates that the number of hook-ons to the water system will continue to grow as the population in the Mission area increases and the CTUIR attracts businesses to the new Coyote Business Park. The rate of growth is uncertain; therefore, the completion of the Tribal Municipal Water System to serve this growth and the timing of perfection of the water right are difficult to predict. However, it is anticipated that substantial completion of water development for the tribal community should occur within the 20- to 25-year period, between 2023 and 2028.

Five wells provide all of the water supply to the Tribal Municipal Water System. Two of these wells (#3 and #4) are the only wells with a State permit. In 2006, Anderson-Perry & Associates of La Grande, Oregon, developed an estimated demand projection for the Tribal Municipal Water System for the year 2026. Their methodology is as follows. In order to estimate demand projection for these two permitted wells, past water use characteristics are converted to a per capita (per person) rate of use. This is done by dividing the average day, peak day, and peak hourly water use rates by the number of people being served by the water system. These water demand rates can then be expressed as gallons per capita day (gpcd). A per capita usage is calculated and used for residential flow projections. Future flow projections for major commercial facilities are based on projected facility expansions as per the CTUIR Comprehensive Plan, Mission Community Plan and Overall Economic Development Plan.

The 23-year (year 2026) projected total water demand for the Tribal Municipal System is approximately 1,403,700 gallons per day on average, with an average daily flow of 975 gpm. Based on a population estimate of 1360 residents in 2026, the peak daily demand is estimated to be 5,416,750 gallons per day with a peak flow demand of 4105 gpm and a peak hourly demand of 4950 gpm. The recommended "supply flow", which is based on pumping 18 hours per day and considering the estimated population growth and future commercial facility expansion, is

5475 gpm. Wells #3 and #4 would represent about 50% of the total water discharged into the Tribal Municipal System, which would provide an average of 701,850 gallons per day with an average daily flow of 488 gpm and a peak flow of 2052 gpm or 4.57 cfs (1026 gpm or \approx 2.28 cfs per well) and a peak hourly demand of 2475 gpm (1237 gpm or \approx 2.75 cfs per well). This projected peak demand for Wells #3 and #4 accounts for 69% of the permitted pumping under permit #G-13655.

The prediction of the time of completion of water development is difficult in small municipal water supply systems, and a 23-year planning projection is speculative at best. However, it is anticipated that substantial completion of water development under Permit #G-13655 for the tribal community should occur within the 20- to 25-year period, between 2023 to 2028. To achieve the projected increases in pumping rate from Wells #3 and #4, Public Works would need to apply to the Tribal Water Commission and obtain a modification of their current permits, which limit pumping to 2 cfs per well and total annual use to 200 acre feet per well.

Future Development of the Tribal Municipal Water System

Several projects that will require water from the water system are imminent or under plan development:

- 2006 - Construction of water extension to "Coyote North" commercial area
 - 2006 - Construction of water extension to CTUIR's Public Safety Facility
 - 2007 - Construction of water extension to "Coyote Business Park" Light Industrial Area
 - 2008 - Construction of water extension to residential development
 - 2010 - Construction of water extension to Tribal Government Building
 - 2012 - Construction of water extension to tribal school and wellness center
 - 2015 - Construction of water extension to community sports fields
 - 2020 - Construction of water extension to residential development
 - 2025 - Construction of water extension to residential development
- \$4,400,000 total estimate

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The proposed schedule (above) assumes that construction of facilities needed to apply water to its full beneficial use will occur in phases as demand increases and as funding becomes available and may extend out 20 to 25 years (until at least 2026). Thus, the perfection of water right may take 20 or more years to complete. The projects and facilities proposed for 2006-2007 are in the process of being designed and scheduled now. Projects proposed for 2008 and beyond are envisioned as part of the implementation of the CTUIR Mission Community Plan (1998). An estimated expenditure of \$4.4 million would be necessary to expand and improve the water system to extend water service to the new facilities anticipated in the next 20 years.

Water Conservation Planning

CTUIR's water policy requires permittees to utilize the minimum amount of water to accomplish the purposes of the permit. When the Tribal Water Commission authorized the permits for Wells #3 and #4, it limited pumping to a maximum of 900 gallons per minute (\sim 2 cfs) and 200 acre feet per year from each well. These Tribal Water Commission-authorized pumping rates are considerably less than the water withdrawals permitted under Permit #G-13655. These strict

limitations represent a built-in conservation standard, but if the Tribal Water Commission finds that additional conservation measures are required, it will require Tribal Public Works to develop a conservation plan for the wells and water system. No such additional conservation planning has been determined necessary to date. Further, the CTUIR and OWRD may jointly choose to address the need for a Water Conservation and Management Plan for Wells #3 and #4 during the discussions on, and development of, an interim agreement on groundwater management, as provided in §II.C.4 of the IGA.

Monitoring Plan and Annual Reporting

Sharing the CTUIR's data with OWRD on water levels, pumping rates, annual water use from Wells #3 and #4 should be a part of the development of the prospective interim agreement on groundwater management, as provided in §II.C.4 of the IGA. As previously stated, it is the position of the CTUIR that, because of its sovereignty and Winters reserved water rights, the CTUIR is not obligated to share this information with the State of Oregon. CTUIR is willing, however, to attempt to negotiate data sharing as part of the interim groundwater management agreement with OWRD. An interim agreement could be a significant step toward ensuring sustainable use and management of groundwater resources in the upper Umatilla River Basin and ensuring that CTUIR's inherent sovereignty, water resources management authority and water rights are protected as intended by CTUIR's 1855 treaty with the United States Government.

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CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code 541 Phone 276-3165 FAX 276-3095

November 8, 2006

Phil Ward, Director
Oregon Water Resources Department
725 Summer St NE, Ste A
Salem, Oregon 97301

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SALEM, OREGON

Dear Director Ward:

Enclosed with this letter are the report and Tribal permit amendments from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) that fulfill the requirements agreed to under the **Inter-Governmental Agreement (IGA)** executed between the **CTUIR and the State of Oregon**, dated May 24, 2006. The purpose of the enclosed submittals is to provide sufficient information from CTUIR records and the CTUIR water permit modification process to allow the Oregon Water Resources Department (OWRD) to proceed with processing the permit amendment and application for Extension of Time for the State of Oregon water right permit G-13655.

Contained in this submittal are two packets. One enclosure includes copies of Tribal Water Use Permits WP- 235M and WP-236M, as modified under the CTUIR permit modification process to expand the water service boundary for CTUIR Municipal Wells #3 and #4. The appropriation of water on the Umatilla Indian Reservation is construed as a use of Tribal water, and the use is authorized and allocated under the CTUIR permitting system. The rate and quantity are regulated on each point of diversion, separately, and as such a Tribal permit modification was required on each of the two wells. Therefore, there is a permit for each of the two wells (Wells #3 and #4) that are related to the Oregon water rights permit G-13655. Because there is no increase in the pumping rate or in the annual quantity of water authorized under the permit for either well, the amended permits only define the new boundaries of the service area where the water may be applied. A full description of the new boundaries is contained in an attachment to the amended permits.

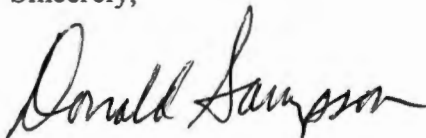
The second packet contains a report that addresses the issue of the Extension of Time request, which is required for the State of Oregon permit G-13655. The tribal permitting process does not contain any provision for a priority date, thus there is no process within the Tribal system for this type of a request. As agreed in the IGA, the CTUIR developed

a report to supply sufficient information to allow for the development of and approval of an extension of time for permit G-13655.

The information contained in the enclosures should be sufficient for the Oregon Water Resources Department to proceed forward with the process of amending Oregon permit G-13655 as agreed to and to satisfy the provisions of the IGA.

The CTUIR thanks you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Donald Sampson".

Donald Sampson, Executive Director
Confederated Tribes of the Umatilla Indian Reservation

cc: Mike Ladd, OWRD
Eric Quaempts, CTUIR

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

PERMIT TO UTILIZE TRIBAL WATERS

Permit Number: WP-236M

THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION HEREBY CERTIFY that this WATER USE PERMIT is awarded under the provisions of the CTUIR Interim Water Code to:

CTUIR PUBLIC WORKS DEPARTMENT

Name of Permittee

P.O. Box 638, Pendleton, OR. 97801

Mailing Address

By exercising this permit to utilize Tribal Waters, the permittee, or holder of this permit, agrees to allow Tribal representatives to enter upon permittee's land and appurtenances for the purposes of administration and enforcement of this permit.

The holder of this permit is hereby authorized to divert up to 900 gallons per minute from the Basalt Aquifer for Municipal Use

Rate of Diversion

Basalt Aquifer

Water Source

Municipal Use

Beneficial Use

purposes from January 1 through December 31 annually.

Season of Use

Total Annual Use shall not exceed Two Hundred (200)

Acre Feet Per Year

The Diversion is: a drilled well #582 (Municipal Well 4) located: T2N/R33E-09dda03 - in the NE 1/4 of the SE 1/4 of the SE 1/4 of Section 09, T 2 N, R 33 E, Willamette Meridian

The Water Management Region where the point of diversion is located: Mission Basin

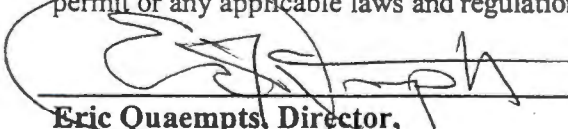
The Water Management Region where the place of use is located: Mission Basin

Water appropriated under this permit is limited to the following Place of Use: Mission Community Water System Service Boundary (see attached description (pg 3) and map (pg 4))

Water use is restricted by the following special conditions: See attached - "Conditions - WP-236"(pg 2)

This permit is issued on August 15, 2006 for a period of Twenty-four (24) Years, and will expire on November 19, 2031.

This permit may be revoked anytime there is a violation of the faithful observance of the terms and conditions of this permit or any applicable laws and regulations of the Confederated Tribes of the Umatilla Indian Reservation.


Eric Quaempts, Director,
Department of Natural Resources

8.9.06
Date of Validation

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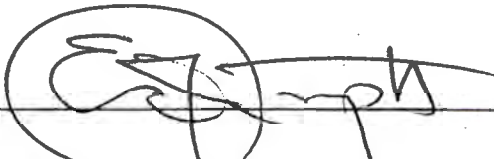
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CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

PERMIT TO UTILIZE TRIBAL WATERS

CONDITIONS - WP - 236M

1. The place-of-use shall be the 2006 Mission Community Water System Service Boundary and amendments thereto.
2. The maximum pumping rate shall be 900 gallons per minute. The maximum withdrawal from this point of diversion shall be 200 acre feet in any calendar year.
3. A flow and totalizing meter shall be maintained on the well and the Tribal Public Works Department shall provide monthly reports to the Tribal Water Resources Program that reflect the amount of water pumped from the well, and the static water or pumping level in the well.
4. All water uses and diversions attached to the Tribal Municipal Water System shall adhere to the Standards for Beneficial Use as adopted by the Tribal Water Committee.
5. Periodic review of this permit shall occur at least once every ten (10) years to determine compliance of the water use with the conditions of the permit, the provisions of the Water Code, amendments, and with rules and regulations adopted hereunder.
6. Tribal government reserves the right for future actions, considerations, and modifications, such as reducing the pumping rate, total annual withdrawal, etc., if water level declines occur in the basalt aquifer in the vicinity of any of the Tribal Municipal wells.



Eric Quaempts, Director,
Department of Natural Resources

8.9.06

Date of Validation

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C.T.U.I.R. Water Service Boundary 2006

The place of use is located as follows:

S/W ¼

Section 3

N/E ¼ S/W ¼

S/E ¼ S/W ¼

S/E ¼

Section 4

N/E ¼

N/E ¼ N/W ¼

S/E ¼ N/W ¼

N/E ¼ S/E ¼

N/W ¼ S/E ¼

Section 9

S/W ¼ N/E ¼

S/E ¼ N/E ¼

N/W ¼

N/E ¼ S/W ¼

N/W ¼ S/W ¼

S/E ¼ S/W ¼

S/E ¼

Section 10

S/E ¼ N/E ¼

S/W ¼ N/E ¼

S/E ¼ N/W ¼

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N/E ¼ S/E ¼

N/W ¼ S/E ¼

Section 11

N/W ¼ N/W ¼

S/W ¼ N/W ¼

N/W ¼ S/W ¼

Section 14

N/E ¼

N/E ¼ N/W ¼

S/E ¼ N/W ¼

S/W ¼

N/E ¼ S/E ¼

N/W ¼ S/E ¼

Section 15

SW ¼

Section 16

N/E ¼

N/E ¼ S/E ¼

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S/E ¼ S/E ¼

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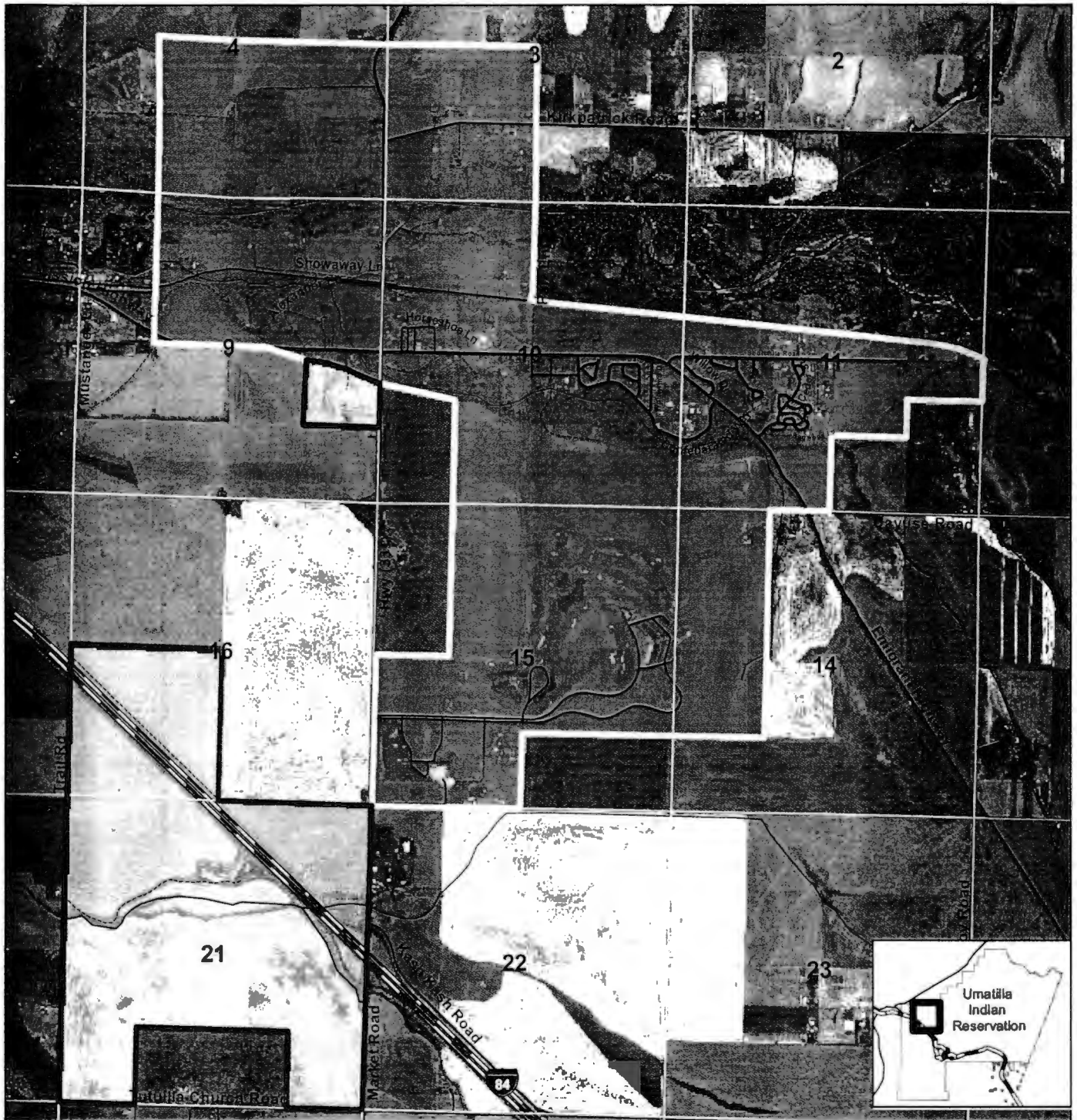
S/W ¼ S/W ¼

**Section 21,
Township 2 North,
Range 33 East, W.M.**





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Mission Area Water/Sewer System Service Area Umatilla Indian Reservation

-  Original Water-Sewer Service Boundary
-  Expanded Water-Sewer Service Boundary
-  Sections - T2N, R33E W.M.
-  Rivers and Streams

- Roads**
-  Interstate
 -  Primary Hard Surface
 -  Secondary Hard Surface

-  Light Duty Road
-  Unimproved Road
-  U.P.R.R.



1:30,000

0 0.25 0.5 Miles

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CONFEDERATED TRIBES

of the

Umatilla Indian Reservation

Department of Natural Resources

WATER RESOURCES PROGRAM

P.O. Box 638

73239 Confederated Way

Pendleton, Oregon 97801

Area code 541 Phone 966-2420 FAX 276-3317



Eric Quaempts, Director,
Department of Natural Resources

August 8, 2006

Re: Application for a Water System Development Permit
for a Modification to the existing Permits to Utilize Tribal Waters,
WP-235 and WP-236, for a change in the Place of Use.

Eric,

In 2003 the Board of Trustees approved a zone change request (03-031) that, among other changes, redefined the water service boundary for the Tribal Municipal Water System so that water service may be provided to the Coyote Business Park. WP-235-M and WP-236-M are requests for a change in the Place of Use for Tribal Municipal Wells #3 and #4 to redefine the water service boundary to conform to the area established by the Board in Resolution 03-031, Zone Change. This request will expand the Tribal Water Service Boundary approximately 750 acres from the current existing boundary. This request does not propose to increase the withdrawal rate or annual duty from municipal wells #3 and #4. This request is consistent with the standards of the Tribal Water Code and with the criteria for the Director's review/action as described in the CTUIR Water Code:

SECTION 2.06 MODIFICATION OF WATER RIGHT, WATER SYSTEM DEVELOPMENT OR WATER USE PERMITS.

Part C. Modification of Water Permits by the Director:

The Director of the Department of Natural Resources may modify existing Water Permits or prior permits either temporarily or permanently provided that:

1. There is no change in the beneficial use of water;
2. There is no increase in the allocation (rate and/or duty) of water;
3. The proposed modification is consistent with the remaining condition(s), except for the Point of Diversion and Place of Use as specified in items five (5) and six (6) below, of the original permit;
4. The proposed modification is consistent with the provisions of this Code;
5. There is no evidence of an adverse impact on surrounding water users in the modification of the Point of Diversion (POD) provided that the applicant or permittee provides proof of authorization to use water and of access to the Point of Diversion;

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6. If the modification is a change in the Place of Use provided that the applicant or permittee provides proof of authorization to use water and of access to the Place of Use and, if the beneficial use is irrigation, that there shall be no increase in the irrigated acres as authorized in the original permit.

It is the findings of the Tribal Water Resources Program that the requested modification to permits WP-235 and WP-236:

1. Does not change the beneficial use of water
2. Does not increase the allocation of water (no increase in the pumping rate or the allowable quantity of water).
3. The proposed modification is consistent with the remaining conditions on the original permits WP-235 and WP-236
4. The proposed modification is consistent with the provisions of the Tribal Water Code.
5. There is no change to the POD and therefore criteria #5 is not applicable.
6. The proposed expanded water service area is in the ownership the Confederated Tribes and is part of the future development of Tribal Lands. The zoning has been changed from Agricultural to Industrial Development and agricultural irrigation is not an aspect of that development.

In conclusion, the Tribal Water Program finds that the proposed request for modification of Tribal Water Permits WP-235 and WP-236 meets the criteria of the Tribal Water Code and the Administrative Rules and Standards to the Tribal Water Code and as such, applications WP-235-M and WP-236-M are recommended for Approval.



Ronald D Lee
Water Code Administrator
Department of Natural Resources /
Water Resources Program

Aug 8, 2006
Date

RECEIVED

NOV 1 2006

**WATER RESOURCES DEPT
SALEM, OREGON**

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

PERMIT TO UTILIZE TRIBAL WATERS

Permit Number: WP-235M

THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION HEREBY CERTIFY that this WATER USE PERMIT is awarded under the provisions of the CTUIR Interim Water Code to:

CTUIR PUBLIC WORKS DEPARTMENT

Name of Permittee

P.O. Box 638, Pendleton, OR. 97801

Mailing Address

By exercising this permit to utilize Tribal Waters, the permittee, or holder of this permit, agrees to allow Tribal representatives to enter upon permittee's land and appurtenances for the purposes of administration and enforcement of this permit.

The holder of this permit is hereby authorized to divert up to 900 gallons per minute from the

Rate of Diversion

Basalt Aquifer

for

Municipal Use

Water Source

Beneficial Use

purposes from January 1 through December 31 annually.

Season of Use

Total Annual Use shall not exceed Two Hundred (200)

Acres Feet Per Year

The Diversion is: a drilled well #789 (Municipal Well 3) located: T2N/R33E-11adc04 - in the
SW 1/4 of the SE 1/4 of the NE 1/4 of Section 11, T 2 N, R 33 E, Willamette Meridian

The Water Management Region where the point of diversion is located: Mission Basin

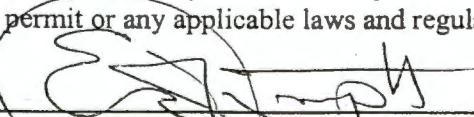
The Water Management Region where the place of use is located: Mission Basin

Water appropriated under this permit is limited to the following Place of Use: Mission Community Water
System service boundary. (see attached description (pg 3) and map(pg 4)

Water use is restricted by the following special conditions: See attached - "Conditions - WP-235"

This permit is issued on August 15, 2006 for a period of Twenty-four (24) Years, and will expire on November 15, 2031.

This permit may be revoked anytime there is a violation of the faithful observance of the terms and conditions of this permit or any applicable laws and regulations of the Confederated Tribes of the Umatilla Indian Reservation.


Eric Quaempts, Director,
Department of Natural Resources

8.9.06
Date of Validation

RECEIVED

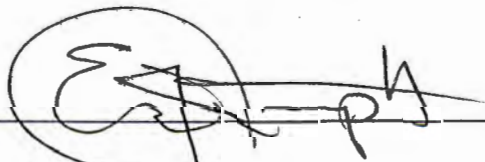
NOV 1 2006
WATER RESOURCES DEPT
SALEM, OREGON

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

PERMIT TO UTILIZE TRIBAL WATERS

CONDITIONS - WP - 235M

1. The place-of-use shall be the 2006 Mission Community Water System Service Boundary and amendments thereto.
2. The maximum pumping rate shall be 900 gallons per minute. The maximum withdrawal from this point of diversion shall be 200 acre feet in any calendar year.
3. A flow and totalizing meter shall be maintained on the well and the Tribal Public Works Department shall provide monthly reports to the Tribal Water Resources Program that reflect the amount of water pumped from the well, and the static water or pumping level in the well.
4. All water uses and diversions attached to the Tribal Municipal Water System shall adhere to the Standards for Beneficial Use as adopted by the Tribal Water Committee.
5. Periodic review of this permit shall occur at least once every ten (10) years to determine compliance of the water use with the conditions of the permit, the provisions of the Water Code, amendments, and with rules and regulations adopted hereunder.
6. Tribal government reserves the right for future actions, considerations, and modifications, such as reducing the pumping rate, total annual withdrawal, etc., if water level declines occur in the basalt aquifer in the vicinity of any of the Tribal Municipal wells.



Eric Quaempts, Director,
Department of Natural Resources

8.9.06

Date of Validation

RECEIVED
NOV 1 2006
WATER RESOURCES DEPT
SALEM, OREGON

C.T.U.I.R. Water Service Boundary 2006

The place of use is located as follows:

S/W ¼

Section 3

N/E ¼ S/W ¼

S/E ¼ S/W ¼

S/E ¼

Section 4

N/E ¼

N/E ¼ N/W ¼

S/E ¼ N/W ¼

N/E ¼ S/E ¼

N/W ¼ S/E ¼

Section 9

S/W ¼ N/E ¼

S/E ¼ N/E ¼

N/W ¼

N/E ¼ S/W ¼

N/W ¼ S/W ¼

S/E ¼ S/W ¼

S/E ¼

Section 10

S/E ¼ N/E ¼

S/W ¼ N/E ¼

S/E ¼ N/W ¼

S/W ¼ N/W ¼

S/W ¼

N/E ¼ S/E ¼

N/W ¼ S/E ¼

Section 11

N/W ¼ N/W ¼

S/W ¼ N/W ¼

N/W ¼ S/W ¼

Section 14

N/E ¼

N/E ¼ N/W ¼

S/E ¼ N/W ¼

S/W ¼

N/E ¼ S/E ¼

N/W ¼ S/E ¼

Section 15

SW ¼

Section 16

N/E ¼

N/E ¼ S/E ¼

N/W ¼ S/E ¼

S/E ¼ S/E ¼

N/W ¼

N/E ¼ S/W ¼

N/W ¼ S/W ¼

S/W ¼ S/W ¼

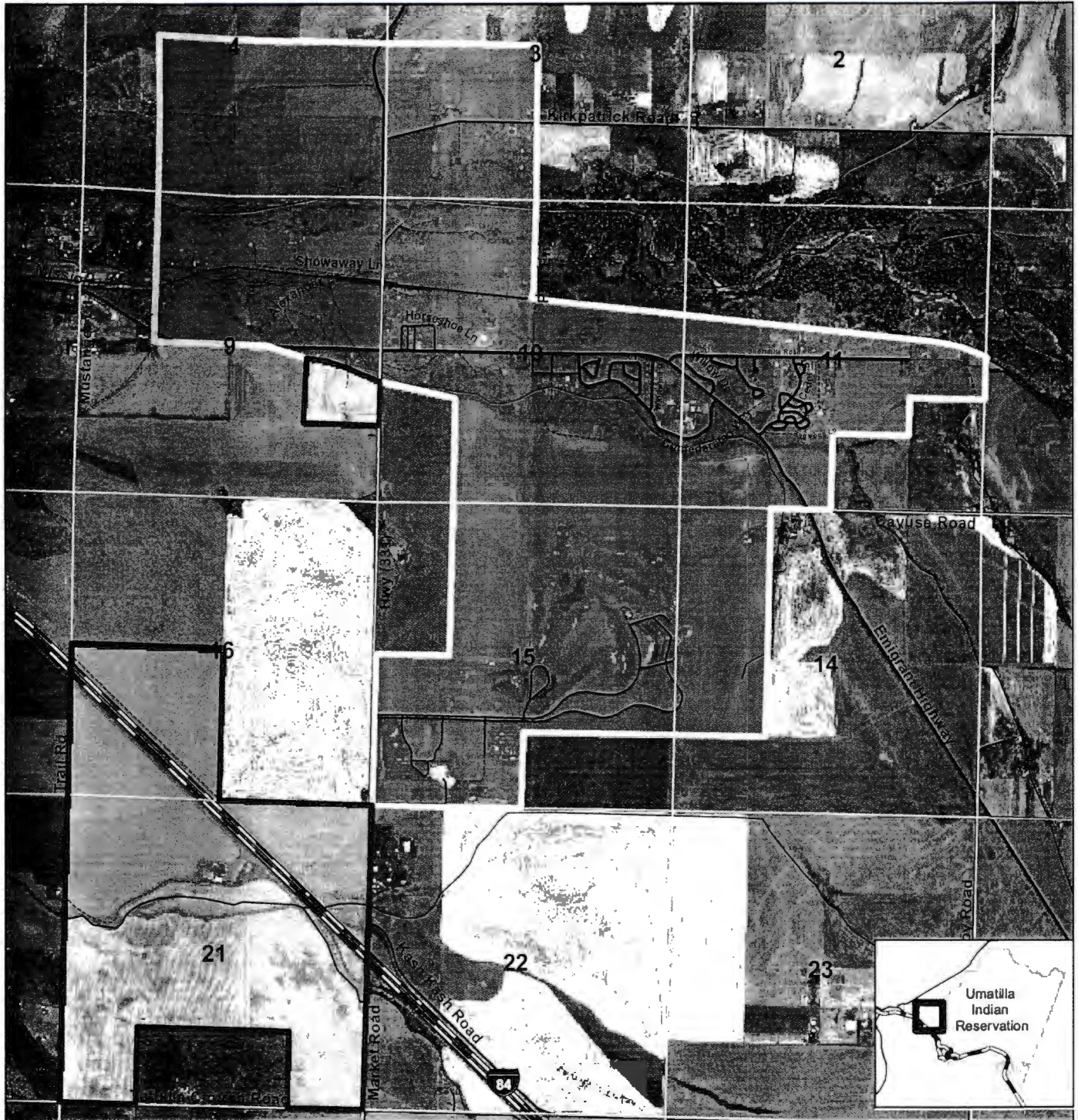
Section 21,

**Township 2 North,
Range 33 East, W.M.**

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NOV 15 2006

**WATER RESOURCES DEPT
SALEM, OREGON**



Mission Area Water/Sewer System Service Area Umatilla Indian Reservation

- Original Water-Sewer Service Boundary
- Expanded Water-Sewer Service Boundary
- Sections - T2N, R33E W.M.
- Rivers and Streams

- Roads**
- Interstate
 - Primary Hard Surface
 - Secondary Hard Surface

- Light Duty Road
- Unimproved Road
- U.P.R.R.



1:30,000





CONFEDERATED TRIBES
of the
Umatilla Indian Reservation
Department of Natural Resources
WATER RESOURCES PROGRAM

P.O. Box 638
73239 Confederated Way
Pendleton, Oregon 97801
Area code 541 Phone 966-2420 FAX 276-3317



Eric Quaempts, Director,
Department of Natural Resources

August 8, 2006

Re: Application for a Water System Development Permit
for a Modification to the existing Permits to Utilize Tribal Waters,
WP-235 and WP-236, for a change in the Place of Use.

Eric,

In 2003 the Board of Trustees approved a zone change request (03-031) that, among other changes, redefined the water service boundary for the Tribal Municipal Water System so that water service may be provided to the Coyote Business Park. WP-235-M and WP-236-M are requests for a change in the Place of Use for Tribal Municipal Wells #3 and #4 to redefine the water service boundary to conform to the area established by the Board in Resolution 03-031, Zone Change. This request will expand the Tribal Water Service Boundary approximately 750 acres from the current existing boundary. This request does not propose to increase the withdrawal rate or annual duty from municipal wells #3 and #4. This request is consistent with the standards of the Tribal Water Code and with the criteria for the Director's review/action as described in the CTUIR Water Code:

**SECTION 2.06 MODIFICATION OF WATER RIGHT, WATER SYSTEM DEVELOPMENT
OR WATER USE PERMITS.**

Part C. Modification of Water Permits by the Director:

The Director of the Department of Natural Resources may modify existing Water Permits or prior permits either temporarily or permanently provided that:

1. There is no change in the beneficial use of water;
2. There is no increase in the allocation (rate and/or duty) of water;
3. The proposed modification is consistent with the remaining condition(s), except for the Point of Diversion and Place of Use as specified in items five (5) and six (6) below, of the original permit;
4. The proposed modification is consistent with the provisions of this Code;
5. There is no evidence of an adverse impact on surrounding water users in the modification of the Point of Diversion (POD) provided that the applicant or permittee provides proof of authorization to use water and of access to the Point of Diversion.

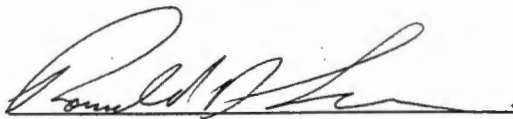
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WATER RESOURCES DEPT
SALEM, OREGON

6. If the modification is a change in the Place of Use provided that the applicant or permittee provides proof of authorization to use water and of access to the Place of Use and, if the beneficial use is irrigation, that there shall be no increase in the irrigated acres as authorized in the original permit.

It is the findings of the Tribal Water Resources Program that the requested modification to permits WP-235 and WP-236:

1. Does not change the beneficial use of water
2. Does not increase the allocation of water (no increase in the pumping rate or the allowable quantity of water).
3. The proposed modification is consistent with the remaining conditions on the original permits WP-235 and WP-236
4. The proposed modification is consistent with the provisions of the Tribal Water Code.
5. There is no change to the POD and therefore criteria #5 is not applicable.
6. The proposed expanded water service area is in the ownership the Confederated Tribes and is part of the future development of Tribal Lands. The zoning has been changed from Agricultural to Industrial Development and agricultural irrigation is not an aspect of that development.

In conclusion, the Tribal Water Program finds that the proposed request for modification of Tribal Water Permits WP-235 and WP-236 meets the criteria of the Tribal Water Code and the Administrative Rules and Standards to the Tribal Water Code and as such, applications WP-235-M and WP-236-M are recommended for Approval.



Ronald D Lee
Water Code Administrator
Department of Natural Resources /
Water Resources Program

Aug 8, 2006
Date

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SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

January 30, 2007

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE #G-14395 (PERMIT # G-13655)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Brook Geffen at (503) 986-0808. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".



Permit Extension Ground Water Review

Date: 11/23, 2006 2007
To: Doug Woodcock, Ground Water Section Manager
From: Brook Geffen, Permit Extension Review
Subject: Ground Water Review for File G- 14395 / Permit G- 13655
(Date permit issued: May 15, 1999)

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, a Ground Water review for this file is necessary. Special designations affecting this permit are as follows:

NOTE: Original Division 9 review completed by: Mike Zwart

- Located within a Ground Water Administrative Area (Critical, Limited, etc.)
- 5-Year Limited Permit
- Other:
- None (no special designations)

For Ground Water / Hydrology Staff Use: MJZ, 4/13/07

Please answer the following questions. If necessary, attach an additional sheet.

1. Does the ground water source under this permit have the potential for substantial interference with surface water? _____

[NOTE: Applies ONLY to Municipal permits issued before November 2, 1998 - see OAR 690-315-0080(1) & (2)]

2. Are there ground water supply concerns relevant to this extension of time that the Department should consider? No

[NOTE: Does NOT apply to Quasi- Municipal or Municipal permits issued before November 2, 1998 - see OAR 690-315-0080(5)]

3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? No

4. Should any additional conditions be added to this permit? No

5. Other issues or concerns? No water-level measurement/reporting plan has been submitted. However, permittee asserts no obligation to share such data. (see page 8 of the Extension of Time Report 10/18/06)

Jeana Eastman

From: Doug Parrow [Douglas.M.Parrow@state.or.us]
Sent: Monday, April 05, 2004 3:41 PM
To: Jeana Eastman
Subject: RE: app g-14395

Jeana,

We have not received a plan from CTUIR. I think that the position we have taken with respect to failure to comply with permit conditions is that:

1. We won't pursue cancellation of the permit,
2. We may require the permittee to obtain a permit extension to come into compliance,
3. We will not certificate the right unless all conditions are met, and
4. We don't really know if a third party could successfully force us to cancel the permit.

In any event, I don't think that non-compliance with the conditions of a permit constitutes a basis for not issuing a superceding permit to correct an error. However, in issuing the superceding permit, you may want to consider whether the dates for complying with any of the conditions that required action within a specified time after permit issuance are reset by the superceding permit or not (e.g., should the plan continue to be due by May 13, 2000, or will it now be due one year after issuance of the superceding permit). I don't really have a preference, except that it be clear.

Hope this helps,
Doug

-----Original Message-----

From: Jeana Eastman [mailto:Jeana.M.EASTMAN@wrd.state.or.us]
Sent: Monday, April 05, 2004 3:12 PM
To: Doug Parrow
Subject: app g-14395

-->

Hi Doug,

I'm in the process of issuing a superceding permit for app g-14395, permit g-13655 because of a scrivener's error in the place of use. The original permit, g-13655, states:

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

I was told to ask you if they have submitted such a plan and if not, what your opinion is on issuing a superceding permit. Is the lack of submittal of a plan something that would cause their permit to be cancelled?

Thanks for your help,

04/06/2004

Jan DeVito

From: Sandy Clark [Sandra.K.CLARK@ wrd.state.or.us]
Sent: Tuesday, February 10, 2004 3:29 PM
To: Janice.A.DEVITO@ wrd.state.or.us
Subject: Possible Water Right Correction: App G-14395, Permit G-13655

Hi Jan!

Permit G-13655 (App G-14395) lists use in the NENW and SENW of section 15 2N 33E. However, the map does not include these quarter-quarters.

This afternoon I will be down on your floor re-filing. Would you like me to drop this file by your desk or re-file it for you to pull when you are ready for it?

Thanks!
Sandy

Sandy Clark
Natural Resource Specialist I
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
(503) 986-0864

*original caseworker was Russ K.
protect order / permit done by Adam S.
Dwight - who should this question
be referred to?
Thanks -
JD*



Oregon

John A. Kitzhaber, M.D., Governor

April 26, 1999

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

MAY 07 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

J.D. Williams
Office of In-House Counsel
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801

RE: Settlement Agreement for G-14395

Dear Mr. Williams:

Pursuant to my telephone conversation with Dan Hester I have forwarded the enclosed Settlement Agreement and Final Order to your attention. The Agreement has already been signed by Ms. Schroeder. Please sign page 3 of the Agreement on behalf of the Tribes and return the entire packet to my attention.

If you have any questions please call me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

cc: Mike Ladd

Dan Hester
Fredericks, Pelcyger, Hester & White
Christopher Plaza
1075 South Boulder Road, Suite 305
Louisville, Colorado 80027

Reed Marbut



Compliance with Permit Conditions Review
March 1, 2006
Completed by Dwight French

Application G14395
Permit G13655

Priority Date October 18, 1996
Permit issued May 13, 1999
Completion date (C date) October 1, 2003
Claim of Beneficial Use Due October 1, 2004

Performance Conditions:

1. Meter must be installed prior to water use beginning: No required to report to WRD until COBU is submitted.
2. Annual reporting of water use by month: No reports in file.
3. WCMP due by May 13, 2000: I checked with appropriate staff and no plan or draft plan has been submitted as of yesterday.
4. Develop a plan to monitor and report the impact of water use. (This is condition 7a. exact wording below.): No plan submitted. No measurements submitted from permitted wells nor from any other wells.
5. COBU was due on October 1, 2004: No COBU or pending extension of time.

Note: I see in the file that the PFO was protested. The permit was issued after a settlement agreement was reached between the parties.

7a: 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 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.



Oregon

John A. Kitzhaber, M.D., Governor

April 26, 1999

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

J.D. Williams
Office of In-House Counsel
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801

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If you have any questions please call me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

cc: Mike Ladd

Dan Hester
Fredericks, Pelcyger, Hester & White
Christopher Plaza
1075 South Boulder Road, Suite 305
Louisville, Colorado 80027

Reed Marbut

Fredericks, Pelcyger, Hester & White, LLC

THOMAS W. FREDERICKS
ROBERT S. PELCYGER
DANIEL W. HESTER
DALE T. WHITE
JOHN FREDERICKS III
ROBIN R. KOVASH

ATTORNEYS AT LAW
CHRISTOPHER PLAZA
1075 SOUTH BOULDER ROAD
SUITE 305
LOUISVILLE, COLORADO 80027

TOM W. ECHOHAWK
(1962 - 1982)

DAVID A. WOLFF
CHRISTOPHER B. LEAHY
M. EVELYN WOODS
MICHAEL L. CHIROPOLOS

www.fphw.com
(303) 673-9600
TELEFAX (303) 673-9155
TELEFAX (303) 673-9839
E-mail info@fphw.com

* ADMITTED ONLY IN CALIFORNIA AND NEW YORK

MEMORANDUM

*** Via Facsimile ***
(503) 378-3802

TO: Meg Reeves, Esq.
Assistant Oregon Attorney General

FROM: Daniel W. Hester

DATE: March 22, 1999

RE: Comments on Draft Settlement Agreement

Post-It® Fax Note		7671	Date	4/26	# of pages	1
To	Adam Sussman		From	Sheryl Kammerzell		
Co./Dept.			Co.			
Phone #			Phone #			
Fax #			Fax #			

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

Legal Support for People Feeding the World

P.O. BOX 772
200 N.W. 1ST
BOARDMAN, OR 97818
TELEPHONE (541) 481-5297
FAX (541) 481-4329

Laura A. Schroeder

Admitted in Oregon, Idaho, Nevada, & Washington



Portland Direct Line (503) 232-4033
Boardman Direct Line (541) 481-5297

April 21, 1999

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APR 23 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Adam Sussman
Protest Program Coordinator
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

**RE: G-14395 Confederated Tribes of the Umatilla Indian Reservation
*Settlement Agreement and Final Order***

Dear Adam:

At your direction, I have signed and enclosed the Settlement Agreement for the above matter.

If you need any additional information please do not hesitate to call us at (503) 232-7110.

Very truly yours,

SCHROEDER LAW OFFICES

Laura A. Schroeder

Enclosure

cc: client

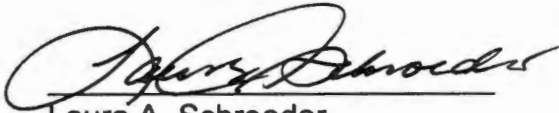
RECEIVED

APR 23 1999

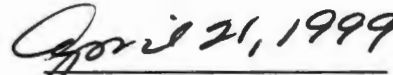
WATER RESOURCES DEPT.
SALEM, OREGON

On Behalf of Confederated Tribes of the
Umatilla Indian Reservation,
Applicant

Date



Laura A. Schroeder,
Protestant



Date

Dwight French
Water Resources Department

Date



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

April 14, 1999

Laura A. Schroeder
3355 N.E. Davis
Portland, Oregon 97232

RE: Settlement Agreement and Final Order (G-14395 Confederated Tribes of the Umatilla Indian Reservation)

Dear Laura:

Enclosed is the Settlement Agreement for Application G-14395. No changes have been made to the draft I sent you on March 23, 1999. Please sign and date page 3 of the Agreement and send the entire packet back to me.

If you have any question please call me at 1-800-624-3199 ext. 262. Thank you for your willingness to resolve this protest.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure



FAXED

Please FAX to
all first of
these people.
A.S

541 276-3095

J.D Williams

541 276-7464

Bob Patterson

303 673-9155

Don Hester

Oregon Water Resources Department



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
1(800)624-3199 • (503)378-8455
www.wrd.state.or.us

Fax Transmittal

TO: Laura A. Schroeder

FAX: 503 ~~202~~ 238-4076 DATE: 3/23/99 PAGES: 10

FROM: Adam Sussman

COMMENTS: _____

Director's Office

- Water Resources Commission
- Legislation and Rules
- Public Information

Field & Technical Services

- Dam Safety
- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

Administrative Services

- Accounting/Fiscal
- Personnel
- Water Development Loan Fund

Resource Management

- Regional Liaisons

Field & Technical Services

- Enforcement

Water Rights & Adjudications

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates/Final Proofs
- Hearings/Contested Cases

Northwest Region

- District 16 Watermaster
- Transfers

FAX: 503-378-2496

FAX: 503-378-8130

FAX: 503-378-6203



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

VIA FAX AND U.S. MAIL

March 23, 1999

Laura A. Schroeder
3355 N.E. Davis
Portland, Oregon 97232

RE: Draft Final Order and Settlement Agreement (G-14395 Confederated Tribes of the Umatilla Indian Reservation)

Dear Laura:

As we discussed, enclosed you will find a draft final order and settlement agreement for Application G-14395. A copy has also been sent to the Applicant for consideration and comments.

Please get me your comments by next **Wednesday March 31, 1999**. You may contact me at 503-378-8455 ext. 262 if you have any questions.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

The State of Oregon
Water Resources Department

In the matter of Water Right)
Application G-14395)
Confederated Tribes of the)
Umatilla Indian Reservation)
 Applicant)
))
Laura A. Schroeder)
 Protestant)

**Final Order Incorporating
Settlement Agreement**

Based on the attached Settlement Agreement, which is incorporated herein and which includes the draft permit attached thereto, I find that the proposed use will ensure the preservation of the public health, safety and welfare.

Therefore, it is ORDERED that, pursuant to ORS 537.625, Application G-14395 is approved and the accompanying water use permit shall issue.

DATED

DRAFT, 1999

Martha O. Pagel, Director
Oregon Water Resources Department

DRAFT

On Behalf of Confederated Tribes of the
Umatilla Indian Reservation,
Applicant

Date

DRAFT

Laura A. Schroeder,
Protestant

Date

DRAFT

Dwight French
Water Resources Department

Date

"substantial interference" condition to include exempt uses of water. Pursuant to rules adopted on September 11, 1998, by the Water Resources Commission, which clarify that federally recognized tribes that operate water systems for municipal type purposes are considered quasi-municipal entities, Applicant, a federally recognized tribe, is a quasi-municipal entity. OAR 690-300-010(40).

Terms of the Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this Agreement and Final Order.

2. The "substantial interference" condition in the Applicant's permit shall be modified to read as follows:

If substantial interference with a senior water right, including exempt uses as described in ORS 537.545 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.

3. The issues raised in the Protest by Protestant have been resolved and the attached draft permit, in all aspects, meets to the satisfaction of the parties and hereby is incorporated into this agreement by reference.

4. The parties agree to entry of the Final Order Incorporating Settlement Agreement and to issuance of the attached draft permit.

DRAFT

STATE OF OREGON

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
PO BOX 638
PENDLETON, OREGON 97801 -0638

(541)276-3099

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

APPLICATION FILE NUMBER: G-14395

SOURCE OF WATER: WELL 3 AND WELL 4 IN UMATILLA RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 8.0 CFS, BEING 4.0 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 1996

DRAFT

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 9, SE 1/4 NE 1/4,
SECTION 11, T2N, R33E, W.M.; WELL 4- 275 FEET S AND 60 FEET W OF E1/4
CORNER SEC 9; WELL 3- 142 FEET N & 990 FEET W FROM E1/4 CORNER SEC 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4
SECTION 3

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 4

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 9

SW 1/4 NE 1/4
SE 1/4 NE 1/4
NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 10

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 11

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SECTION 14

DRAFT

NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SECTION 15

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

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.

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

If substantial interference with a senior water right, including exempt uses as described in ORS 537.545, 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.

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 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.

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.

DRAFT

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 by March , 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued , 199

DRAFT

Martha O. Pagel, Director
Water Resources Department

HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL



1162 Court Street NE
Salem, Oregon 97310

FAX: (503) 378-3802
TDD: (503) 378-5938
Telephone: (503) 378-4409

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

FAX COVER SHEET

* Tribes still considering!

To verify call (503) 378-4409

Date document sent 3/11/99

Page 1 of 9

TO Dan Hester

Re: Conf. Tribes of the Umatilla: groundwater permit

Facsimile No. 1.303.673.9839

Telephone No. 1.303.673.9600

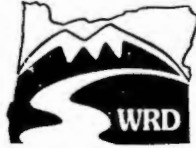
FROM Sharyl Kammerzell

THIS FACSIMILE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE NAMED RECIPIENT. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE PERSON RESPONSIBLE FOR DELIVERY TO THE INTENDED RECIPIENT, YOU ARE HEREBY ADVISED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY SENDER IMMEDIATELY AND DESTROY ALL MATERIALS RECEIVED.

Special Instructions

Dan, this draft Settlement Agreement and Final Order incorporating the agreement set out what we are proposing / thinking. Please respond to myself or Meg Reeves with your comments. Thanks

Oregon Water Resources Department



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
1(800)624-3199 • (503)378-8455
www.wrd.state.or.us

Fax Transmittal

TO: Laura Schroeder

FAX: 503 238-4076 DATE: 2/9/99 PAGES: 2

FROM: Adam Sussman

COMMENTS: _____

FAXED
2/9/99

Director's Office

- Water Resources Commission
- Legislation and Rules
- Public Information

Field & Technical Services

- Dam Safety
- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: 503-378-2496

Administrative Services

- Accounting/Fiscal
- Personnel
- Water Development Loan Fund

Resource Management

- Regional Liaisons

Field & Technical Services

- Enforcement

FAX: 503-378-8130

Water Rights & Adjudications

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates/Final Proofs
- Hearings/Contested Cases

Northwest Region

- District 16 Watermaster
- Transfers

FAX: 503-378-6203



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

February 8, 1999

Laura Schroeder
3355 N.E. Davis
Portland, Oregon 97232

VIA FAX AND U.S. MAIL

RE: Application G-14395 - Confederated Tribes of the Umatilla Indian Reservation

Dear Laura:

Thank you for your letter dated February 3, 1999, regarding this application. The proposed wells in Application G-14395 are flowing artesian wells which develop a confined basalt aquifer. Each well is over 1000 feet deep and each well is sealed more than 400 feet below land surface. Well #4 is approximately 2700 feet from the Umatilla River and Well #3 is approximately 1400 feet from the Umatilla River. The wells do not have the potential for substantial interference with surface water.

Regarding standing, it is the Department's position that if you withdraw your protest you will not have standing to participate in later appeals or reviews of this permit.

As I indicated in my last correspondence, if the protest in this case is not withdrawn by **February 12, 1999**, the Department will have no choice but to schedule a contested case hearing.

I look forward to receiving your protest withdrawal. Please let me know if you have any questions or would like to discuss this matter further.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: Martha O. Pagel
Meg Reeves
Reed Marbut
Mike Ladd
Mike Zwart

Bob Patterson
Public Works Director
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801

RECEIVED

FEB 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Feb 3, 1999

Adam Sussman

re: Application G-14395

I have reviewed your materials.

① Please advise as to the Dept's determination concerning Well 3 and Well 4 as to the Umatilla River. Is there any aquifer connection? What are distances from well head to river?

② Please also advise as to your interpretation of a protestant's standing in any later appeals or reviews brought by the applicant when the protest withdraws the timely protest? I'd appreciate your responses in writing.

Thanks.

Quin Shroeder

Feb 3, 1999

Adam Buechner

re: Application G-14395

I have reviewed your material so

① Please answer as to the

Dept's determination

concerning bills 3 and 4

as to the Umetilla River.

re. Do there any aquifer

connection? what are

distances from well head

to river?

② Please also advise as to your

interpretation of a protective

standing in any later appeals or

revisions brought by the

applicant when the protest

withdrews the timely protest?

Will you please advise your responses

in writing.

Thank.

Adam Buechner

* how fast making

ability to maintain standing
if withdrawn appeals

* protest to sustain

standing. (confusion)

- has right to trials
standing if trials

filed judicial review
on jurisdiction!

- Agency interp
re standing!



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

February 1, 1999

Laura Schroeder
3355 N.E. Davis
Portland, Oregon 97232

RE: Application G-14395 - Confederated Tribes of the Umatilla Indian Reservation

Dear Laura:

Back in November 1998, I sent you the attached letter. You were understandably busy near the holidays and asked to respond after the new year. It is now February and I am still looking for a response.

Laura, if the protest is not withdrawn by **February 12, 1999**, the Department will have no choice but to schedule a contested case hearing. Given that all three of the issues you raised in your protest have been addressed, I can't imagine a hearing is necessary.

I look forward to receiving your protest withdrawal. Please let me know if you have any questions or would like to discuss this matter further.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

cc: Martha O. Pagel
Meg Reeves
Reed Marbut
Mike Ladcl

Bob Patterson
Public Works Director
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

November 23, 1998

Laura Schroeder
3355 N.E. Davis
Portland, Oregon 97232

RE: Application G-14395 - Confederated Tribes of the Umatilla Indian Reservation

Dear Laura:

In November of 1997, you submitted a protest on the above referenced application. In your protest you assert:

- the maps provided by the applicant do not meet department standards
- to adequately protect the resource the "substantial interference" condition should be modified to include exempt uses of water and,
- the Tribes do not qualify as a quasi-municipal entity

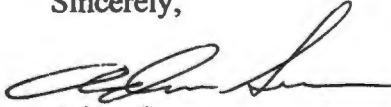
I believe all three issues raised in your protest have been resolved and upon withdrawal of the protest the department will refund your \$200.00 protest fee.

Since November of 1997, the Tribes have submitted a revised map, a copy of which is attached. The map meets the department standards for application maps under OAR 690-310-050. Regarding quasi-municipal use, on September 11, 1998, the Water Resources Commission adopted rules which clarify that federally recognized tribes that operate water systems for municipal type purposes are considered quasi-municipal entities. I have attached a copy of the rules. Finally, the Tribes and the department can agree to modify the substantial interference condition consistent with your proposal. The condition would be modified to read as follows:

If substantial interference with a senior water right, including exempt uses as described in ORS 537.545, 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.

I look forward to receiving your protest withdrawal. Please let me know if you have any questions or would like to discuss this matter further.

Sincerely,



Adam Sussman
Protest Program Coordinator

enclosure

cc: Martha O. Pagel
Meg Reeves
Reed Marbut
Mike Ladd

Bob Patterson
Public Works Director
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area code 503 Phone 276-4301 FAX 278-0839

July 15, 1998

RECEIVED

JUL 16 1998

WATER RESOURCES DEPT
SALEM, OREGON

Adam Sussman
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Re-submittal of Maps for G-14395 (filed under protest)

Dear Adam,

Please find enclosed 4 copies of maps to the scale of 4-inches equal 1-mile (1:15840) as required by OWRD rules. These maps should satisfy all OWRD map requirements for application G-14395 filed by the CTUIR, under protest, in October 1996.

Also, please find attached the CTUIR *Statement of Protest and Non-Waiver*. If you have any questions or concerns, please contact me at 541-278-7408.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Patterson". The signature is fluid and cursive, with a long horizontal line extending to the right.

Bob Patterson, PE
Public Works Director

Copy: Gary George, Executive Director
JD Williams, Attorney
Mike Ladd, OWRD - Pendleton
File: Appl...Groundwater
CO

Mailing List for PFO Copies

Application #G-14395

PFO Date September 9, 1997

Original mailed to:

Applicant: CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION, PO BOX 638, PENDLETON, OREGON 97801 -0638

Copies sent to:

- 1. WRD - File # G-14395 ✓
- 2. WRD - Water Availability: Ken Stahr ✓

PFO, Map, and Fact Sheet Copies sent to:

- 3. WRD - Watermaster # District 5 ✓
- 4. WRD - Regional Manager (not Bob Main): ✓
- 5. ODFW District Biologist: (UMATILLA County) ✓

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

- 6. Laura A. Schroeder, 3355 NE Davis, Portland, OR 97232 ✓
- 7. Oregon Water Resources Congress, 1201 Court St NE, Suite 303, Salem, OR 97301-4188 ✓
- 8. CITY OF PENDLETON, PO BOX 190, PENDLETON, OREGON 97801 ✓

- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1. _____
- 2. _____
- 3. _____

CASEWORKER : RWK

Copies Mailed
By: <u>Sh</u>
(SUPPORT STAFF)
on: <u>9/26/97</u>
(DATE)



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

December 15, 1997

Laura Schroeder
Attorney at Law
P.O. Box 772
Boardman, Oregon 97818

RE: Contested Case Hearing - Application G-14395 Confederated Tribes of the Umatilla
Indian Reservation

Dear Ms. Schroeder:

On December 10, 1997 I sent you the attached letter. I forgot to attach a copy of the applicant's request for contested case hearing. Please find that request enclosed. If you have any questions please feel free to contact me at 1-800-624-3199 ex. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

cc: Martha O. Pagel
Reed Marbut
Mike Ladd
Dick Bailey

Bob Patterson
Public Works Director
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

December 10, 1997

File

Laura Schroeder
Attorney at Law
P.O. Box 772
Boardman, Oregon 97818

RE: Contested Case Hearing - Application G-14395 Confederated Tribes of the Umatilla Indian Reservation

Dear Ms. Schroeder:

On November 7, 1997, the Department received your protest to the Proposed Final Order on the above referenced application. On December 8, 1997, the applicant requested a contested case hearing. Pursuant to ORS 537.153(8), when the applicant requests a hearing within 30 days after the close of the protest period, the Director shall schedule a contested case hearing.

This matter will be forwarded to an Administrative Law Judge promptly. A hearing shall be scheduled in the near future. If you have any questions please feel free to contact me at 1-800-624-3199 ex. 262.

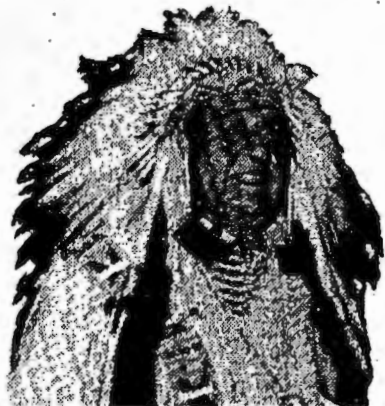
Sincerely,

Adam Sussman
Protest Program Coordinator

cc: Martha O. Pagel
Reed Marbut
Mike Ladd
Dick Bailey

Bob Patterson
Public Works Director
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801

GENERAL COUNCIL
and
BOARD OF TRUSTEES



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code 541 Phone 276-3165 FAX 276-3095

December 8, 1997

VIA FACSIMILE: (503)378-8130

Adam Suseman
Program Analyst and Department Representative
Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97310-0210

Re: Protested Water Right Application G-14395

Dear Mr. Sussman:

Pursuant to your letter of November 12th and ORS 537.153(8), the Tribes, as the applicant, request a contested case hearing in this matter.

The Tribes, however, believe that the issues raised by Laura Schroeder in her letter of protest are questions of law and, thus, only require a hearing on the briefs.

As a reminder, the Tribes are only participating in this process under protest in order to protect their economic interests and this letter in no way constitutes a waiver of any sovereignty, regulatory authority or water rights, nor any concession that the state has jurisdiction over groundwater on the reservation.

Thank you for your assistance in this matter.

Sincerely,

Bob Patterson
Public Works Director

no encl.

cc: Mike Ladd, OWRD



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

December 10, 1997

File

Laura Schroeder
Attorney at Law
P.O. Box 772
Boardman, Oregon 97818

RE: Contested Case Hearing - Application G-14395 Confederated Tribes of the Umatilla
Indian Reservation

Dear Ms. Schroeder:

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This matter will be forwarded to an Administrative Law Judge promptly. A hearing shall be scheduled in the near future. If you have any questions please feel free to contact me at 1-800-624-3199 ex. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: Martha O. Pagel
Reed Marbut
Mike Ladd
Dick Bailey

Bob Patterson
Public Works Director
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801

GENERAL COUNCIL
and
BOARD OF TRUSTEES



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code 541 Phone 276-3165 FAX 276-3095

December 8, 1997

VIA FACSIMILE: (503)378-8130

Adam Sussman
Program Analyst and Department Representative
Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97310-0210

Re: Protested Water Right Application G-14395

Dear Mr. Sussman:

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The Tribes, however, believe that the issues raised by Laura Schroeder in her letter of protest are questions of law and, thus, only require a hearing on the briefs.

As a reminder, the Tribes are only participating in this process under protest in order to protect their economic interests and this letter in no way constitutes a waiver of any sovereignty, regulatory authority or water rights, nor any concession that the state has jurisdiction over groundwater on the reservation.

Thank you for your assistance in this matter.

Sincerely,

Bob Patterson
Public Works Director

no encl.

cc: Mike Ladd, OWRD

Be SURE

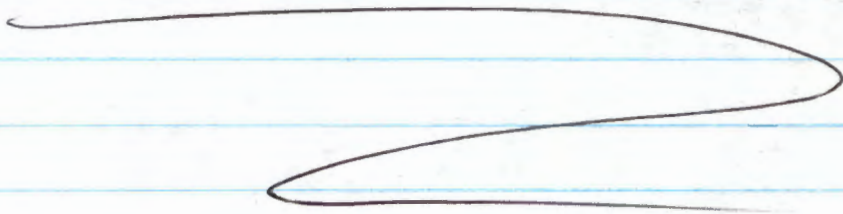
that Schroeder

Law office

receives A

copy of

the PFD





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

November 12, 1997

Bob Patterson, PE
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801

RE: Protested Water Right Application G-14395

Dear Mr. Patterson:

On September 23, 1997, the Department issued a Proposed Final Order proposing to conditionally approve application G-14395. The protest period closed on November 7, 1997, and on that date attorney Laura A. Schroeder submitted a protest and the required fees. The protest includes a proof of service indicating that a copy of the protest was sent to you.

Under Oregon law, upon review of the protest, the Department is required to issue a final order or schedule a contested case hearing. A hearing shall be scheduled if the Director determines that there are significant disputes related to the proposed use of water or, within 30 days after the close of the protest period the applicant requests a contested case hearing (ORS 537.153 (8)). The 30 day deadline for the applicant to request a hearing is **Monday, December 8, 1997**.

Please feel free to contact me at 1-800-624-3199 ex. 262 to discuss this matter in greater detail. Please direct any correspondence to my attention.

Sincerely,

Adam Sussman
Program Analyst and
Department Representative

cc Laura A. Schroeder
Attorney at Law
P.O. Box 1392
115 W. Hermiston Ave. Suite 140
Hermiston, OR. 97838

Mike Ladd, OWRD

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14395

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On October 18, 1996, CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION submitted an application to the Department for the following water use permit:

- Amount of Water: 8.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: MUNICIPAL USE
- Source of Water: TWO WELLS IN UMATILLA RIVER BASIN
- Area of Proposed Use: UMATILLA County within SECTION 9, SECTION 11, TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

On 1/31/97, the Department mailed the applicant notice of its Initial Review, determining that "The use of 8.0 CFS, from two wells in Umatilla River Basin, being 4.0 CFS from well #3 and 4.0 CFS from Well #4, for Municipal Use may be allowed Year Round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 2/18/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order. Additionally, the applicant submitted a copy of an affidavit of publication verifying that the particulars of the proposed use had been published in the East Oregonian for three consecutive weeks.

Within 30 days of the Department's public notice, written comments were received from Laura A. Schroeder. The applicant has also submitted a statement of protest regarding the requirement to file the application.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use

- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The proposed well is located within a 5 mile radius of the City of Pendleton. Groundwater use from the basalt reservoir within 5 miles of Pendleton could be limited to municipal uses, group domestic uses, or statutorily exempt groundwater uses only if Pendleton has an approved water management and conservation plan in effect. The findings of this Proposed Final Order are subject to change if a water management and conservation plan is approved by the Water Resources Department for the City of Pendleton before the protest filing deadline passes and the well is located within the basalt reservoir. The protest period ends 45 days after the issuance of the proposed final order. (OAR 690-507)

The Attorney General's office has advised that the CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION does not qualify as a municipality. Therefore, the use proposed to be allowed under this application shall be QUASI-MUNICIPAL use.

The Umatilla Basin Program allows the following uses: QUASI-MUNICIPAL USE

Senior water rights exist on TWO WELLS IN UMATILLA RIVER BASIN or on downstream waters.

TWO WELLS IN UMATILLA RIVER BASIN are not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation year round.

The Department finds that no more than 8.0 CFS, being 4.0 CFS from each well, would be necessary for the proposed use. The amount of water requested, 8.0 CFS, is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Umatilla Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

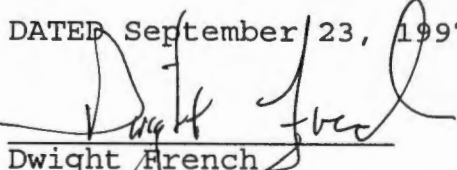
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED September 23, 1997


Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than November 7, 1997.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
PO BOX 638
PENDLETON, OREGON 97801 -0638

(541) 276-3099

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

APPLICATION FILE NUMBER: G-14395

SOURCE OF WATER: WELL 3 AND WELL 4 IN UMATILLA RIVER BASIN within the Umatilla basin

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 8.0 CFS, BEING 4.0 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 9, SE 1/4 NE 1/4, SECTION 11, T 2N, R33E, W.M.; WELL 4 - 1120 FEET NORTH AND 60 FEET WEST OF THE E 1/4 CORNER SECTION 9; WELL 3 - 142 FEET NORTH & 990 FEET WEST FROM E 1/4 CORNER SECTION 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

- NE 1/4 SW 1/4
- NW 1/4 SW 1/4
- SW 1/4 SW 1/4
- SE 1/4 SW 1/4
- SECTION 3
- NE 1/4 SW 1/4
- SE 1/4 SW 1/4
- NE 1/4 SE 1/4
- NW 1/4 SE 1/4
- SW 1/4 SE 1/4
- SE 1/4 SE 1/4
- SECTION 4
- NE 1/4 NE 1/4
- NW 1/4 NE 1/4
- SW 1/4 NE 1/4
- SE 1/4 NE 1/4
- NE 1/4 NW 1/4
- SE 1/4 NW 1/4

NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 9

SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 10

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 11

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4

SECTION 14

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 15

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

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.

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

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.

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 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.

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.

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14395
Basin 07
RWK

Water Resources Department
Volume 3 UMATILLA R
MGMT.CODE 7BG, 7BR, 7AG, 7AR

PERMIT DRAFT
District 5

PFO CHECKLIST

Application #: E 14395

Basin: 7 UMAT WAB: _____

County UMAT Township 2N Range 22E Section 11, 9 1/4 1/4 ⁽³⁾ SE NE
₍₄₎ NE SE

- 1. Is the file complete by the Completeness Checklist? Y/N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 4. Groundwater Review A B C D River/Stream Name UMAT Riv Conditions _____
 - a. Groundwater Availability A B C
 - b. Is second groundwater review necessary? (comments) Y/N DONE
 - c. Is HB 1033 review complete? Y/N
- 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y/N
- 6. Is use from a B.O.R. project? Y/N Contract in file? Y/N Contract # _____
- 7. Is the use allowed by the Basin Program? Y/N Limited? Y/N _____
- 8. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y/N _____
- 10. Is the Proposed Use located in or above a Scenic Waterway? Y/N _____
- 11. Division 33: Above Bonn (after July 17, 1992) Y/N/NA
Below Bonn (after April 8, 1994; June 3, 1994) Y/N/NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N/NA
- 12. Have conflicts been identified, verified and/or addressed? Y/N _____
- 13. Rate 8 cfs Duty _____ Irrigation Season _____
- 14. Period of Allowed Use 1/2 PRD
- 15. Allowed Rate of Use 4 cfs from @ for Q-Mini
- 16. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) Or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
- 17. Conditions COMPLAN 1 YR, 7B, 7A
- 18. IR Public Notice Date 1/31/97; 3/18/97 LARA SCHNEIDER
- 19. Documents used in determination are attached and highlighted
- 20. Spell Check
- 21. Check for Accuracy
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #
- 24. Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y/N

Name: RMK Date: 9/3/97

LAURA A SCHROEDER

3355 NE DAVIS

PORTLAND, OR 97232

OREGON H₂O RESOURCES COUNCIL

1201 COURT ST NE, STE 303

SALEM, OR 97301-4188

CITY OF PENDLETON

PO BOX 190

PENDLETON, OR 97801

IR CHECKLIST

Application #: 6 14395 Vol _____ Subbasin _____

Umanilla Basin: 7 WAB: _____ POU-WAB _____

Township 2N Range 33E Section 9, 10, 11, 14, 15, 1/4 1/4

3 & 4

Well #3 NE 1/4 Section
Well #4 - SE 1/4 Sec. 9

- 1. Completeness checklist verified. Y / N or No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y (N)
- 3. Groundwater review A B (C) D 7B, 7A
 - a. Is the well located in a groundwater limited area? Y / (N)
- 4. SWW (N) Triage Y / (N) conditions/restrictions Y / (N)
- 5. Basin Program limitations? Y / (N) W/in 5mi radius of Penaltheton
- 6. Withdrawn? Y / (N) season allowed _____ according to Gw Section at least 1 well is w/in 5mi radius
- 7. Basin Maps have been checked. Y / (N) The River Mile is see #5
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) (NA)

9. Rate/Duty/Season _____

10. Use Municipal Period of Allowed Use Year Round

11. Priority Date(s) 10-18-96

12. B.O.R. project Y / (N) contract # _____

13. TMDL Basin? Y / (N) (Tualatin, Yamhill, Pudding) DIVISION 33 Y / (N) New or Old? Map Date _____

14. Conflicts Y / (N) Several existing certs/permits for irrigation w/in boundary

15. Conditions? (BOR, GW, other) Y / (N) publish notice, comp plan # 7B, 7A

16. Land use approval (OK'd) needs approval county notified NA 1yr-per Michael Ricker

17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - (NCR)) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)

18. Letter will be Good Limited Bad Bad w/IRshort because _____

requesting 8.0 cfs, max 4.0 cfs from each each of 2 wells, for Municipal Use

Name: Laura Sweelaker Date: 1-29-97

Q

Staff-Water Rights Division

DATE: May 3, 1976

FROM: Larry W. Jebousek
Administrator

SUBJECT: Applications and Permits

There seems to have been some confusion in the past as to the quantity of water ~~to be~~ allowed domestic use in the issuance of permits.

To establish some criteria the following will be used:

- 0.01 cfs for 1 or 2 house domestic including 1/2 acre lawn and garden
- 0.02 cfs for 3 to 5 house domestic including 1/2 acre lawn and garden
- 0.03 cfs for 6 to 10 house domestic including 1/2 acre lawn and garden
- 0.005 cfs for 1 house domestic
- 0.01 cfs for up to 10 house domestic

If an applicant wishes to state the quantity of water requested in gallons per minute or gallons per day, the permit will be issued accordingly.

Domestic use, generally, is considered to be in-house use but may include up to 1/2 acre of lawn and garden if it is an integral part of the domestic system and is so stated on the application. You should always explain to the applicant the difference in the wording of "domestic including" and "domestic and irrigation." When lawn and garden is included within the domestic, the irrigation use must stop if the in-house use stops. This is most common when a group system or a well replaces the original domestic source.

Also, stock water applications for more than the minimum quantity allowable, 0.005 cfs, should have enough information on the distribution system and the number of stock to determine the quantity needed.

Just a reminder when discussing exempted ground water uses with the public, that the 15,000 gallons per day for domestic is more than sufficient for a 20 to 30 home subdivision. However, the 1/2 acre of lawn and non-commercial garden exemption is one per well and not for each dwelling.

LWJ:cjw

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 507
UMATILLA BASIN PROGRAM

Definitions

690-507-010

The following meanings apply to the terms as used in these rules for the Umatilla Basin program. Other rules of the Department may define these words differently.

- (1) "Classification" or "classified" means the allowed and preferred beneficial use(s) of a given surface or ground water source for which future appropriations of water shall be permitted.
- (2) "Commission" means the Water Resources Commission.
- (3) "Department" means the Oregon Water Resources Department.
- (4) "Director" means the Water Resources Director.
- (5) "Minimum Perennial Streamflow" or "minimum streamflow" means an administrative rule that establishes a flow necessary to support aquatic life, or recreation or minimize pollution. The rule includes a priority date and specifies streamflow levels for all or any period of the year. It establishes priority for instream use over future appropriations and identifies flow objectives for future management in streams where shortages occur.
- (6) "Statutorily exempt ground water uses" means those uses for which no ground water application, permit, or certificate is required under ORS 537.545. These uses are for:
 - (a) Stockwatering purposes;
 - (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;
 - (c) Watering the grounds, three acres in size or less, of schools that have less than 100 students and that are located in cities with a population of less than 10,000;
 - (d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;
 - (e) Down-hole heat exchange purposes; or
 - (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day.
- (7) "Subbasin" means any subarea of a basin defined by surface drainage patterns such as the drainage basin of any tributary, or the area draining to any point on a river or draining between two points on a river.

(8) "Umatilla Basin" means the area comprised by the Walla Walla River, Wildhorse Creek, Upper Umatilla River, Birch and McKay Creeks, Columbia-Umatilla Plateau, Butter Creek, and Willow Creek subbasins as shown on Water Resources Department map number 7.6.

(9) "Withdrawal" or "withdrawn" means an order of the Commission, or State Engineer or a Legislative act prohibiting all new appropriations for particular uses from a source for part or all of the year. A withdrawal can be set for a prescribed length of time or indefinitely until modified by the Commission.

Policies

690-507-020

(1) All rights to the surface waters of the Umatilla River and its tributaries initiated after September 28, 1987, shall be subordinate to permitted appropriations for the purpose of artificial ground water recharge established before that date.

(2) To support present and proposed basin resource developments, no out-of-basin or out-of-state appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Umatilla River Basin.

(3) Rights to use water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluent or return flows from such uses shall not interfere with other beneficial uses of water.

(4) Future permits for consumptive water use shall be issued only on condition that efficient water use techniques or water conservation measures are proposed in the application. Failure to implement the proposed measures shall be a violation of the terms of the permit.

(5) Municipal water supplies, interstate cooperation in water management, instream needs, out-of-stream needs, water quality and watershed management are issues of concern in the Umatilla River Basin. The Commission's policies on these issues are as follows:

(a) Municipal water supply: in addressing the issue of municipal water supply in the Umatilla River Basin, it shall be the Commission's policy to:

(A) Assist cities with limited financial resources secure needed capital to develop, expand and improve municipal water supplies.

(B) Promote and aid municipal water conservation and encourage cities to plan for water service emergencies.

(C) Encourage the use of artificial ground water recharge to supplement city ground water supplies and help reduce water level declines in the basalt ground water reservoir.

(D) Encourage and promote the concept of regional municipal water supply systems and preserve the options for proposed systems.

(E) Promote and support the purchase and transfer of water rights to municipal use.

(F) Promote the continued viability of municipal water systems reliant on the basalt ground water reservoir.

(b) Interstate cooperation on water management: in addressing the issue of interstate cooperation on water management, it shall be the Commission's policy to:

(A) Coordinate and cooperate with the state of Washington in managing the water resources of the Walla Walla subbasin to the extent judicial decisions, stipulations and statutory authority allow.

(B) Open negotiations with the Washington Department of Ecology by 1990.

(c) Instream needs: in addressing the issue of instream needs, it shall be the Commission's policy to:

(A) Support the anadromous fish production goals of the Northwest Power Planning Council, Oregon Department of Fish and Wildlife and Confederated Tribes of the Umatilla Indian Reservation for the Umatilla River Basin.

(B) Protect and enhance instream values by limiting new uses of water from heavily appropriated streams and managing interconnected surface and ground water conjunctively.

(C) Support and encourage watershed and riparian zone projects which improve instream habitat and water quantity and quality, and which provide multiple water resources benefits.

(d) Out-of-stream use: in addressing the issue of out-of-stream use, it shall be the Commission's policy to:

(A) Require conservation and efficient water use.

(B) Control growth of water demand by limiting new irrigation appropriations on selected streams to stored or conserved water.

(C) Support the efficient use of surplus surface and ground water to supplement declining ground water levels through artificial ground water recharge.

(D) Support development of multipurpose surface storage consistent with policies in paragraphs (A), (B), and (C) of this subsection.

(e) Water quality: in addressing the issue of water quality, it shall be the Commission's policy to:

(A) Encourage and promote a formal ground water quality monitoring program to ensure safe municipal and domestic ground water supplies.

(B) Encourage development of management plans for ground water aquifers susceptible to contamination.

(C) Support surface water quality standards to satisfy selected subbasin beneficial water uses identified in this basin program.

(D) Encourage and promote control of nonpoint and point sources of water pollution.

(f) Watershed management: in addressing the issue of watershed management, it shall be the Commission's policy to:

(A) Encourage and promote improvements in water quality, quantity and related resources through agency-public cooperation and education about the benefits of watershed management.

(B) Encourage public and private landowners and managers to employ best management practices to benefit water quality and quantity.

(C) Encourage and support the retirement of highly erodible cropland as a means to enhance water quality and improve runoff patterns.

(D) Encourage and support riparian and stream channel enhancement as a means of improving flow distribution, water quality and related resource values.

Walla Walla River Subbasin

690-507-030

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Walla Walla subbasin, the Commission has the following objectives:

(a) Develop interstate cooperation with Washington in the management of surface and ground water and related resources.

(b) Protect instream values in selected streams by closing them to future appropriations or limiting new appropriations to selected nonirrigation uses.

(c) Preserve the opportunity for future upstream storage for all beneficial uses.

(d) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses.

(e) Protect municipal ground water supplies.

(f) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: appropriation and use of surface water in the Walla Walla River subbasin shall comply with the following provisions:

(a) The unappropriated waters of the Walla Walla River and tributaries from and including the Little Walla Walla Diversion to the state border are withdrawn from further appropriation. This withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. Frost protection between March 1 and May 15, up to a cumulative total of 35 cfs of permits and rights with priority dates after December 2, 1985, is also exempt from this withdrawal. This withdrawal was established by the Commission on January 17, 1986.

(3) **Ground Water:** appropriation and use of ground water in the Wildhorse Creek subbasin shall comply with the following provisions:

(a) **Classification:** permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Wildhorse Creek subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(B) Ground water from the basalt reservoir in a five-mile radius around any municipal well of the cities of Adams, Athena, Helix, Pendleton, and Weston is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(b) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Upper Umatilla River Subbasin

690-507-050

(1) **Objectives:** in developing a program for the management, use and control of the surface and ground water resources of the Upper Umatilla River subbasin, the Commission has the following objectives:

(a) Protect instream values by closing streams to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation uses.

(b) Acknowledge the Confederated Tribes of the Umatilla Indian Reservation have an unquantified claim to water and preserve the opportunity for the Tribes to store excess winter flows for Tribal use or purposes.

(c) Preserve the opportunity for future upstream storage for all beneficial uses.

(d) Promote municipal use of surface waters.

(e) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses.

(f) Protect municipal ground water supplies.

(g) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: appropriation and use of surface water in the Upper Umatilla River subbasin shall comply with the following provisions:

(a) Subject to the rights existing on March 8, 1941, the waters of the North Fork Umatilla River and its tributaries were set aside by the Oregon Legislature for the exclusive use of the City of Pendleton, ORS 538.450. Nothing in the statute prohibits the City of Pendleton from using the main stem Umatilla River to convey this water to the City.

(b) The Upper Umatilla River and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985.

(c) Classification: permits to use surface water may be issued only for the following classified uses:

(A) Natural flows of the Upper Umatilla River and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51), mining (including sand and gravel mining), fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses during the period November 1 through May 31 each year. This classification rescinds the Commission's order of December 2, 1985, withdrawing the Umatilla River and tributaries from further appropriation from November 1 through May 31 each year until December 31, 1988.

(B) Until there is a final quantification of any reserved water rights of the Confederated Tribes of the Umatilla Indian Reservation, up to 75,000 acre feet of water in the Upper Umatilla River subbasin are classified for storage for the exclusive use of the Tribes. This classification applies to storage on or off the reservation in a single or multiple impoundments. Storage of this water is subject to the rights and priorities existing on June 24, 1988, and the withdrawal of the Umatilla River and tributaries from June 1 through October 31. All natural flow rights issued on the Umatilla River and its tributaries upstream from Pendleton and on the Umatilla main stem downstream from Pendleton after June 24, 1988, shall be subordinate to this classification. This classification shall be superior to the classification for storage contained in paragraph (C) of this subsection; and

(C) Subject to the rights and priorities existing on June 24, 1988, the withdrawal of the Umatilla River and tributaries from June 1 through October 31, and the 75,000 acre foot classification in paragraph (B) of this subsection, up to 100,000 acre feet of the annual yield of the Umatilla River above Pendleton are classified for all beneficial uses in conjunction with storage. All natural flow rights issued on the Umatilla River and its tributaries upstream from Pendleton and on the Umatilla main stem downstream from Pendleton after this date shall be subordinate to this classification, except that up to a total of 20,000 acre feet of additional permits may be granted for artificial ground water recharge without subordination under this paragraph. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(d) Storage: Surface waters legally stored during the period November 1 through May 31, and legally released, may be used for any beneficial purpose.

(e) Artificial ground water recharge: use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(f) Minimum perennial streamflows: minimum streamflows may be established to support aquatic life, minimize pollution or maintain recreation values:

(A) To support aquatic life in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the Umatilla River and tributaries when flows are below the levels specified in Table 1. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and

(B) To support aquatic life, no appropriations of water except for domestic and livestock uses or waters legally stored or released from storage shall be made or granted by any state agency or public corporation of the state when flows are below the specified levels for the streams listed in Table 1 with priority dates of 3-31-88.

(3) Ground Water: appropriation and use of ground water in the Upper Umatilla River subbasin shall comply with the following provisions:

(a) Classification: permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Upper Umatilla River subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(B) Ground water from the basalt reservoir in a five-mile radius around any municipal well of the cities of Adams and Pendleton is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(b) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit shall be regulated in favor of the surface water source.

Birch and McKay Creeks Subbasin

690-507-060

(1) Objectives: in developing a program for the management, use and control of the surface and ground water resources of the Birch and McKay Creeks subbasin, the Commission has the following objectives:

(a) Protect instream values by closing streams to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation or nonconsumptive uses.

(b) Preserve the opportunity for future upstream storage for all beneficial uses.

(c) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses.

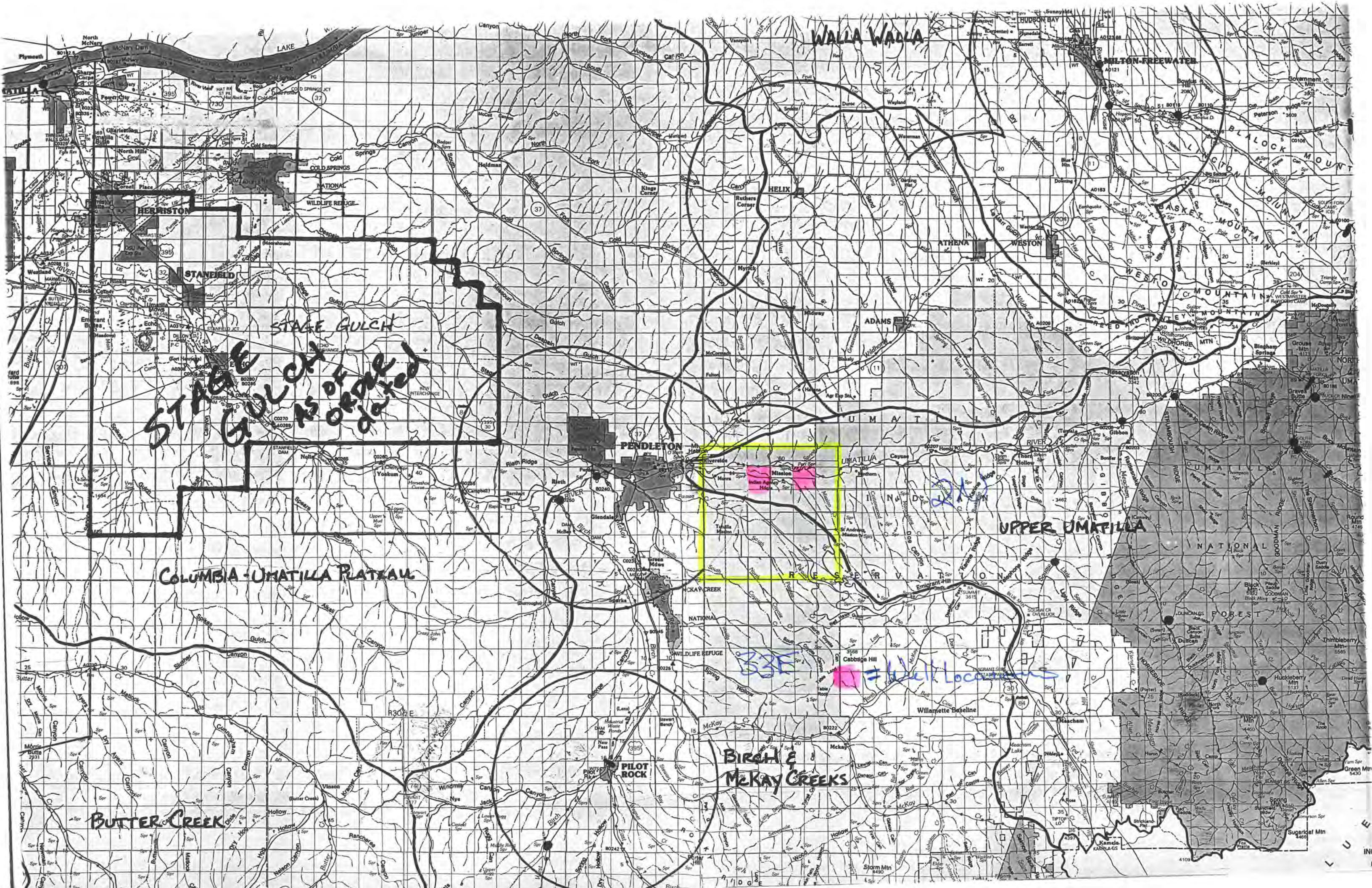
(d) Protect municipal ground water supplies.

(e) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: appropriation and use of surface water in the Birch and McKay Creeks subbasin shall comply with the following provisions:

(a) Birch and McKay Creeks and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985.

(b) Classification: permits to use surface water may be issued only for the following classified uses:



WALLA WALLA

STAGE GULCH
STAGE GULCH AS OF 1960
dated

COLUMBIA-UMATILLA PLATEAU

BIRCH & MCKAY CREEKS

BUTTER CREEK

33E
= Walk Location

UPPER UMATILLA

BALOCK MOUNT
BASKET MOUNTAIN
WEST O C MOUNTAIN
WILHORSE MTN

DUNCAN'S FOREST
HUCKLEBERRY MOUNTAIN
SUGARLOAF MOUNTAIN

PENDLETON

ADAMS

WESTON

MILTON-FREEWATER

HELIAX

HEBERSTON

STANDFIELD

UMATILLA

PILOT ROCK

Willamette Baseline

Cabbage Hill

MCKAY CREEK

BIRCH CREEK

STAGE GULCH

WILDLIFE REFUGE

NATIONAL

North Hill

Penryn City

Sharp Canyon

North McNary

Plymouth

North Hill

North Hill

North Hill

North Hill

North Hill

North Hill

North Hill

North Hill

North Hill

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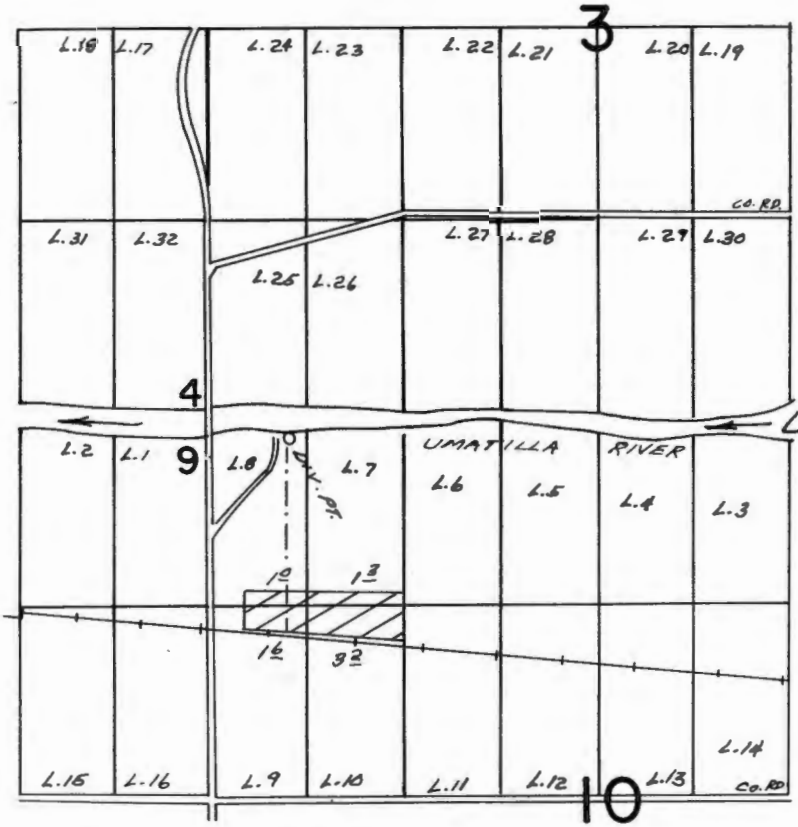
North Hill

North Hill

North Hill

T.2N. R.33E. W.M.

*W/in
Boundary*



DIV. PT. LOC. 2460' N. & 540' E. FROM THE W. 1/4 COR. SEC. 10

FINAL PROOF SURVEY
UNDER

Application No. 52834..... Permit No. 39883.....
IN NAME OF

.....**THOMAS N. TANGY**.....

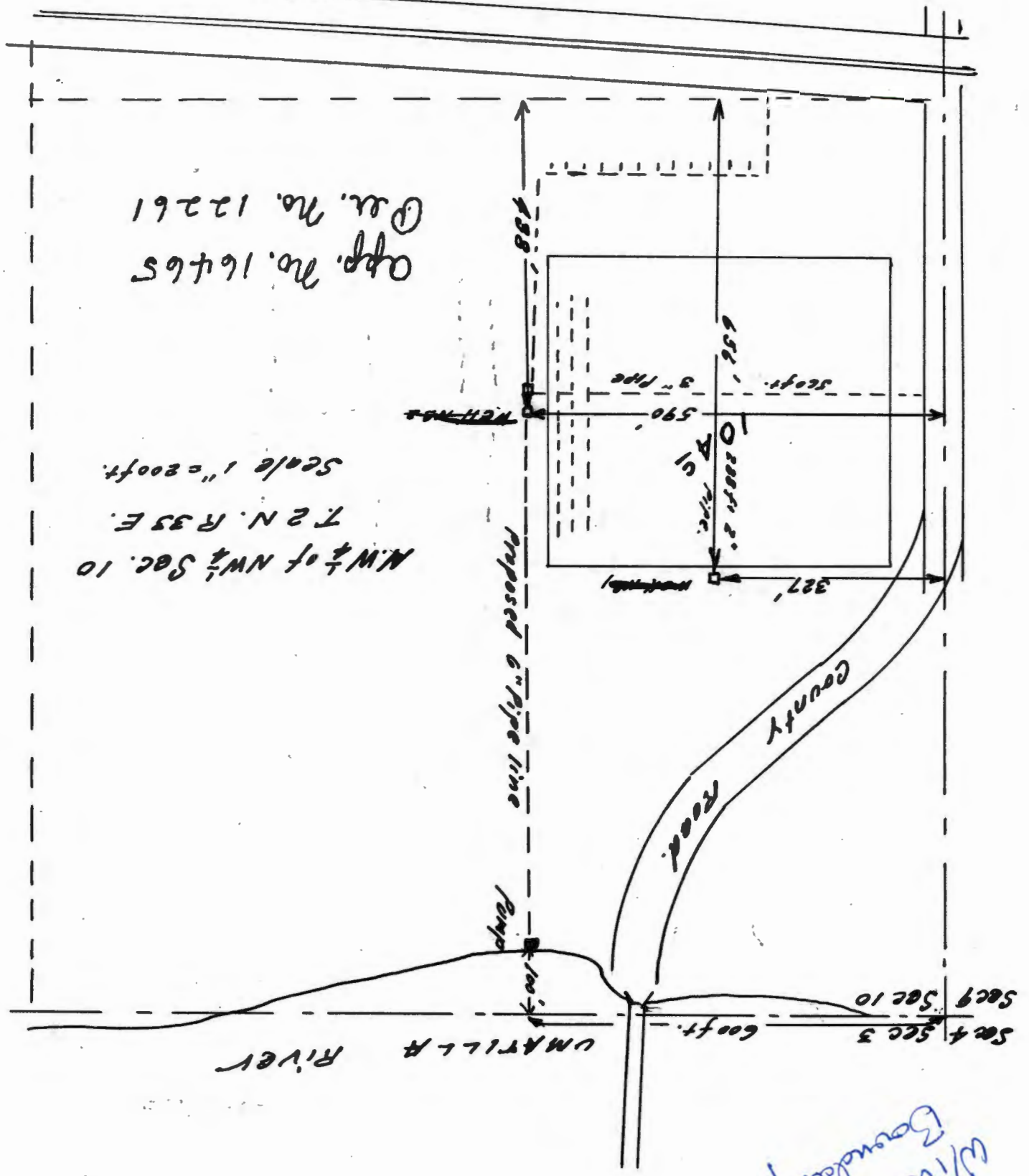
Surveyed MAY 3... 19.7.7., by L.H. NUNN.....

N/A P
 To
 Accompany Permit of
 Oregon Game Commission

7-13-16465-OR

App. No. 16465
 O.G. No. 12261

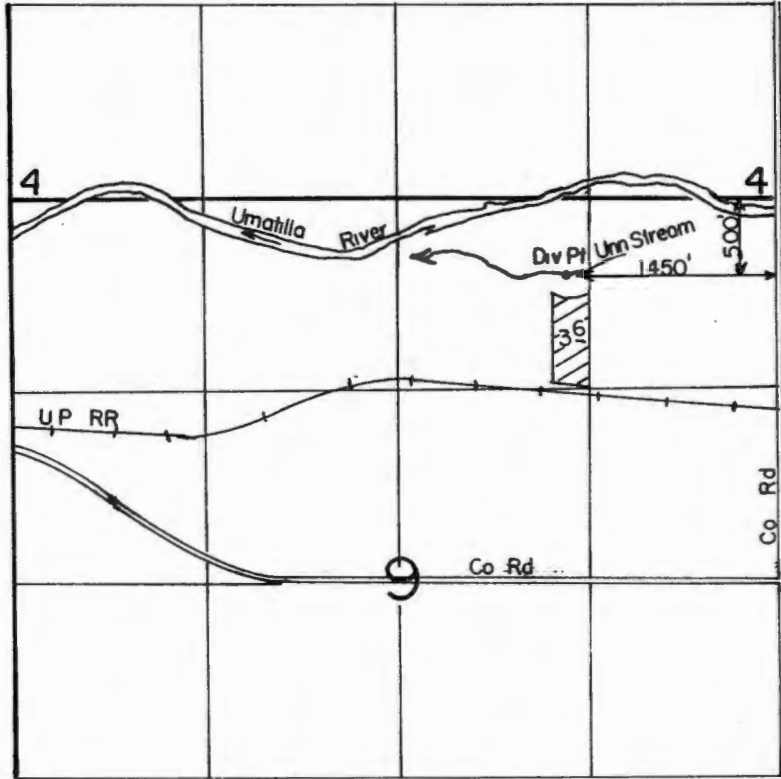
N.W. 1/4 of NW 1/4 Sec. 10
 T 2 N. R 35 E.
 Scale 1" = 200 ft.



W/in
 Boundary

T.2N, R.33E.,W.M.

*Win
Boundary*



SCALE: 1"=1320'

**FINAL PROOF SURVEY
UNDER**

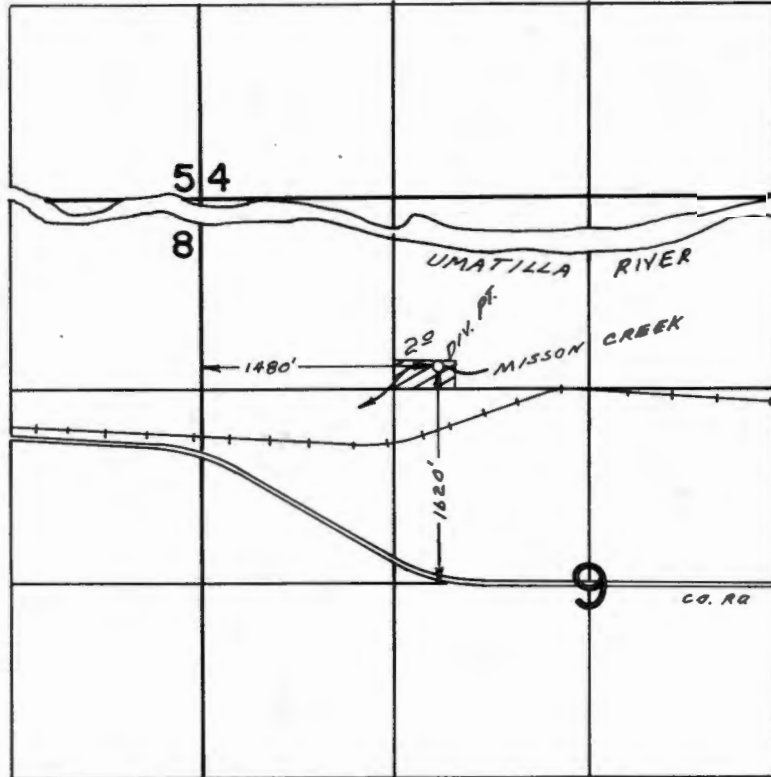
Application No. ~~55856~~.. Permit No. 42257.....
IN NAME OF

.....TERREL W. MAYBERRY.....

Surveyed MAR. 26. 1920., by V.L. CHURCH.....

*Win
Boundary*

T.2N. R.33E. W.M.



FINAL PROOF SURVEY
UNDER

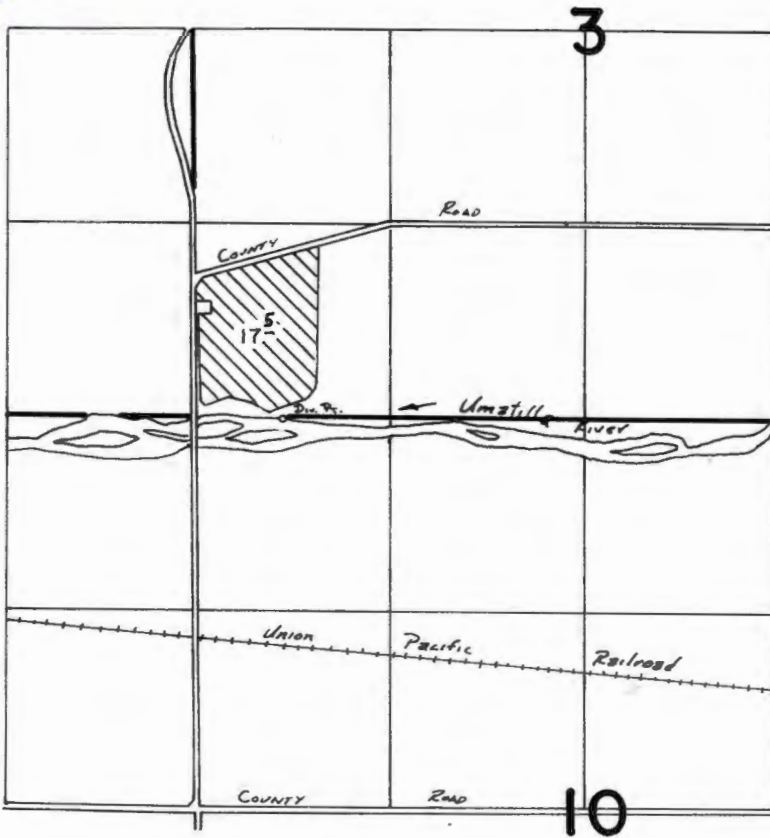
Application No. 49353..... Permit No. 36997.....
IN NAME OF

WILLIAM CLARK

Surveyed MAY 3..... 1977., by L.H. NUNN.....

T. 2N., R. 33E., W. M.

*W/in
boundary*



SCALE: 1" = 1320'

Div. Pt. LOCATED 10' N. & 600' E. FROM NW COR. SEC. 10

FINAL PROOF SURVEY UNDER

Application No. **59480** Permit No. **44747**....
IN NAME OF

.....**WILLIAM R. DUFF**.....

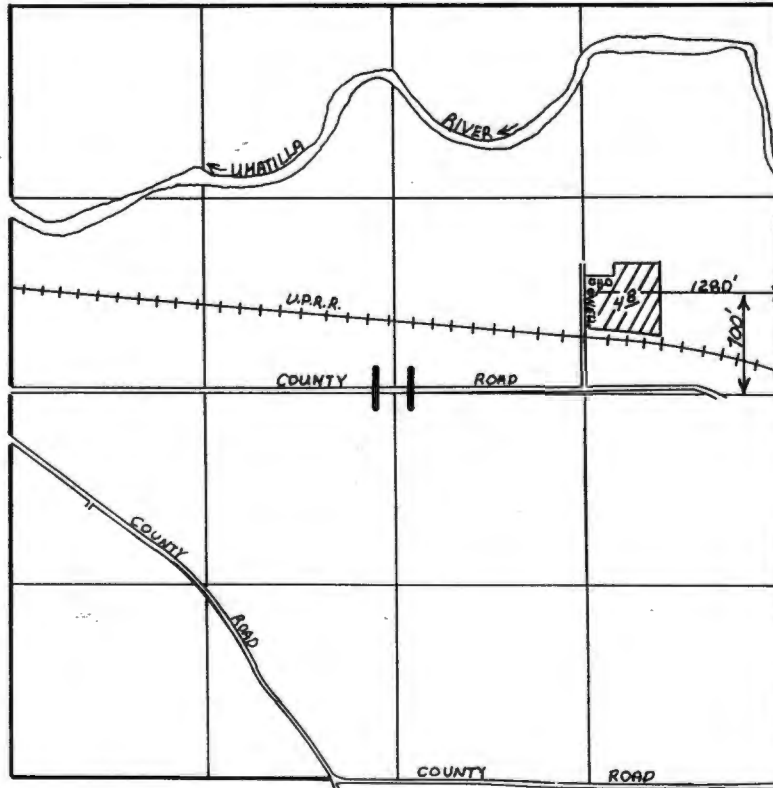
Surveyed *May 10*.... 1984., by *V. h. Church*.....

T. 2 N., R. 33 E., W. M.

NCR



SCALE: 1" = 1320'



FINAL PROOF SURVEY
UNDER

Application No. G-11136.. Permit No. G-10306....
IN NAME OF

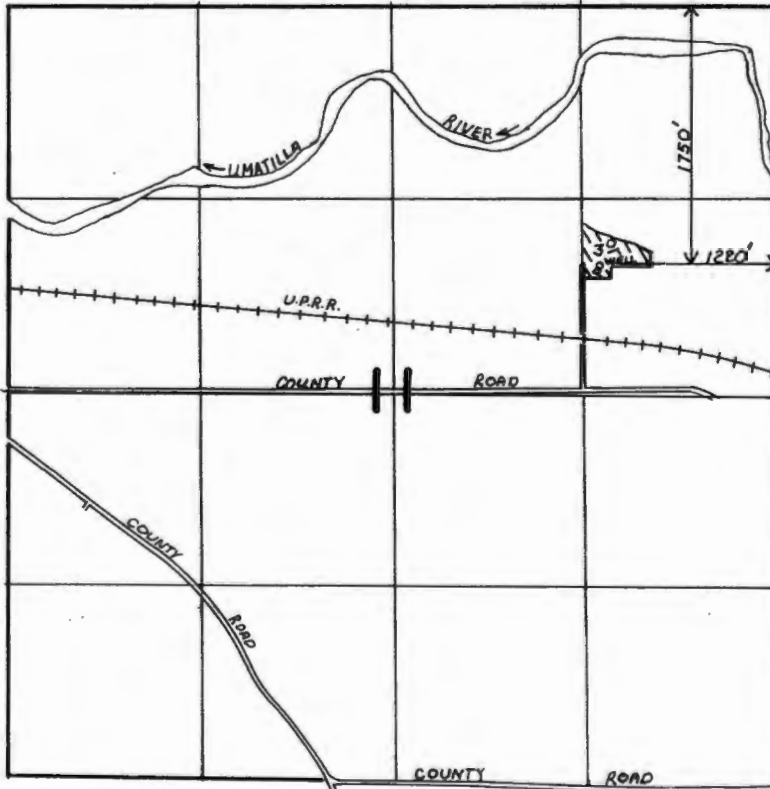
KERN PICKNELL

Surveyed July 23..... 1986..., by V.L. CHURCH.....
By J.K. SAUTER

T. 2 N., R. 33 E., W. M.

NCR

SCALE: 1"=1320'



FINAL PROOF SURVEY
UNDER

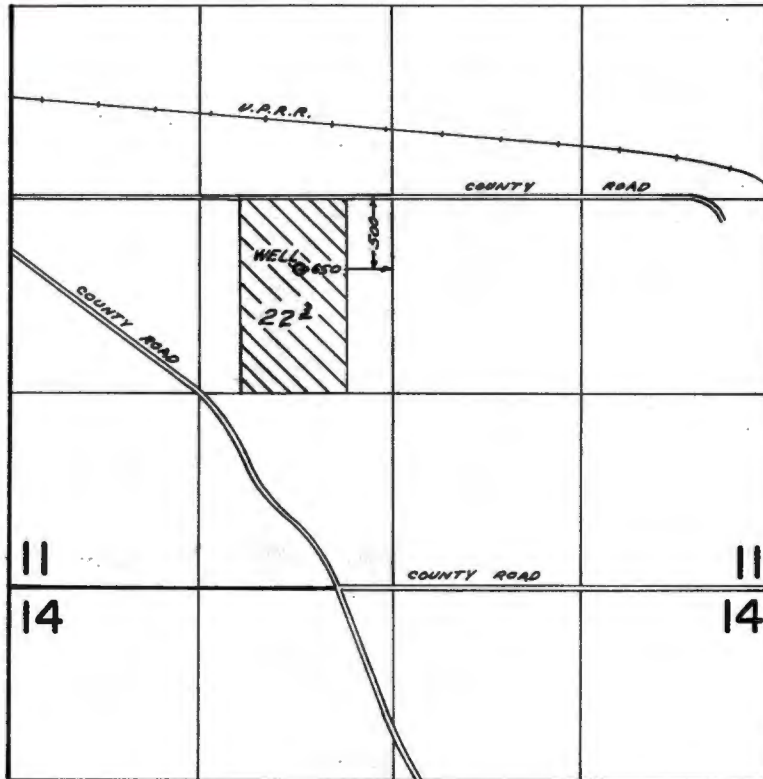
Application No. G-10635 Permit No. G-9745
IN NAME OF

RAYMOND H. AND EMMA J. ECKLES

Surveyed July 23, 1984, by Y.L. CHURCH
By J.K. SAUTER

T. 2 N. R. 33 E. W. M.

*W/in
Boundary*



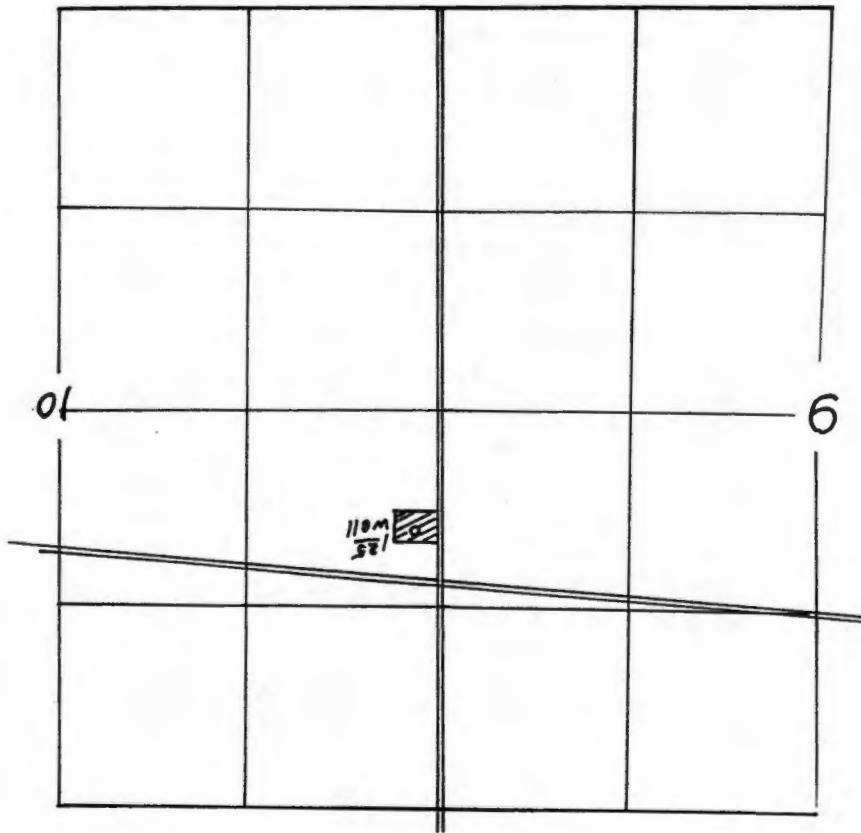
FINAL PROOF SURVEY
UNDER

Application No. G-4181 Permit No. G-3950
IN NAME OF

VERNON R. CASE

Surveyed Apr. 16 1973, by D.M. NORBY

Application No U-368 Permit No U-347



W/in Boundary

T. 2 N., R. 33 E., W.M.

Pendleton Grain Growers.

RECEIVED

RECEIVED

OCT 31 1958

STATE ENGINEER

SALES CHECK

S. 85° 44' E -

4463

3009'

Roy F. Morris

To be irrigated 3.15 a.

Well 30 Gal. @ M.

4212'

Win Boundary

MISSION TRACTS

S. 0° 21' E

1498

Roy F. Morris
0.83 a.
Total Irrigated

S. 42° 22' W
150'

100' 50' 50'

5

4

3

100

Road
N. 89° 36' W 5926

Application No. G-198
Permit No. G-384

Map showing
Descriptive tract located in
S.W./4 of N.W./4 of Sec. 10
T. 2 N., R. 33 E., W.M.
Umatilla Co. Ore. -

Scale: 1" = 100'

1325±

911±

8512

S. 89° 36' E
Ore. Hwy 30

County Road No. 885 N. 0° 31' E. Sec. Line 9732'

N. 36° 15' E. 757 FT.

S. 0° 21' E. Road 4355

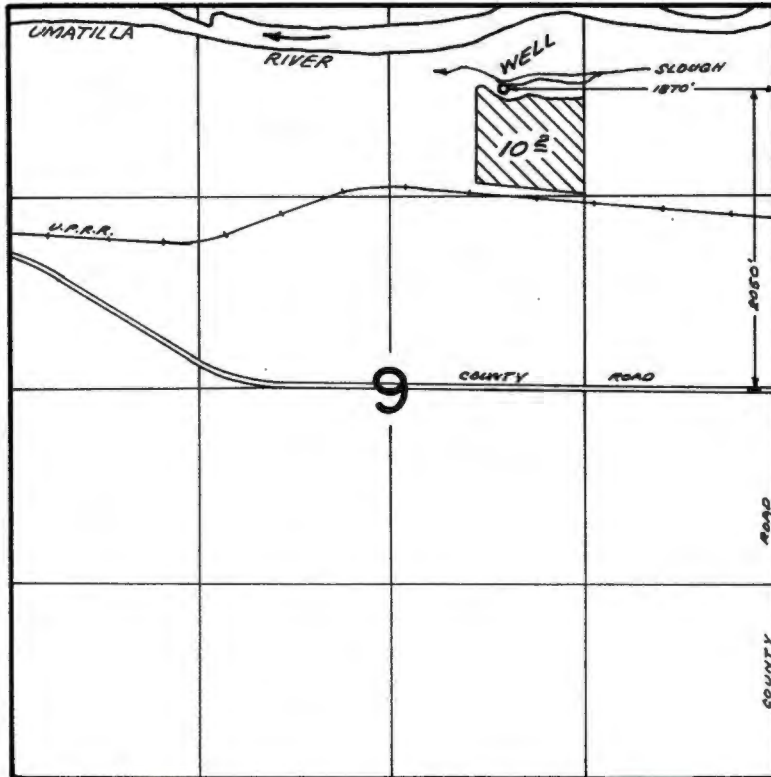
89° 15'

324±

9
1/4 COR. 10

T.2N.R.33E.W.M.

*W/in
Boundary*



FINAL PROOF SURVEY
UNDER

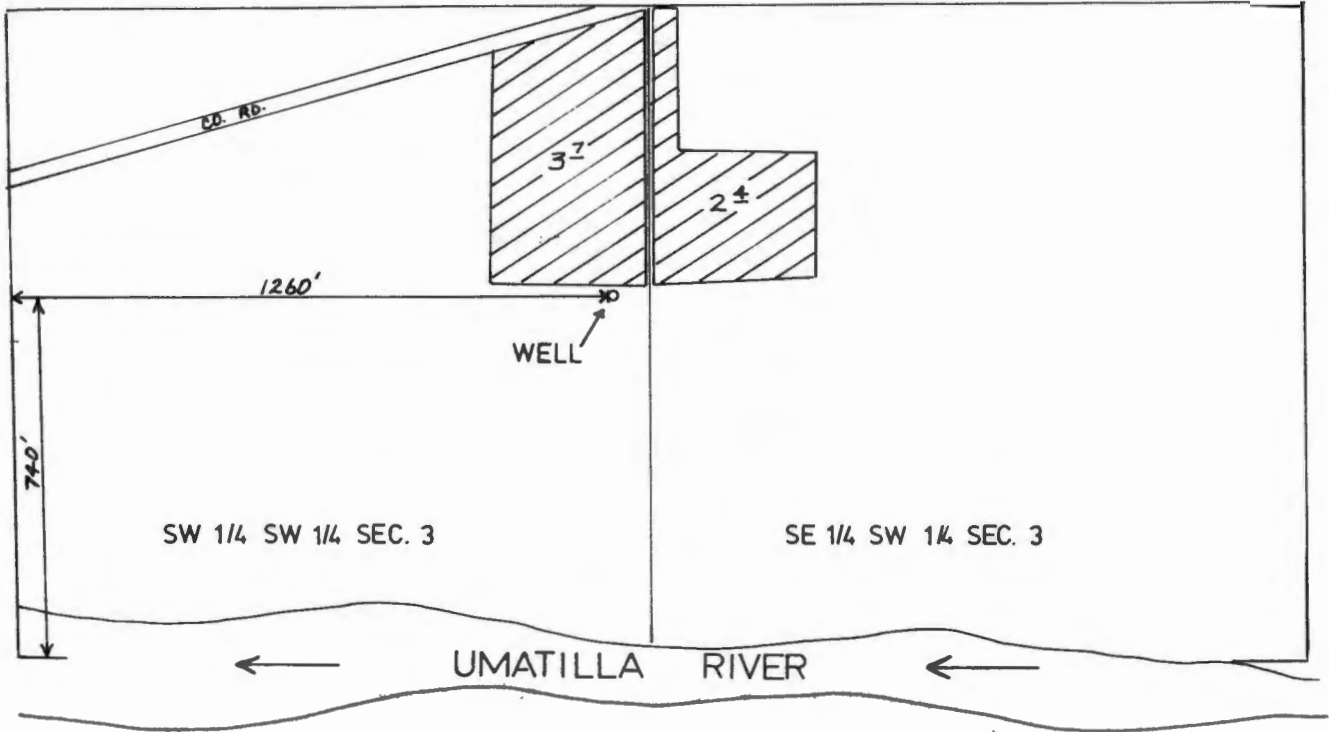
Application No. G-4338 Permit No. G-4095
IN NAME OF

MR. AND MRS. IKE FERNANDEZ

Surveyed APR. 14 1973, by D.M. NORBY

T. 2 N., R. 33 E., W.M.

W/in Boundary



FINAL PROOF SURVEY

UNDER

Application No. G-11487 Permit No. G10598
IN NAME OF

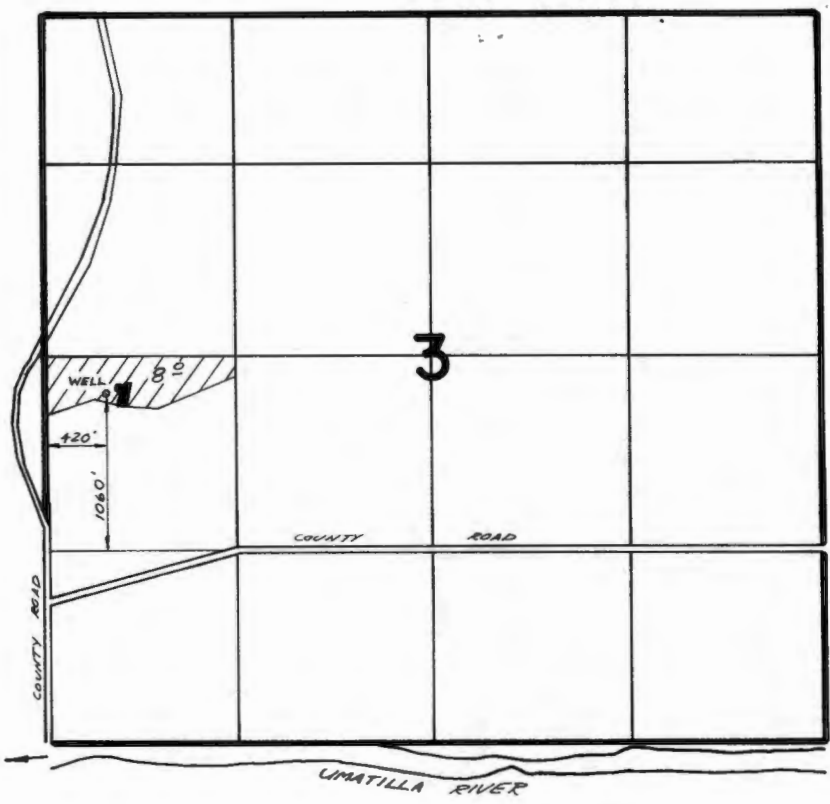
A. J. AND SUSAN FREY

Surveyed 1-24, 1991, by K. KEMP

1" = 400'

White Boundary

T. 2N. R. 33E. W.M.



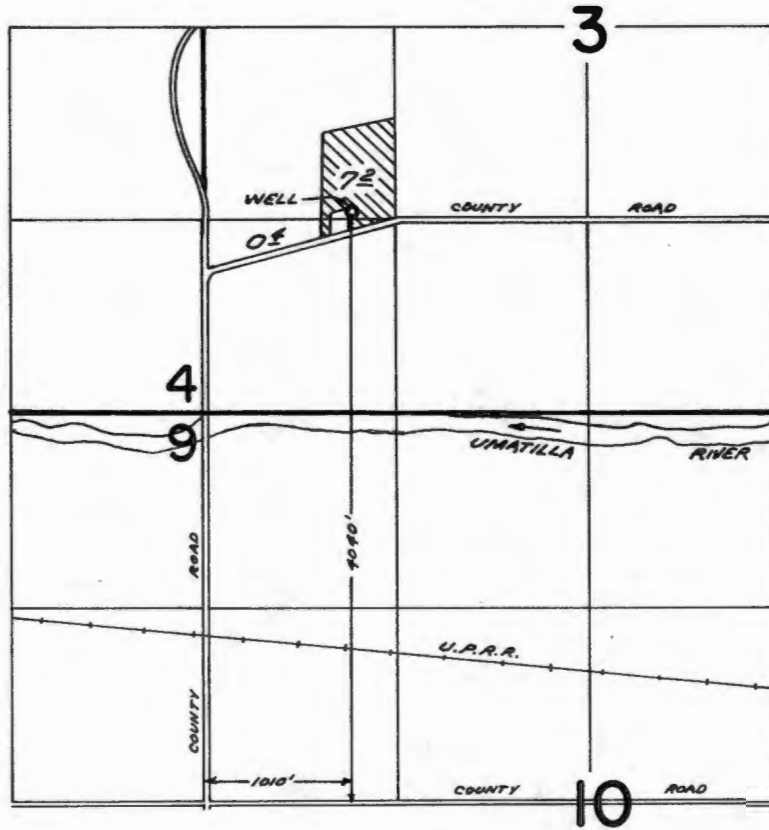
FINAL PROOF SURVEY
UNDER

Application No. G-7633 Permit No. G-7070
IN NAME OF
CLIFFORD C. PICARD

Surveyed 3-2 1979, by V. CHURCH

T.2N.R.33E.W.M.

*w/in
Boundary*



FINAL PROOF SURVEY
UNDER

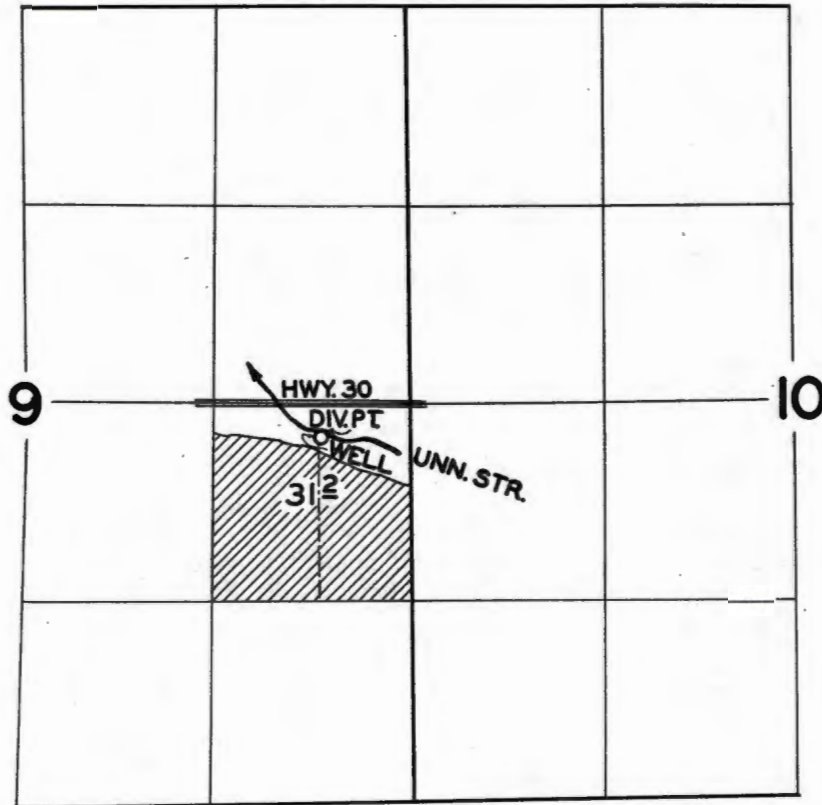
Application No. G-4661 Permit No. G-9385
IN NAME OF

WARREN J. WILKINSON

Surveyed APR. 16 1973, by D.M. NORBY

NCR

T. 2N. R. 33E. W.M.



FINAL PROOF SURVEY

UNDER

Application No. 29052 Permit No. 22853
U-749 U-708

IN NAME OF

WILBUR L. & AGNES E. JONES

Surveyed MAY 29 1957, by C. O. Baitels

1/2 INCH TO 100 FT.
SCALE

SEC. 11 T. 2N. R. 33E WM SE 1/4 NE 1/4
UMATILLA COUNTY

RIVER

NCR

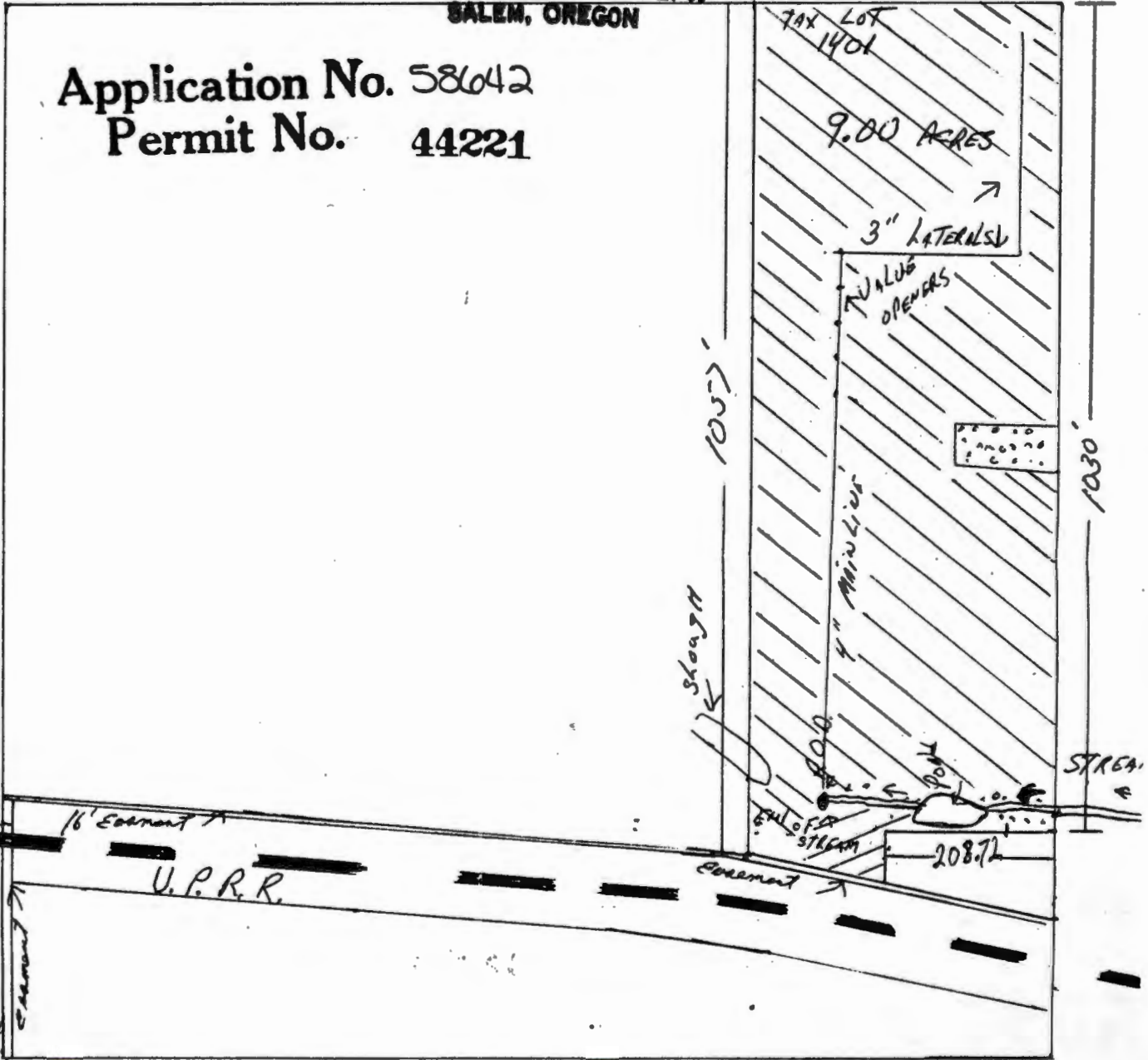
RECEIVED

MAY 11 1979

WATER RESOURCES DEPT.
SALEM, OREGON

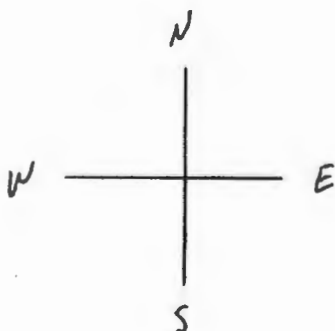
Application No. 58642
Permit No. 44221

388'



Div. Pt. Loc: 450' N. & 295' W.
from E 1/4 cor. Sec. 11

E 1/4 cor



Application of Fred R Young

No 8953

STATE ENGINEER
RECEIVED

JUN 16 1923

SALM, OREGON

Southwest Quarter Sec 10, T2 N. R33 E W.M.

Center of
Sec 10
T2 N R33 E

Application No. 8953
Permit No. 5921

Fred R Young
8 1/2 acres
Pumpkin plot
Pipes

8953

SW corner
Sec 10
T2 N R33 E W.M.

STATE ENGINEER
RECEIVED

JUN 18 1923

STATE ENGINEER
RECEIVED

w/in
Boundary

INTEROFFICE MEMORANDUM
Water Rights Section

TO: Fred Lissner

FROM: Dwight French, x268

DWF

6-24, 1997

RE: GW File number G-14395

Please have someone on your staff review the memo attached.

Michael Zwart of your staff appears to be the most recent GW person to look at this file.

Please route to Laura when finished.

(or myself)

Thanks.

MEMO

DATE: JUNE 24, 1997

TO: DWIGHT FRENCH

FROM: LAURA SNEDAKER

SUBJECT: APPLICATION G-14395 - CONFEDERATED TRIBES OF UMATILLA
INDIAN RESERVATION

The Department has received comments on the above application from Laura Schroeder. One of the comments is actually a protest that was filed prematurely. Both sets of comments address groundwater related issues. Please forward this memo and the attached file to the groundwater section for some additional review to determine whether the findings of the Division 9 review change based upon the comments submitted.

The comments are located in the front of the file.

Thanks.

Dwight/Laura : Nothing in the file from Ms. Schroeder causes me to re-review the application. I continue to believe that conditions 7A + 7B will adequately protect both senior appropriators and the resource.

*Mike Zwart
6/27/97*

MEMO

DATE: APRIL 11, 1997

TO: FILE G-14395

FROM: LAURA SNEDAKER

SUBJECT: RE-EVALUATION OF PROPOSED CLASSIFICATION FOR CONFEDERATED TRIBES OF THE UMATILLA INDIANS RESERVATION

This memo replaces and supersedes the file memo dated January 30, 1997. Based upon advice of council, Department staff have determined that the Confederated Tribes of the Umatilla Indians Reservation (CTUIR) may not qualify as a public corporation; therefore, the Department may not issue a municipal water right to the CTUIR. The Department may issue a water right to the CTUIR for quasi-municipal uses.

6-14395

2-27-97

Bob Patterson Confed Tribes
(541) ~~276~~ 276-4301
or 7464

will check in to maps & see if
ok

2-28-97

1:00 - no answer at either #

1:30 - left message

2:05 - returned my call & left message -
will call again on Monday

(Spoke w/
Mike Merrick)

3-3-97

per discussion w/ other staff maps
& legal desc. of POD's will be
sufficient. However desc's of wells
needs corrections (see attached page)

Do not have file in front of me & will
double check to make sure have informed
you of all necessary corrections.

Public Notice - is there a deadline? I.R.
indicates need to be done w/in 45
days.

OK if just start before 45 days - needs
to run for three full consecutive
weeks.



CONFEDERATED TRIBES

of the

Umatilla Indian Reservation

P.O. Box 638

PENDLETON, OREGON 97801

Area code 503 Phone 276-4301 FAX 278-0839

RECEIVED

MAY - 5 1997

WATER RESOURCES DEPT.
SALEM, OREGON

April 23, 1997

Laura K. Snedaker, Senior Water Rights Examiner
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Permit Application G-14395

Dear Laura,

In regards to our conversation concerning the *East Oregonian* "Affidavit of Publication" with the erroneous May 10th date for the Notary Public signature, I have enclosed a revised copy with a corrected date and signature.

Again, the CTUIR is completing this permanent groundwater application under protest. Attached to this letter is our Statement of Protest and Non-Waiver.

If you have any questions or concerns, please contact me at (541) 276-4301.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Patterson". The signature is fluid and cursive.

Bob Patterson, PE
Public Works Director

copy: Gary E. George, CTUIR Executive Director
Dan Hester, CTUIR Attorney
Mike Ladd, OWRD District Manager
File: Application for a Permit to Appropriate Groundwater
CO

RECEIVED

MAY - 5 1997

WATER RESOURCES DEPT.
SALEM, OREGON

STATEMENT OF PROTEST AND NON-WAIVER

This Limited License Application is filed under protest and solely for purposes of securing loan/grant funds from the Oregon Economic Development Department. The groundwater wells that are the subject of this application are located on tribal trust lands within the Umatilla Indian Reservation ("Reservation") and are intended for use by tribal members and enterprises on Reservation lands. It is the position of the Confederated Tribes of the Umatilla Indian Reservation that:

1. the Tribe has federal reserved water rights under the Winters doctrine to the groundwater resources being developed by the wells that are the subject of this application; and
2. the Tribe possesses the sovereign authority to regulate the development and use of the groundwater resources located underneath trust lands within Reservation boundaries and, pursuant to its Interim Water Code, the Tribe has exercised such regulatory authority.

Accordingly, the filing of this application is not intended as, nor shall it be construed as, conferring, recognizing or conceding to the State of Oregon any regulatory authority over on-Reservation groundwater resource development. In addition, by the filing of this application, the CTUIR does not relinquish or waive any claim it may have to groundwater under the Winters doctrine.

RECEIVED

MAY - 5 1997

WATER RESOURCES DEPT.
SALEM, OREGON

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

AFFIDAVIT OF PUBLICATION
OF

Equity Law } No. _____

STATE OF OREGON }
County of Umatilla } ss.

I Holly L. Davis being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-3987 Notice of Water Use Request
a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:

March 10, 17, 24, 1997

Holly Davis

Subscribed and sworn to before me in this 18th day of April, 1997.

Lisa M Blagg
Notary Public if Oregon



EO-3987
NOTICE OF WATER USE
REQUEST
Regarding application:
G-14395
The Oregon Water Resources Department is evaluating the request by the Confederated Tribes of the Umatilla Indian Reservation, under protest, to use 3600 gallons per minute of basalt water for municipal purposes. The proposed source of water is located within Umatilla County, Township 2 North, Range 33 East. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.
ORS 537.130(3) requires notice to all affected landowners. ORS 537.130(4) allows this notice to be made through publication in a local newspaper if there are more than 25 landowners involved.
For further information contact the Water Resources Department Water Rights Information Group at 1-(800)-624-3199 x499. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97310-0210.
By posting this notice, the Tribes do not agree to state jurisdiction nor waive any treaty rights, water rights, or its inherent sovereignty.
March 10, 17, 24, 1997

May 13, 1997

Laura Schroeder
3355 NE Davis
Portland, OR 97232

REFERENCE: REFUND, APPLICATION FILE G-14395 (Confederated Tribes)

Enclosed is a check, no. 4470739, in the amount of \$200.00. This is a refund of unearned protest fees paid for the above referenced application.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503) 378-3739.

Sincerely,



Russell W. Klassen
Senior Water Rights Examiner



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

433724

WARRANT NO.
114470739

WATER RESOURCES DEPARTMENT

(503) 378-8455

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		REV REFUND G-14395 11221	690	VP003440	200.00

VENDOR NAME:	SCHROEDER, LAURA	ISSUE DATE:	05/06/97	WARRANT AMOUNT	200.00
VENDOR NUMBER:	9690000001				

REMOVE CHECK AT PERFORATION

STATE OF OREGON

Dept of Administrative Services
To the State Treasurer, Salem, OR 97310

DATE ISSUED
MO-DAY-YR
05/06/97

VOID AFTER
MO-DAY-YR
05/06/99



BANK	WARRANT NO.
11	4470739

VENDOR NO.
9690000001

PAY THIS AMOUNT
\$200.00

*****TWO HUNDRED AND 00/100 DOLLARS*****

PAY TO THE ORDER OF:

SCHROEDER, LAURA
3355 NE DAVIS
PORTLAND

OR 97232



STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: MARIE LICARI, FISCAL
CC: FILE
FROM: Russ Klassen

OK Scott Klassen

SUBJECT: REQUEST FOR REFUND CHECK

PLEASE REFUND \$ 200⁰⁰ TO Laura Schreide?
FILE # G 14395, RECEIPT # 11221. THESE FUNDS ARE
REFUNDED DUE TO :

- APPLICATION REJECTED
- APPLICATION WITHDRAWN
- EXCESS FEES COLLECTED FOR APPLICATION
- FILE CLOSED
- PROTEST FILING FEE
- OTHER: _____

PLEASE INCLUDE THE FOLLOWING MAILING ADDRESS ON THE CHECK:

3355 NE DAVIS
PORTLAND, OR 97232

APR 09 1997

*11235
622B*

1996 WELL LOG
PUBLIC WORKS DEPT.
CTUIR

Application No. G-14395
Permit No.

*Connections
to be made*

SE NE

THESE WELL LOCATIONS DO NOT REPRESENT SURVEYED INFORMATION, BUT WERE SCALED FROM EXISTING MAPS OF RECORD.

E 1/4 Corner S 11

ADDRESS:	WELL NO:	LEGAL DESCRIPTION
47563 SHORT MILE ROAD	#3	LOCATED IN THE NE 1/4 OF S11, T2N. R33E. W.M., UMATILLA CO. 142 FT. N. & 990 FT. W. OF SE CORNER OF S11.
46444 MISSION ROAD	#4	LOCATED IN THE SE 1/4 OF S9, T2N. R33E, W.M., UMATILLA CO. 275 FT. S. & 60 FT. W. OF SE CORNER OF S11.

NE SE

*S9
E 1/4 corner
S9*

WATER RESOURCES DEPT.
SALEM, OREGON

OCT 18 1996

RECEIVED

ENCLOSURE(S): 1

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

Legal Support for People Feeding the World

P.O. BOX 1392
115 W. HERMISTON AVE., STE. 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

RECEIVED

APR 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

March 19, 1997

Laura K. Snedaker
Senior Water Rights Examiner
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: File G-14395

Dear Ms Snedaker:

We would like to take this opportunity to express some of our concerns with the application referenced above.

You state that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference. With the known water shortages in Eastern Oregon in general and in the Umatilla River Basin specifically, we are concerned with any water that may be withdrawn that would effect the flows in the Umatilla River. We do not believe that the Department has adequately addressed this concern.

We are concerned with the quantity of water being requesting for approval. The request is for the development of a system that will produce 3600.0 gallons per minute. The average water demand for the City of Hermiston is only 1960 gallons per minute. This reflects a high of 3100.0 g.p.m. in the summer time to 840.0 g.p.m. during the winter months. We believe that the application is speculative especially considering its municipal nature of use.

We are concerned that the Department has allowed this application to move forward through the process without requiring the applicant to submit all required materials including the necessary maps that would show the exact location of the proposed wells. We know of no reason to allow a permit upon an incomplete application.

You have stated that one of the proposed conditions that will likely be imposed is:

2. 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) will be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the

Laura K. Snedaker
Page 2
March 19, 1997

RECEIVED
APR 29 1997
WATER RESOURCES DEPT.
SALEM, OREGON

department approves or implements an alternative administrative action to mitigate the interference.

We believe that to adequately protect the resource the underlined portion should be replaced with: "If substantial interference with all existing users, including exempt users." This would protect all water users, not just those with senior water rights.

You also stated that one of the proposed conditions that will likely be imposed is:

5. 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) etc.

We feel the form for the presentation of this plan should be more fully described and outlined before a permit is issued.

Sincerely,



Laura A. Schroeder

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **10312**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Oregon Water Resourcs
BY: Congress

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96-8 OTHER: (IDENTIFY)

TOTAL REC'D \$ 10.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	<u>10.00</u>
TC165 DEPOSIT LIAB. (IDENTIFY)	\$	

PFO fee

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY

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

RECEIPT # **10312**

DATED: 2-24-97 BY: Melissa J

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **10312**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Oregon Water Resources
BY: J Congress

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96-8 OTHER: (IDENTIFY)

TOTAL REC'D \$ 10.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

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TC165 DEPOSIT LIAB. (IDENTIFY)	\$

PCA 66111
PFO fee

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **10312**

DATED: 2-24-97 BY: Melissa J. Smith

NUMBER 9049

10312

Check 10⁰⁰ Mo _____ Cash _____

- Surface Application
- Reservoir Application
- Ground Water Application
- Transfer Application
- PFO Request
- Research
- Hydroelectric Fees
- Copying
- Assignment
- Extension of Time
- Protest
- Other

OREGON WATER RESOURCES DEPARTMENT



RECEIVED

FEB 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Commerce Building
158 12th Street NE
Salem OR 97310-0210

PUBLIC NOTICE COMMENT FORM

February 18, 1997

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number
(e.g. "Permit Application G-12345" or "Transfer T-1234"):

G-14395

Mail me the Order
(payment enclosed)*

Your Name, Address, and Phone Number:



**OREGON
WATER
RESOURCES
CONGRESS**

1201 Court St. NE, Ste. 303 ■ Salem, Oregon 97301-4188

Jan L. Lee
Executive Director

Phone: (503) 363-0121
FAX: (503) 371-4926
email: owrc@owrc.org

we are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

STANDING

Comments (please type or print):

Holly - East Oregonian
Confederated Tribes of Umatilla Indians

3-6-97 6-14395 - notes LKS

Holly - East Oregonian in Pendleton
re: publishing notice of app. for Confederated
Tribes of Umatilla

once a week for three weeks or
every day for three weeks.

Statute - ^{at least} once a week for three
successive weeks.

News paper meets ~~the~~ Statutory
definition

OREGON WATER RESOURCES DEPARTMENT



RECEIVED

FEB 28 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Commerce Building
158 12th Street NE
Salem OR 97310-0210

PUBLIC NOTICE COMMENT FORM

February 18, 1997

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a permit application. Please reference the permit number and the address listed on the permit.

Water Use Request
(e.g. "Permit to divert water")

Please

of the

G-

3-4-97

Copy of E.R. Mailed on
3-4-97 & billed to
account

Comments to

Order
(lost)*

Laura S.

Please bill
to my
account.

Your Name, Address, and Phone Number.

Schroeder Law Offices

P.O. Box 1392

Hermiston, OR 97838

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

OREGON WATER RESOURCES DEPARTMENT



RECEIVED

FEB 28 1997

WATER RESOURCES DEPT
SALEM, OREGON

Commerce Building
158 12th Street NE
Salem OR 97310-0210

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February 18, 1997

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Water Use Request Type & File Number

(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Please provide a copy
of the initial review of
G - 14395

Mail me the Order
(payment enclosed)*

please bill
to my
account.

Your Name, Address, and Phone Number:

Schroeder Law Offices
P.O. Box 1392
Hermiston, OR 97838

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

JANUARY 31, 1997

RECEIVED
FEB 10 1997

WATER
RESOURCES
DEPARTMENT

CONFEDERATED TRIBES
OF THE UMATILLA INDIAN RESERVATION
P.O. BOX 638
PENDLETON, OREGON 97801-0638

→ CTUIR not a Municipality are they? If not, use should be quasi-municipal? or other

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Post-It routing request pad 7664

ROUTING - REQUEST

Please

READ

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APPROVE

FORWARD

RETURN

KEEP OR DISCARD

REVIEW WITH ME

To Dick Bailey

RECEIVED

FEB 10 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Date 2-6-97 From Tony Justus

AND IS
CASE OF PROCESS

of your application for
have supplied, the Water
owing conclusions:

- The use of water ... the Umatilla Basin Program.
- The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
- Water for the use of 3600.0 GALLONS PER MINUTE (GPM) (8.0 CUBIC FEET PER SECOND (CFS), BEING 1800.0 GPM (4.0 CFS) FROM EACH WELL, for MUNICIPAL USE is available.
- The applicant will be required to submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.
- Because there are more than 25 landowners associated with this application, the applicant is required to run a notice of the application for three consecutive weeks in a publication that meets that statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The language to be used in the advertisement of the application is

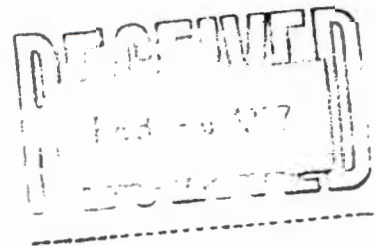


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Wm # 5

Oregon

WATER
RESOURCES
DEPARTMENT



JANUARY 31, 1997

CONFEDERATED TRIBES
OF THE UMATILLA INDIAN RESERVATION
P.O. BOX 638
PENDLETON, OREGON 97801-0638

→ CTUIR not a Municipality are they? If not, use should be quasi-municipal? or other

Reference: File G-14395

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for MUNICIPAL USE is allowed under OAR 507, the Umatilla Basin Program.
4. The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
5. Water for the use of 3600.0 GALLONS PER MINUTE (GPM) (8.0 CUBIC FEET PER SECOND (CFS), BEING 1800.0 GPM (4.0 CFS) FROM EACH WELL, for MUNICIPAL USE is available.
6. The applicant will be required to submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.
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Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
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JANUARY 31, 1997

CONFEDERATED TRIBES
OF THE UMATILLA INDIAN RESERVATION
P.O. BOX 638
PENDLETON, OREGON 97801-0638

Reference: File G-14395

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5. Water for the use of 3600.0 GALLONS PER MINUTE (GPM) (8.0 CUBIC FEET PER SECOND (CFS), BEING 1800.0 GPM (4.0 CFS) FROM EACH WELL, for MUNICIPAL USE is available.
6. The applicant will be required to submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.
7. Because there are more than 25 landowners associated with this application, the applicant is required to run a notice of the application for three consecutive weeks in a publication that meets that statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The language to be used in the advertisement of the application is



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

attached. This needs to be done within 45 days. A copy of the affidavit of publication needs to be submitted to the Department following completion of the notice period.

Summary of Initial Determinations

The use of 8.0 CFS, from two wells in Umatilla River Basin, being 4.0 CFS from well #3 and 4.0 CFS from Well #4, for Municipal Use may be allowed Year Round.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

However, before your application may move to the next review phase a revised application map needs to be submitted to the Department. The revised map must identify the location of the wells, to the nearest quarter quarter section, and the coordinates, from a recognized public land survey corner, to the well location. The coordinates are the distances east or west and north or south from a recognized public land survey corner, such as a section corner. A copy of the Department's map requirements is enclosed.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **FEBRUARY 14, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

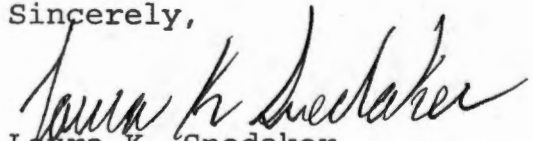
1. You may be required to measure the amount of water used and report that use annually.

2. 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.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is October 18, 1996.
5. 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 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.
6. Within 1 year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 331 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

cc: Regional Manager NCR, Watermaster District 05,
Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form
Department Map Requirements
Notice of Water Use Request language
Copy of Applicant's Map

MEMO

DATE: JANUARY 30, 1997
TO: FILE G-14395
FROM: LAURA SNEDAKER
SUBJECT: MUNICIPAL WATER USE

LK-S
js

Based on conversations with Jake Szramek, Reed Marbut, and Steve Saunders it appears that the Confederated Tribes of the Umatilla Indians falls under the definition of a Municipality. The Confederated Tribe of the Umatilla Indians appears to have the same functions as a municipality (town). This application will be processed as an application for Municipal Water Use unless the Water Rights Section is informed otherwise.

TO: Water Rights Section

Nov. 8, 1996

FROM: Groundwater/Hydrology Section Michael Zwart
Reviewer's Name

SUBJECT: Application G- 14395

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7A;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: see memo to file re City of Pendleton

(Well Construction Considerations on Reverse Side)

G-14395

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: November 8, 1996

From: MICHAEL ZWART

Subject: APPLICATION G-14395, CONFEDERATED TRIBES OF THE UMATILLA
INDIAN RESERVATION

This application proposes to use 8.0 cfs of groundwater from two wells for municipal use. The wells are 1100 (#3) and 1054 (#4) feet deep and penetrate a confined aquifer developed in basalt of the Columbia River Basalt Group below about 425 to 450 feet, which is where the well seals are placed. The static water levels are well above land surface datum.

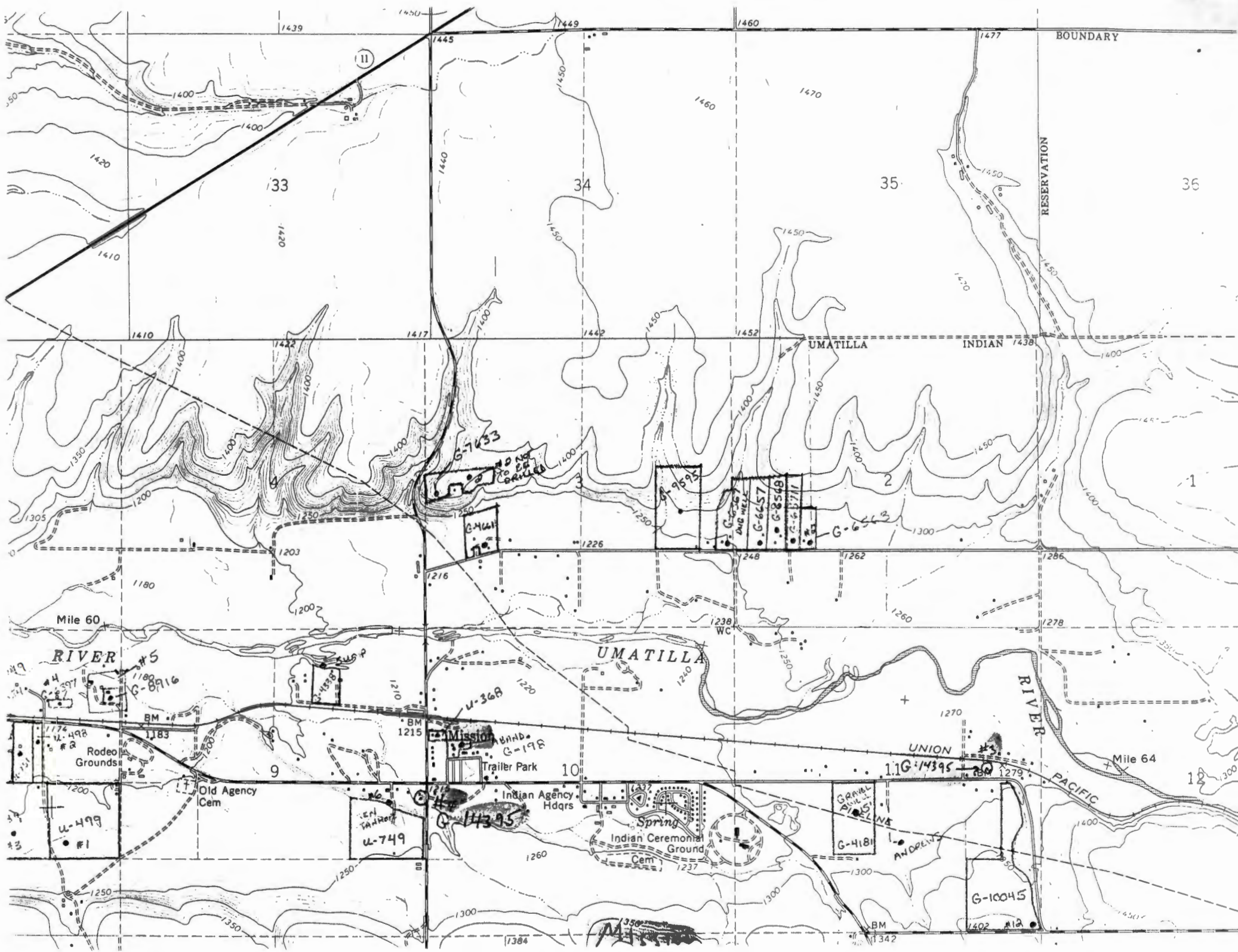
The wells are located about 1400 (#3) and 2700 (#4) feet from the Umatilla River. The aquifer penetrated is not in hydraulic connection with the nearby reach of the river, but probably is at some greater distance. There is no potential for substantial interference with the river, based on the confined aquifer penetrated and the distance.

Permit conditions 7A and 7B are recommended.

According to the Umatilla Basin rules, the City of Pendleton should be notified and may be able to comment on the proposed appropriation, since at least one of the city's basalt wells is within five miles of these wells.

well 3 Umat 8930

well 4 Umat 8929



BOUNDARY

RESERVATION

UMATILLA

INDIAN

UMATILLA

UNION

RIVER

PACIFIC

Mile 60

Mile 64

33

34

35

36

9

10

11

RIVER

Rodeo Grounds

Old Agency Cem

Mission Bldg
Trailer Park

Indian Agency Hdqrs

Spring
Indian Ceremonial Ground
Cem

GRANITE
BASIN
AND
DRAINAGE

ANDREWS

G-10045

G-7433

G-4161

G-9595

G-6457

G-8548

G-6571

G-6563

G-14395

G-4181

G-8916

BM 1183

BM 1215

BM 1215

BM 1237

BM 1342

BM 1402

1180

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County: MARTIN

Quad name & #: _____

REVIEW CHECKLIST

FOR G-14395

- Appropriate parts of the stream index
- Estimated number of wells within a one-mile radius & identified types.
- State Observation wells within a five-mile radius.
- Verify that well log is in file. If not provide one.
- List groundwater permits within a five-mile radius with extraordinary conditions.

Number of wells: _____

Well location: 02N/33E/09
02N/33E/11

APPLICATIONS WITH PERMIT CONDITIONS:

G-13367

G-13248

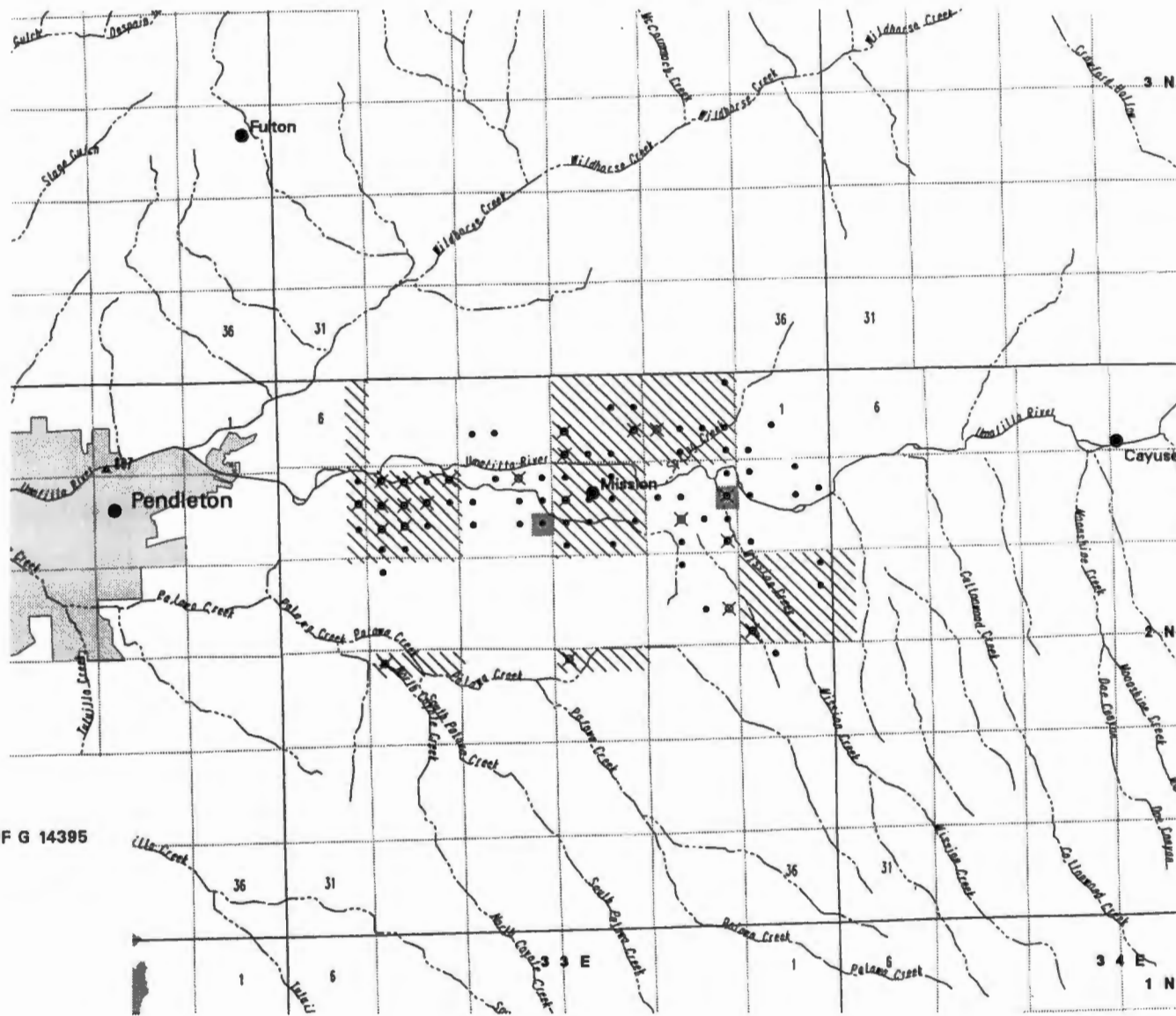
G-13821

G-12832

G-13655

Wells in the vicinity of application G 14395

- Application well(s) in this 1/4-1/4 section
- ◻ Well(s) identified in this section from OWRD's well log database within 1 ml. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 ml. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 ml. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 ml. radius of application well(s)
- Critical GW Area
- ▨ Regulated GW Area



WELLS WITHIN 1 MILE OF G 14395
 DO 139
 ID 10
 IR 8
 MU 3

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14395

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 5174	2.00N33.00E 2NWSW	IR	0.1140	C
G 5174	2.00N33.00E 2NWSW	IR	0.1300	C
G 6164	2.00N33.00E 2NWSW	IR	0.0900	C
G 6168	2.00N33.00E 2NWSW	IR	0.0500	C
G 6216	2.00N33.00E 2NWSW	IR	0.0200	C
G 5963	2.00N33.00E 3NESE	IR	0.0900	C
G 9259	2.00N33.00E 3NESE	IR	0.2400	C
G 4385	2.00N33.00E 3NWSW	IR	0.1000	C
G 7070	2.00N33.00E 3NWSW	IR	0.1000	C
G 10598	2.00N33.00E 3SWSW	IR	0.1200	C
G 4095	2.00N33.00E 9NWNE	IR	0.0800	C
G 4095	2.00N33.00E 9NWNE	IR	0.1300	C
G 5986	2.00N33.00E 8NENE	IS	0.0100	C
G 8355	2.00N33.00E 8NENE	IR	0.0400	C
G 4275	2.00N33.00E 8NWNW	IS	0.0200	C
G 6074	2.00N33.00E 8NENW	IR	0.4100	C
G 9754	2.00N33.00E11SENE	IR	0.0400	C
G 10306	2.00N33.00E11SENE	IR	0.0603	C
G 384	2.00N33.00E10SWNW	IR	0.0400	C
G 5429	2.00N33.00E 8SWNE	IR	0.0200	C
G 5592	2.00N33.00E 8SWNE	IR	0.0300	C
G 5068	2.00N33.00E 7SENE	IR	0.0100	C
G 5068	2.00N33.00E 7SENE	IR	0.0200	C
G 5453	2.00N33.00E 7SENE	IR	0.0100	C
G 7746	2.00N33.00E 7SENE	IR	0.0100	C
G 8965	2.00N33.00E 7SENE	IR	0.0200	C
G 9801	2.00N33.00E 7SENE	IR	0.0100	C
G 9191	2.00N33.00E 8SWNW	IR	0.3200	C
G 6071	2.00N33.00E 8SENE	IR	0.0400	C
G 6072	2.00N33.00E 8SENE	IR	0.1000	C
G 9191	2.00N33.00E 8SENE	IR	0.0800	C
G 3950	2.00N33.00E11NESW	IR	0.1800	C
G 4790	2.00N33.00E 8NESW	IR	0.1000	C
G 6085	2.00N33.00E 8NESW	IR	0.0500	C
G 6717	2.00N33.00E 8NESW	IR	0.0700	C
G 4272	2.00N33.00E 8NWSW	IR	0.0700	C
G 4304	2.00N33.00E 8NWSW	IR	0.0500	C
G 4317	2.00N33.00E 8NWSW	IR	0.0600	C
G 5033	2.00N33.00E 8NWSW	IR	0.0300	C
G 10078	2.00N33.00E 8NWSW	IR	0.0600	C
G 9929	2.00N33.00E11SESE	IR	0.5600	C
G 3225	2.00N33.00E14NESE	MU	6.7000	C
G 8726	2.00N33.00E13SWSW	IR	0.8700	C
G 5328	2.00N33.00E22NWNW	IR	0.0200	C
G 4300	2.00N33.00E20NWNW	IR	1.0500	C

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14395

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T2N/R33E-9/11

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

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OCT 18 1996

Application No. 6-14395
Permit No. _____

UMAT 5930

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

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 46226

(1) OWNER: CTUIR Well Number 3
Name _____

Address P.O. Box 638
City Pendleton State OR Zip 97801

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other Reverse Circulation Rotary

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 1100 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount
Diameter	From	To	Material	From	To	sacks or pounds
20	0	251	cement	8	424	475 sks
15	251	425	Pitless extension installed with			
12	425	1100	10" side outlet valve below grd & 12" in line valve below side outlet.			

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:	12	+6	424	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	including pitless extension							
Liner:	10	409	1100	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	except at screens.							

Final location of shoe(s) 424

(7) PERFORATIONS/SCREENS:

Perforations Method see attached
 Screens Type V shape Material 304SS
wire wrap

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
see attached liner/screen assembly list.							
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
500	38 psi backpressure		3 hr.
840	30 psi backpressure		2.5 hr.
1300	12 psi backpressure		72 hr.

Temperature of Water 73°F 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: _____ 8F1 9383

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 2N N or S. Range 33E E or W. WM.
Section 11 SE 1/4 of NE 1/4
Tax Lot 1200 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
_____ ft. below land surface. Date _____
Artesian pressure 46 lb. per square inch. Date 10/6/93

(11) WATER BEARING ZONES:

Depth at which water was first found in basalt: 27'

From	To	Estimated Flow Rate	SWL
27	46	< 100	11
65	75	< 100	9
811	830	225*	*
892	1085	1000*	*

(12) WELL LOG:
Ground elevation ~ 1277

Material	From	To	SWL
see attached log			
*Well was flowing artesian below 811'. Shut in pressures were ~44psi (5/93). Intermediate flow rates were increasing with depth as follows:			
	830'	> 225 gpm	
	915'	> 275 gpm	
	989'	> 285 gpm	
	1042'	> 365 gpm	
	1077'	> 900 gpm	
	1100'	see (8)	

Date started 12/2/92 Completed 10/26/93

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WWC Number 1367
Date 10/29/93

(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 well construction standards. This report is true to the best of my knowledge and belief.
Signed _____ WWC Number 649
Date 10/29/93

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WATER RESOURCES DEPT.
SALEM, OREGON

CTUIR
Well No. 3
Start Card No. 46226
10" Liner/Screen Assembly

<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>DESCRIPTIONS</u>
409	413	4.0	Blank w/J Slots (reinforced & covered)
413	422.5	9.5	*
422.5	804.4	20.1x19 Pcs	*
804.4	814.4	10.0	Factory Perforations (3/16x3 perf., 40/ft, Typ.)
814.4	834.65	20.25	Screen (.150 Slot, Typ.)
834.65	844.65	10.0	Fact. Perf.
844.65	864.75	20.1	*
864.75	884.85	20.1	*
884.85	904.95	20.1	*
904.95	924.95	20.1	*
924.95	940.05	15.1	*
940.05	945.05	5.0	Fact. Perf.
945.05	965.15	20.1	Blank
965.15	985.25	20.1	Blank
985.25	1019.5	34.25	Blank
1019.5	1029.5	10.0	Fact. Perf.
1029.5	1049.75	20.25	Screen
1049.75	1064.75	15.0	Fact. Perf.
1064.75	1085	20.25	Screen
1085	1100	15.0	Fact. Perf.

*Each of these pieces have 18-1/2x6 torch perforations located 3' to 6' from top end.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Start Card No. 46226
by Schneider Drilling Co.
June 2, 1993

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WATER RESOURCES DEPT.
SALEM, OREGON

<u>Depth</u>		<u>Description</u>
<u>From</u>	<u>To</u>	
0	2	Top soil, brown
2	5	Peat & sand
5	16	Gravel, 6"- & sand, brown
16	19	Gravel, 4"- & clay, brown
19	22	Gravel, 2"- & clay, brown, conglomerate
22	27	Basalt, blk, broken, & clay, blk
27	46	Basalt, blk, fractured, med-hard
46	58	Basalt, gray, hard
58	60	Basalt, dark gray, med-hard
60	62	Basalt, blk, brkn, ves, some cly, gry & blue
62	65	Basalt, blk, well frac, & claystone, blue
65	67	Basalt, blk, vesicular
67	75	Basalt, blk, frac, some vesicular, med
75	78	Basalt, blk, vesicular, soft, & some clay, blue
78	81	Basalt, blk, frac, ves, med-sft, & some cly, blue
81	83	Basalt, blk, some frac, med-hard
83	89	Basalt, blk, frac, med, & some clay, gray
89	92	Basalt, blk & gray, frac, med
92	95	Basalt, gray, hard
95	105	Basalt, gray, hard, some frac
105	108	Basalt, gray, hard
108	109	Basalt, gray, well frac
109	128	Basalt, gray, hard
128	133	Basalt, blk, brkn, ves, some cs, blue
133	136	Basalt, blk, frac, some ves
136	140	Basalt, blk, frac, some ves, med-soft
140	143	Basalt, blk, ves, very soft, & some clay & cs, blue
143	146	Basalt, blk, ves & frac, med-soft
146	149	Basalt, blk, some frac & some ves, med
149	152	Basalt, blk, some frac, med-hard
152	161	Basalt, blk, frac, med
161	165	Basalt, drk gray, frac, med-hard
165	171	Basalt, blk-red & brn, ves, med-sft, some cs, blue
171	174	Basalt, blk, frac, some ves, & clay, gray
174	184	Basalt, blk, frac, med
184	188	Basalt, dark gray, some frac, med-hard
188	200	Basalt, gray, hard
200	201	Basalt, gray, well frac, med
201	205	Basalt, gray, hard
205	230	Basalt, gray, some frac, brown, hard
230	265	Basalt, gray & brown, some frac, hard
265	275	Basalt, gray, hard
275	280	Basalt, gray & brown, frac, med-hard
280	295	Basalt, dk gray & brown, ves, frac, med, cs, blue

CONFEDERATE TRIBES OF THE UMATILLA INDIAN RESERVATION
 Start Card No. 46226, cont.

From	To	Description
295	312	Basalt, black, ves, frac, med-soft, cs, blue
312	366	Basalt, blk & brn, frac, med-hard, some cs
366	369	Basalt, blk & brn, frac, med-hard
369	383	Basalt, dark gray, med-hard
383	385	Basalt, gray & brn, some frac, med-hard
385	388	Basalt, drk gray, frac, med, & cs, green-blue
388	393	Basalt, blk, cindery & red, ves, soft, & cs, blue
393	403	Basalt, blk, ves, med-soft, some clay, brn
403	407	Basalt, dk brn, ves, med, & cs, blue
407	410	Basalt, dk gry-blk, ves, med, & cs, blue
410	416	Basalt, blk, frac, med, & some cs, blue
416	423	Basalt, dk gray & brn, some frac, med-hard
423	425	Basalt, dk gray & brn, frac, med-hard
425	430	Basalt, dk gray & brn, frac, hard
430	437	Basalt, brn, ves, frac, med-soft, & cs, blue
437	442	Basalt, gray & brn, ves, frac, med, cs
442	458	Basalt, gray, ves, med, & some cs
458	477	Basalt, dk gray, frac, med-hard
477	485	Basalt, dk gray, ves, frac, med-hard, cs
485	488	Basalt, dk gray, frac, med, & clay & cs
488	490	Basalt, dk gray, some ves, frac, med, & cs
490	492	Basalt, dk gray, frac, med-hard
492	497	Basalt, dk gray, frac, med, & cs
497	498	Basalt, dk gray, med, & cs, blue-green
498	500	Basalt, dk gray, frac, med
500	502	Basalt, gray, frac, med, & some cs, blue-green
502	504	Basalt, gray, some frac, med
504	507	Basalt, gray, some frac, med, & clay, brown
507	512	Basalt, gry, md-sft, & cs, blue-grn, & cly, gry-brn
512	518	Basalt, gray, med-soft, & clay, gray-brn
518	542	Basalt, gray, frac, med
542	545	Basalt, gray, med-hard, frac, & cs, blue-grn
545	553	Basalt, gry-brn, frc, vs, md-sft, & some cly, brn & cs, grn
553	557	Basalt, gray, ves, frac, med-soft, with clay & cs
557	570	Basalt, gray, frac, med-hard
570	577	Basalt, gray, frac, med-hard, & cs, blue-grn
577	578	Basalt, gry, frac, med-hard, & cly, blue-grn, & some cs
578	582	Basalt, gray, ves, med, & cs, blue-grn
582	596	Basalt, gray, med-hard, some frac
596	600	Basalt, gry, & rock, red, brkn, med-soft, & cly, red
600	602	Rock, red, brkn, med-soft, & cs, grn, & cly, red
602	604	Basalt, gry, & some rock, red, brkn, md-sft, & cs, grn
604	606	Basalt, gry, brkn, md-sft, & cs, bl-grn, cly, gry-brn
606	609	Basalt, gray, frac, med, & cs, blue-grn
609	616	Basalt, gray, brkn, soft, & clay, gray
616	617	Basalt, gry, brkn, med-soft, & cs, blue-grn, & clay, gry
617	620	Basalt, gray, brkn, med, & cs, blue-grn
620	627	Basalt, gray, brkn, med, & some clay, brown

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WATER RESOURCES DEPT.
 SALEM, OREGON

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Start Card No. 46226, cont.

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WATER RESOURCES DEPT.
SALEM, OREGON

<u>From</u>	<u>To</u>	<u>Description</u>
627	637	Basalt, gray, frac, med-hard, & some cs, blue-grn
637	673	Basalt, gray, frac, hard
673	674	Basalt, gray, frac, med, & cly lyrs, blue-grn & red
674	677	Basalt, gray, frac, med, & cs, blue-grn
677	679	Basalt, gray & brn, frac, med, & cs, blue-grn
679	680	Basalt, brn, frac, med-soft, & cs, blue-gry & blue-grn
680	682	Basalt, brown, brkn, med-soft, & cs, blue-grn
682	684	Basalt, gray & brown, frac, med, & cs, blue-grn
684	692	Basalt, gray & brown, frac, med
692	699	Basalt, gray, frac, med
699	709	Basalt, gray, brkn, med, & cs, blue-green
709	711	Basalt, gray, frac, hard
711	714	Basalt, gray, frac, med-hard, & cs, blue-grn
714	717	Basalt, gray, frac, med-hard, & clay, blue-grn
717	719	Basalt, gray, frac, med-hard, & cs, blue-grn
719	722	Basalt, gray, brkn, med-hard, & cs, blue-grn
722	729	Basalt, gray, frac, hard
729	734	Basalt, gray, frac, med-hard, & cs, green
734	741	Basalt, gray, brkn, med
741	743	Basalt, gray, frac, med, & cs, green
743	747	Basalt, gray, frac, med-hard
747	749	Basalt, gray, frac, hard, & some cs, green
749	759	Basalt, gray, frac, hard
759	762	Basalt, gray, frac, hard, & cs, blue-grn
762	764	Basalt, gry, brkn, soft, & cly, sandy, drk gry, & cs, blue-grn
764	777	Basalt, gray, brkn, med, & cs, blue-grn
777	779	Basalt, gray, frac, med-hard
779	797	Basalt, gray, frac, hard, & some cs, blue-grn
797	798	Basalt, gry, brkn, med-soft, & cly, sticky, sand, dk gry
798	807	Basalt, gry, brkn, med-soft, & cly, dk gry, sandy, & sandstone, blue-grn
807	811	Basalt, gray, brkn, med, & some cs, blue-green
811	828	Basalt, black, frac, med
828	830	Basalt, black, very frac, med
830	840	Basalt, dk gray, frac, med-soft, & some cs, green
840	855	Basalt, dk gray, some frac, ves, med-hard
855	872	Basalt, dk gray, some frac, hard
872	874	Basalt, dk gray, frac, ves, med-hard
874	882	Basalt, dk gray, frac, med
882	887	Basalt, dk gray, very frac, med
887	892	Basalt, dk gray & blue, very frac, med
892	897	Basalt, brown, frac, med

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OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Start Card No. 46226, cont.

<u>From</u>	<u>To</u>	<u>Description</u>
897	925	Basalt, black, frac, med
925	927	Basalt, black, more frac, med
927	932	Basalt, brown, frac, some ves, med
932	946	Basalt, black, frac, med
946	949	Basalt, dk gray, frac, med
949	952	Basalt, black, frac, med
952	957	Basalt, dk brown, frac, med
957	960	Basalt, brown-gray, frac, med-soft
960	972	Basalt, brown-black, frac, med
972	973	Basalt, dk gray & brown, frac, med-hard
973	982	Basalt, black, frac, med
982	985	Basalt, dk gray, frac, hard
985	1019	Basalt, black, frac, med
1019	1022	Basalt, black, more frac, med-soft
1022	1030	Basalt, brown-black, frac, med-soft
1030	1032	Basalt, black, frac, med
1032	1037	Basalt, brown-black, very frac/brkn, soft
1037	1056	Basalt, black, very frac/brkn, soft
1056	1058	Basalt, black, some frac, med-soft
1058	1060	Basalt, brown, frac, med-soft
1060	1067	Basalt, black, frac, med
1067	1070	Basalt, black, some frac, med
1070	1071	Basalt, black & brown, frac, med
1071	1075	Basalt, black, frac, med
1075	1077	Basalt, gray, more frac, med
1077	1081	Basalt, gray, very frac, some ves, med-soft
1081	1085	Basalt, gray, very frac, some ves, soft
1085	1089	Claystone, brown, soft
1089	1100	Basalt, gray, hard

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Start Card No. 46225

By Schneider Drilling Co.

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OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

<u>From</u>	<u>To</u>	<u>Description</u>
0	1	Top soil, brown
1	11	Gravel, 6"-, & some clay, brown
11	16	Basalt, black, broken, soft
16	21	Basalt, black, well fractured, med
21	27	Basalt, blk & brn, brkn w/some clay, dk brn
27	40	Basalt, black, med-hard
40	50	Basalt, black, fractured, med-hard
50	68	Basalt, blk, med-soft, ves, & clay, blue, hard
68	72	Basalt, black, med, some fractures
72	77	Basalt, black, med, fractured
77	80	Basalt, black, med, fractured, vesicular
80	107	Basalt, black, med-hard, some fractures
107	120	Basalt, gray, hard
120	130	Basalt, gray, hard, some fractures
130	144	Basalt, gray, hard
144	149	Basalt, gray, hard, some fractures
149	155	Basalt, gray, hard
155	169	Basalt, gray, hard, some fractures
169	207	Basalt, gray & some black-brown, fractured, med-hard
207	214	Basalt, blue-grn, frac, brkn, soft, & some cs, grn
214	230	Basalt, blue-green, fractured, med-hard
230	244	Basalt, black & gray, fractured, med-hard
244	247	Basalt, black & gray, med-hard
247	250	Basalt, black & gray, med-hard, some fractures
250	258	Basalt, black, med-hard, some fractures
258	285	Basalt, black & brown, med-hard, some fractures
285	299	Basalt, gray, hard
299	310	Basalt, blk & brn, med, ves, & some cly, brn
310	317	Basalt, brn & red, med-soft, ves, & cly, blk
317	328	Basalt, blk & brn, ves, frac, & some cly, blue & brn
328	339	Basalt, black, med-hard, some fractures
339	344	Basalt, gray, hard
344	350	Basalt, gray, hard, some fractures
350	365	Basalt, blk & brn, med, frac, & some claystone, blue
365	384	Basalt, black, med, ves, & clay, gray
384	385	Basalt, black, med, vesicular, & some clay
385	421	Basalt, black, med, fractured

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, cont.
Start Card No. 46225

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OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

421	436	Basalt, gray, hard
436	438	Basalt, black, med-hard, fractured
438	444	Basalt, blk, med, ves, & some claystone and clay layers
444	450	Basalt, blk, med-hard, frac, & some claystone layers
450	451	Basalt, gray, med-hard, some fractures & some claystone
451	456	Basalt, dark gray, med-hard, fractured & claystone
456	471	Basalt, gray, some fractures, med-hard
471	481	Basalt, gray, very little fractures, hard
481	483	Basalt, dark gray & some blue, fractured, med
483	485	Basalt, red & some dark gray, vesicular, soft
485	486	Basalt, brn & some dark gray, vesicular, soft
486	488	Basalt, dark gray, some blue-green frac, med-soft
488	491	Basalt, dark gray, some vesicular, med-soft
491	495	Basalt, dark gray, some ves & blue frac, med-soft
495	497	Basalt, brown & dark gray, ves & blue frac, med-soft
497	500	Basalt, dark gray, some vesicular, med-soft
500	510	Basalt, dk gry & brn, some ves, some blue, frac, md-sft
510	522	Basalt, dark gray, some blue fractures, med
522	525	Basalt, dark gray, green-brown fractures, med
525	527	Basalt, gray, brown fractures, med-hard
527	530	Basalt, gray, some fractures, med-hard
530	536	Basalt, gray, some sandstone & fractures, med
536	538	Basalt, dark gray, fractured, med
538	553	Basalt, dk gry & red, very frac, ves, sft, & cs, blue-grn
553	558	Basalt, red & some gry, some ves & frac, med-sft, & cs, blue
558	560	Basalt, dk gry & red, some ves & frac, med-sft, & cs, blue
560	568	Basalt, dk gry & brn & some red, frac, med-soft, & some cs, blue
568	580	Basalt, dk gray, some fractured, med, claystone, blue
580	582	Basalt, dark gray & brown, some fractures, med-hard
582	585	Basalt, dark gray, some fractures, med-hard
585	608	Basalt, dk gry, some frac, med-hard, some cs, blue
608	623	Basalt, gray, some blue fractures, med-hard
623	629	Basalt, gray, some fractures, med-hard
629	633	Basalt, gray, some frac, med, & cs, blue-green
633	636	Basalt, gray & red, very ves & frac, soft, & cs, blue
636	638	Basalt, gray & brown & blue, ves & frac, soft
638	646	Basalt, dark gray, ves, frac, med-soft
646	650	Basalt, dk gry & brn, frac, ves, med-soft
650	651	Basalt, brown, blue fractures, med-soft
651	656	Basalt, brown-gray, some fractures, med-soft
656	676	Basalt, gray, med

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, cont.
Start Card No. 46225

676	681	Basalt, gray, some fractures, med
681	684	Baslt, dk gry & red-brn, ves, frac, soft, & clay/cs, bl-grn
684	691	Basalt, dark gray, some ves & frac, soft, & cs, blue-grn
691	694	Basalt, dark gray, some fractures, med
694	696	Basalt, dk gry & rusty, frac, med, & some cs, blue-grn
696	706	Basalt, dark gray, fractured, med
706	708	Basalt, dk gry & red-brn, ves, frac, sft, & cs, blue-grn
708	710	Basalt, dk gry, ves, soft, & clay/cs, blue-grn
710	716	Basalt, dark gray, some vesicular & fractures, med-soft
716	720	Basalt, dark gray & brown, fractured, med-soft
720	738	Basalt, gray, some fractures, med-hard
738	741	Basalt, dark gray, ves, med, & cs, blue-green
741	745	Basalt, dark gray & blue-green, some fractures, med
745	754	Basalt, brown, ves, frac, soft, & cly/cs, blue-green
754	759	Basalt, dark gray, med-soft
759	768	Basalt, dk gray & brn, med-soft, & clay/cs, blue-green
768	776	Basalt, dk gry, blue fractures, some vesicular, med
776	791	Basalt, dark gray, black fractures, med
791	801	Basalt, dark gray-black, black fractures, med
801	808	Basalt, dk gray-black, black & some green frac, med
808	816	Basalt, dark gray-black, less fractures, med
816	846	Basalt, gray, some fractures, med-hard
846	851	Basalt, gray, hard
851	921	Basalt, gray, fractured, med-hard
921	1010	Basalt, dark gray, fractured, med-hard
1010	1025	Basalt, gray, hard, fractured
1025	1031	Basalt, black, soft, vesicular, some brkn ss, (cinder?)
1031	1035	Basalt, black, vesicular, broken, soft
1035	1047	Basalt, black & brown, vesicular, broken, soft
1047	1057	Basalt, gray, hard

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OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

W32034.CTU

NUMBER **0650**

Check 200⁰⁰ Mo _____ Cash _____

- _____ Surface Application
_____ Reservoir Application
_____ Ground Water Application
_____ Transfer Application
_____ PFO Request
_____ Research
_____ Hydroelectric Fees
_____ Copying
_____ Assignment
_____ Extension of Time
 Protest
_____ Other

Adam

9-14395

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **17332**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Laura A Schroeder
BY: _____

APPLICATION	G14395
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. _____ \$

PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT

PCA 77235

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	2020	RECORD FEE
0203 GROUND WATER	\$	2024	\$
0205 TRANSFER	\$	2026	\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	2019	LICENSE FEE
LANDOWNER'S PERMIT	\$	2020	\$

0213 OTHER (IDENTIFY) Protest

200.00

0437 WELL CONST START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY

0233 POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION _____		\$

RECEIPT # **17332**

DATED: 11-7-97 BY: J Bluman



**SCHROEDER
LAW
OFFICES**

P.O. Box 1392
Hermiston, Oregon 97838



Dwight French
Water Rights Section Manager
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

97310-0210



3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

Legal Support for People Feeding the World

P.O. BOX 1392
115 W. HERMISTON AVE., STE. 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

November 4, 1997

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NOV - 7 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Water Rights Section Manager
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Proposed Final Order for Application G-14395

Dear Mr. French:

Schroeder Law Offices, 3355 N. E. Davis, Portland, OR 97232, telephone number (503) 232-7110, and Schroeder Law Offices, P.O. Box 1392, Hermiston, OR 97838, telephone number (541)564-9290, responds to the Proposed Final Order in the application referenced above.

These comments in opposition to the Proposed Final Order for Application G-14395 are being submitted by the under signed in her own behalf and as a representative of her numerous clients in the Umatilla Basin. It is our contention that the issuance of this "Final Order" would be detrimental to the future water supplies for the Pendleton area specifically and the entire Umatilla Basin in general.

We are concerned that the Department has allowed this application to move forward through the process without requiring the applicant to submit all required materials including the necessary maps that would show the exact location of the proposed wells. **The maps provided with this application are not to the scale required by the Department. We know of no legal basis which would allow a permit to be issued upon an incomplete application.**

In the "Proposed Final Order" you have stated that: 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. **We believe that to adequately protect the resource the underlined portion should be replaced with "If substantial interference with any and all existing users, including exempt users."** This would protect all water users, not just those with senior water rights.

The Attorney General's office has advised the Department that the CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION does not qualify as a municipality. Therefore, the

*Call
10/10/97*

NOV - 7 1997

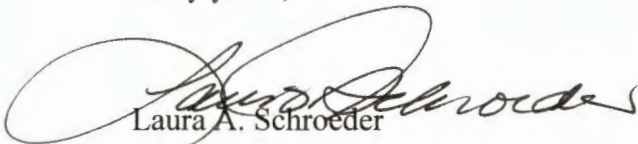
WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Page 2
November 4, 1997

use proposed to be allowed under this application shall be QUASI-MUNICIPAL use. QUASI-MUNICIPAL is a use allowed under the Umatilla Basin Program. We fail to understand how the purpose or use can be classified as Quasi-Municipal. According to Black's Law Dictionary the definition of a "Quasi municipal corporation" is as follows: "Bodies politic and corporate, created for the sole purpose of performing one or more municipal functions. Public corporations organized for governmental purposes and having for most purposes the status and powers of municipal corporations (such as counties, townships, school districts, drainage districts, irrigation districts, etc.), but not municipal corporations proper, such as cities and incorporated towns." We do not believe the CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION meet the criteria for a Quasi-Municipality any more than it meets the qualification for a municipality.

Enclosed please find a check in the amount of \$200.00 as required by ORS 536-050. Also, enclosed is an affidavit regarding proof of service of this protest upon the applicant.

Truly yours,


Laura A. Schroeder

ROUTING & REQUEST

Please...

- Read
- Handle
- Approve

And...

- Forward
- Return
- Keep or Recycle
- Review with Me

To: Mike M.
This is ready for
cert + F.O.
See May 19, 97
letter enclosed.

From: Adm
Date: 6/24/97

RECEIVED

NOV - 7 1997

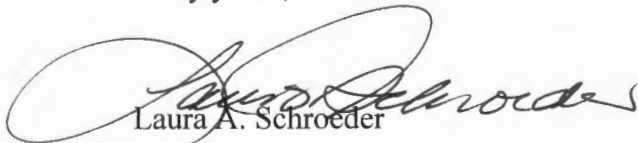
WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Page 2
November 4, 1997

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Enclosed please find a check in the amount of \$200.00 as required by ORS 536-050. Also, enclosed is an affidavit regarding proof of service of this protest upon the applicant.

Truly yours,


Laura A. Schroeder

RECEIVED

NOV - 7 1997

WATER RESOURCES DEPT.
SALEM, OREGON

CERTIFICATE OF SERVICE

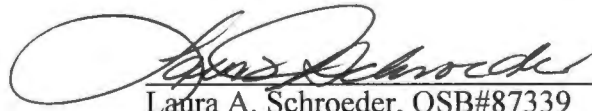
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I hereby certify that on November 4, 1997, I served a true copy of the foregoing PROTEST OF FINAL ORDER FOR APPLICATION G-14395 on the following by mailing a true copy thereof, contained in a sealed envelope, with postage prepaid, addressed to last known address as shown below, and deposited in the Post Office at Hermiston, OR on said day.

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
P.O. Box 638
Pendleton, OR 97801-0638

DATED this 4th day of November, 1997.

SCHROEDER LAW OFFICES


Laura A. Schroeder, OSB#87339

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14395

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On October 18, 1996, CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION submitted an application to the Department for the following water use permit:

- Amount of Water: 8.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: MUNICIPAL USE
- Source of Water: TWO WELLS IN UMATILLA RIVER BASIN
- Area of Proposed Use: UMATILLA County within SECTION 9, SECTION 11, TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

On 1/31/97, the Department mailed the applicant notice of its Initial Review, determining that *"The use of 8.0 CFS, from two wells in Umatilla River Basin, being 4.0 CFS from well #3 and 4.0 CFS from Well #4, for Municipal Use may be allowed Year Round."* The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 2/18/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order. Additionally, the applicant submitted a copy of an affidavit of publication verifying that the particulars of the proposed use had been published in the East Oregonian for three consecutive weeks.

Within 30 days of the Department's public notice, written comments were received from Laura A. Schroeder. The applicant has also submitted a statement of protest regarding the requirement to file the application.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use

- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The proposed well is located within a 5 mile radius of the City of Pendleton. Groundwater use from the basalt reservoir within 5 miles of Pendleton could be limited to municipal uses, group domestic uses, or statutorily exempt groundwater uses only if Pendleton has an approved water management and conservation plan in effect. The findings of this Proposed Final Order are subject to change if a water management and conservation plan is approved by the Water Resources Department for the City of Pendleton before the protest filing deadline passes and the well is located within the basalt reservoir. The protest period ends 45 days after the issuance of the proposed final order. (OAR 690-507)

The Attorney General's office has advised that the CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION does not qualify as a municipality. Therefore, the use proposed to be allowed under this application shall be QUASI-MUNICIPAL use.

The Umatilla Basin Program allows the following uses: QUASI-MUNICIPAL USE

Senior water rights exist on TWO WELLS IN UMATILLA RIVER BASIN or on downstream waters.

TWO WELLS IN UMATILLA RIVER BASIN are not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation year round.

The Department finds that no more than 8.0 CFS, being 4.0 CFS from each well, would be necessary for the proposed use. The amount of water requested, 8.0 CFS, is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Umatilla Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

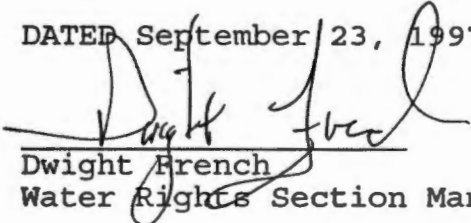
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED September 23, 1997


Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than November 7, 1997.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION
PO BOX 638
PENDLETON, OREGON 97801 -0638

(541)276-3099

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

APPLICATION FILE NUMBER: G-14395

SOURCE OF WATER: WELL 3 AND WELL 4 IN UMATILLA RIVER BASIN within the Umatilla basin

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 8.0 CFS, BEING 4.0 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 18, 1996

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4 SECTION 9, SE 1/4 NE 1/4, SECTION 11, T 2N, R33E, W.M.; WELL 4 - ²⁷⁵ ~~1120~~ FEET ^{SOUTH} NORTH AND 60 FEET WEST OF THE E 1/4 CORNER SECTION 9; WELL 3 - 142 FEET NORTH & 990 FEET WEST FROM E 1/4 CORNER SECTION 11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

- NE 1/4 SW 1/4
- NW 1/4 SW 1/4
- SW 1/4 SW 1/4
- SE 1/4 SW 1/4
- SECTION 3
- NE 1/4 SW 1/4
- SE 1/4 SW 1/4
- NE 1/4 SE 1/4
- NW 1/4 SE 1/4
- SW 1/4 SE 1/4
- SE 1/4 SE 1/4
- SECTION 4
- NE 1/4 NE 1/4
- NW 1/4 NE 1/4
- SW 1/4 NE 1/4
- SE 1/4 NE 1/4
- NE 1/4 NW 1/4
- SE 1/4 NW 1/4

NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 9

SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 10

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 11

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4

SECTION 14

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
~~NE 1/4 NW 1/4~~
~~SE 1/4 NW 1/4~~
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 15

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

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.

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

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.

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 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.

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.

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14395
Basin 07
RWK

Water Resources Department
Volume 3 UMATILLA R
MGMT.CODE 7BG, 7BR, 7AG, 7AR

PERMIT DRAFT
District 5

IMPORTANT MESSAGE

FOR MARK G.

DATE 11-26 TIME 130 A.M. P.M.

M _____

OF _____

PHONE 541-276-8221

AREA CODE

NUMBER

EXTENSION

FAX

MOBILE _____

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL FAX TO YOU	<input type="checkbox"/>

MESSAGE _____

APP # G-14395
Approved?

Called

SIGNED _____

July 11-14-96

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # G-14395

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T2N/R33E-9/11

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

TO: Water Rights Section

Nov. 8, 1996.

FROM: Groundwater/Hydrology Section Michael Zwart
Reviewer's Name

SUBJECT: Application G- 14395

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7A;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: see memo to file re City of Pendleton

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199____
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199____
(Signature)

County: UMATIILLA

Quad name & #: _____

REVIEW CHECKLIST

FOR G- 14395

- Appropriate parts of the stream index
- Estimated number of wells within a one-mile radius & identified types.
- State Observation wells within a five-mile radius.
- Verify that well log is in file. If not provide one.
- List groundwater permits within a five-mile radius with extraordinary conditions.

Number of wells: _____

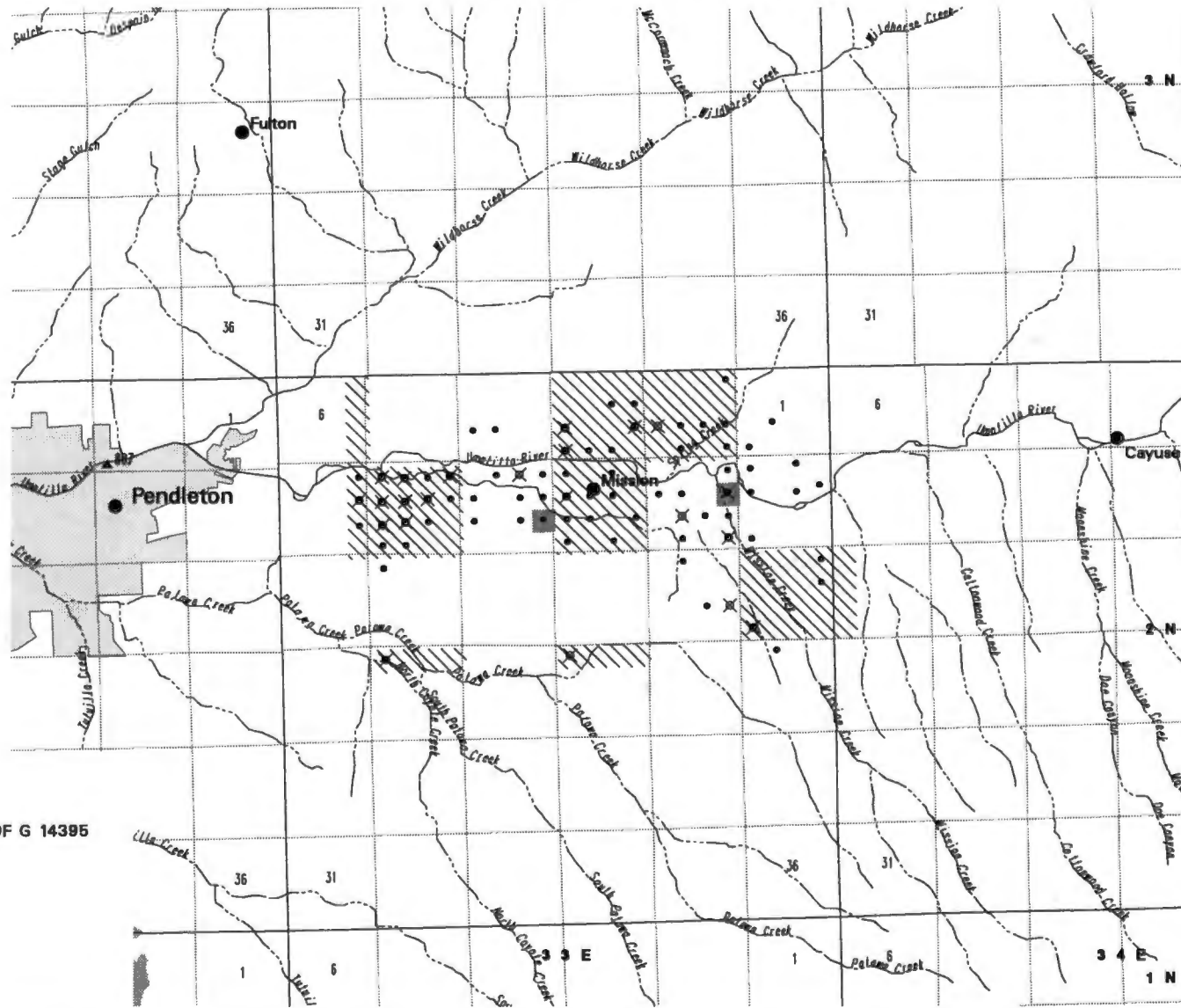
Well location: 02N/33E/09
02N/33E/11

APPLICATIONS WITH PERMIT CONDITIONS:

- G-13367
- G-13248
- G-13821
- G-12832
- G-13655

Wells in the vicinity of application G 14395

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✱ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14395

DO	139
ID	10
IR	8
MU	3

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14395

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 5174	2.00N33.00E 2NWSW	IR	0.1140	C
G 5174	2.00N33.00E 2NWSW	IR	0.1300	C
G 6164	2.00N33.00E 2NWSW	IR	0.0900	C
G 6168	2.00N33.00E 2NWSW	IR	0.0500	C
G 6216	2.00N33.00E 2NWSW	IR	0.0200	C
G 5963	2.00N33.00E 3NESE	IR	0.0900	C
G 9259	2.00N33.00E 3NESE	IR	0.2400	C
G 4385	2.00N33.00E 3NWSW	IR	0.1000	C
G 7070	2.00N33.00E 3NWSW	IR	0.1000	C
G 10598	2.00N33.00E 3SWSW	IR	0.1200	C
G 4095	2.00N33.00E 9NWNE	IR	0.0800	C
G 4095	2.00N33.00E 9NWNE	IR	0.1300	C
G 5986	2.00N33.00E 8NENE	IS	0.0100	C
G 8355	2.00N33.00E 8NENE	IR	0.0400	C
G 4275	2.00N33.00E 8NWNW	IS	0.0200	C
G 6074	2.00N33.00E 8NENW	IR	0.4100	C
G 9754	2.00N33.00E11SENE	IR	0.0400	C
G 10306	2.00N33.00E11SENE	IR	0.0603	C
G 384	2.00N33.00E10SWNW	IR	0.0400	C
G 5429	2.00N33.00E 8SWNE	IR	0.0200	C
G 5592	2.00N33.00E 8SWNE	IR	0.0300	C
G 5068	2.00N33.00E 7SENE	IR	0.0100	C
G 5068	2.00N33.00E 7SENE	IR	0.0200	C
G 5453	2.00N33.00E 7SENE	IR	0.0100	C
G 7746	2.00N33.00E 7SENE	IR	0.0100	C
G 8965	2.00N33.00E 7SENE	IR	0.0200	C
G 9801	2.00N33.00E 7SENE	IR	0.0100	C
G 9191	2.00N33.00E 8SWNW	IR	0.3200	C
G 6071	2.00N33.00E 8SENE	IR	0.0400	C
G 6072	2.00N33.00E 8SENE	IR	0.1000	C
G 9191	2.00N33.00E 8SENE	IR	0.0800	C
G 3950	2.00N33.00E11NESW	IR	0.1800	C
G 4790	2.00N33.00E 8NESW	IR	0.1000	C
G 6085	2.00N33.00E 8NESW	IR	0.0500	C
G 6717	2.00N33.00E 8NESW	IR	0.0700	C
G 4272	2.00N33.00E 8NWSW	IR	0.0700	C
G 4304	2.00N33.00E 8NWSW	IR	0.0500	C
G 4317	2.00N33.00E 8NWSW	IR	0.0600	C
G 5033	2.00N33.00E 8NWSW	IR	0.0300	C
G 10078	2.00N33.00E 8NWSW	IR	0.0600	C
G 9929	2.00N33.00E11SESE	IR	0.5600	C
G 3225	2.00N33.00E14NESE	MU	6.7000	C
G 8726	2.00N33.00E13SWSW	IR	0.8700	C
G 5328	2.00N33.00E22NWNW	IR	0.0200	C
G 4300	2.00N33.00E20NWNW	IR	1.0500	C

////////////////////////////////////
/ ATTENTION /
/ WATER RIGHTS SECTION!!! /
////////////////////////////////////

The following point of diversions may have been filed on a restricted stream

Application	Stream	Restriction
G 14394	ROGUE R > PACIFIC OCEAN	WTHDRWN ORS 538.270
G 14395	UMATILLA R > COLUMBIA R	WTHDRWN ORS 538.450
G 14395	UMATILLA R > COLUMBIA R	WTHDRWN ORS 538.450

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

INTEROFFICE MEMO

To: FILE

Date: November 8, 1996

From: MICHAEL ZWART

Subject: APPLICATION G-14395, CONFEDERATED TRIBES OF THE UMATILLA
INDIAN RESERVATION

This application proposes to use 8.0 cfs of groundwater from two wells for municipal use. The wells are 1100 (#3) and 1054 (#4) feet deep and penetrate a confined aquifer developed in basalt of the Columbia River Basalt Group below about 425 to 450 feet, which is where the well seals are placed. The static water levels are well above land surface datum.

The wells are located about 1400 (#3) and 2700 (#4) feet from the Umatilla River. The aquifer penetrated is not in hydraulic connection with the nearby reach of the river, but probably is at some greater distance. There is no potential for substantial interference with the river, based on the confined aquifer penetrated and the distance.

Permit conditions 7A and 7B are recommended.

According to the Umatilla Basin rules, the City of Pendleton should be notified and may be able to comment on the proposed appropriation, since at least one of the city's basalt wells is within five miles of these wells.

8102

NUMBER _____

Check 650.00 Mo _____ Cash _____

- Surface Application
- Reservoir Application
- Ground Water Application
- Transfer Application
- PFO Request
- Research
- Hydroelectric Fees
- Copying
- Assignment
- Extension of Time
- Protest
- Other

200

450

Data

~~*Auth*~~

FOR OFFICE USE ONLY

Do not send out

Application File Number: G-14395

Applicant: CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION

County: UMATILLA

Watermaster: District 05

Priority Date :October 18, 1996

Source: TWO WELLS IN UMATILLA RIVER BASIN

Use: MUNICIPAL USE

Quantity: 3600.0 GALLONS PER MINUTE, 3600.0 GALLONS PER MINUTE,

Basin Name & Number: Umatilla, #07

Stream Index Reference: Volume 3 UMATILLA R

Point of Diversion Location: SENE, SECTION 11, T 2S, R33W, W.M.; 142 FEET NORTH & 990 FEET WEST FROM SE CORNER, SECTION 11 NESE, SECTION 9, T 2S, R33W, W.M.; 275 FEET SOUTH & 60 FEET WEST FROM SE CORNER, SECTION 11

Place of Use: %%NESW %%NWSW %%SWSW %%SESW @@SECTION 3
%%NESW %%SESW %%NESE %%NWSE %%SWSE %%SESE @@SECTION 4
%%NENE %%NWNE %%SWNE %%SENE %%NENW %%SENW %%NESE
%%NWSE @@SECTION 9 %%NENE %%NWNE %%SWNE %%SENE %%NENW
%%NWNW %%SWNW %%SENW %%NWSW %%NESE %%NESE %%NESE
%%NWSE %%SWSE %%SESE @@SECTION 10 %%NENE %%NWNE %%SWNE
%%SENE %%NENW %%NWNW %%SWNW %%SENW %%NESW %%NWSW

%%SWSW %%SESW %%NESE %%NWSE @@SECTION 11 %%NWNW
%%SWNW %%NWSW @@SECTION 14 %%NENE %%NWNE %%SWNE %%SENE
%%NESW %%NWSW %%SWSW %%SESW %%NESE %%NWSE @@SECTION 15
**TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M. \$\$\$

FOR OFFICE USE ONLY

OREGON ADMINISTRATIVE RULES
CHAPTER 690, DIVISION 300 — WATER RESOURCES DEPARTMENT

DIVISION 300

DEFINITIONS

Definitions

690-300-010 The following definitions apply in OAR Chapter 690, Divisions 15, 310, 320, 330, 340, and 350 and to any permits, certificates or transfers issued under these rules:

(1) "Affected Local Government" means any local government as defined in OAR 690-05-015 within whose jurisdiction water is or would be diverted, conveyed, or used under a proposed or approved permit, water right transfer, or certificate.

(2) "Agricultural Water Use" means the use of water related to the production of agricultural products. These uses include, but are not limited to, construction, operation and maintenance of agricultural facilities and livestock sanitation at farms, ranches, dairies and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, animal waste management, barn or farm sanitation, dairy operation, and fire control. Such use shall not include irrigation.

(3) "Aquatic Life Water Use" means the use of water to support natural or artificial propagation and sustenance of fish and other aquatic life.

(4) "Artificial Groundwater Recharge" means the intentional addition of water to a groundwater reservoir by diversion from another source.

(5) "Beneficial Use" means the reasonably efficient use of water without waste for a purpose consistent with the laws, rules and the best interests of the people of the state.

(6) "Commercial Water Use" means use of water related to the production, sale or delivery of goods, services or commodities by a public or private entity. These uses include, but are not limited to, construction, operation and maintenance of commercial facilities. Examples of commercial facilities include, but are not limited to, an office, resort, recreational facility, motel, hotel, gas station, kennel, store, medical facility, and veterinary hospital. Examples of water uses in such facilities include, but are not limited to, human consumption, sanitation, food processing, and fire protection. Such uses shall not include the irrigation or landscape maintenance of more than 1/2 acre.

(7) "Comment" means a written statement concerning a particular proposed water use. The comment may identify elements of the application which, in the opinion of the commenter, would conflict with an existing water right or would impair or be detrimental to the public interest.

(8) "Commission" means the Water Resources Commission.

(9) "Contested Case" means a hearing before the Department or Commission as defined in ORS 183.310(2) and conducted according to the procedures described in ORS Chapter 537, ORS 183.413 - 183.497 and OAR Chapter 690, Division 2.

(10) "Cranberry Use" means all necessary beneficial uses of water for growing, protecting and harvesting cranberries. Examples of these uses include, but are not limited to, irrigation of

cranberries or other crops in rotation, chemical application, flooding for harvesting or pest control, and temperature control.

(11) "Deficiency of Rate Right" means an additional right allowed from the same source for the same use at the same place of use when an earlier right does not allow a full duty or rate of flow of water.

(12) "Department" means the Water Resources Department.

(13) "Director" means the Director of the Department.

(14) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.

(15) "Domestic Use Expanded" means the use of water, in addition to that allowed for domestic use, for watering up to 1/2-acre of lawn or noncommercial garden.

(16) "Drainage Basin", as used in OAR 690-340-020, 690-340-030 and 690-340-050, means hydrologic unit delineated as a cataloging unit by the US geological Survey Office of Water Data Coordination on the State Hydrologic Unit map.

(17) "Fire Protection Water Use" means the use and storage of water for the purpose of extinguishing fires or reducing the potential outbreak of fires.

(18) "Fish Bypass Structure", as used in OAR 690-340-010, means any pipe, flume, open channel or other means of conveyance that transports fish that have entered a water diversion structure back to the body of water from which the fish were diverted.

(19) "Fish Screen", as used in OAR 690-340-010, means a screen, bar, rack trap or other barrier at a water diversion to entrap or provide adequate protection for fish populations, including related improvements necessary to insure its effective operation.

(20) "Fishway", as used in OAR 690-340-010, means any structure, facility or device used to facilitate upstream or downstream passage of fish through, over or around any man-made or natural barrier to free movement.

(21) "Forestland and Rangeland Management," as used in Chapter 595, Oregon Laws 1993, means water used for operations conducted on or pertaining to forestlands and rangelands. Such uses may include, but are not limited to, reforestation, road construction and maintenance, harvesting, vegetation management, and disposal of slash. Such use shall not include irrigation.

(22) "Groundwater Reservoir" means a designated body of standing or moving groundwater as defined in ORS 537.515(5).

(23) "Group Domestic Water Use" means the use of water for domestic water use by more than one residence or dwelling unit.

(24) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.

(25) "Industrial Water Use" means the use of water associated with the processing or manufacture of a product. These uses include, but are not limited to, construction, operation and maintenance of an industrial site, facilities and buildings and related uses. Examples of these uses include, but

OREGON ADMINISTRATIVE RULES
CHAPTER 690, DIVISION 300 — WATER RESOURCES DEPARTMENT

are not limited to, general construction; road construction; non-hydroelectric power production, including down-hole heat exchange and geothermal; agricultural or forest product processing; and fire protection. Such use shall not include irrigation or landscape maintenance of more than 1/2 acre.

(26) "Irrigation" means the artificial application of water to crops or plants by controlled means to promote growth or nourish crops or plants. Examples of these uses include, but are not limited to, watering of an agricultural crop, commercial garden, tree farm, orchard, park, golf course, play field or vineyard and alkali abatement.

(27) "Mining Water Use" means the use of water for extraction, preliminary grading, or processing of minerals or aggregate at a mining site or construction, operation and maintenance of a mining site. These uses include, but are not limited to, general construction, road construction, and dust control. Examples of mining include, but are not limited to, aggregate, hard rock, heap leach and placer mining.

(28) "Municipal Corporation" means any county, city, town or district as defined in ORS 198.010 or 198.180(5) that is authorized by law to supply water for usual and ordinary municipal water uses.

(29) "Municipal Water Use" means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

(30) "Nursery Operations Use" means the use of water for operation of a commercial nursery which may include temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although that may be a part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

(31) "Off-Channel" means outside a natural waterway of perceptible extent which, during average water years, seasonally or continuously contains moving water that flows off the property owned by the applicant and has a definite bed and banks which serve to confine the water. "Off-channel" may include the collection of storm water run-off, snow melt or seepage which, during average water years, does not flow through a defined channel and does not flow off the property owned by the applicant.

(32) "Planned" means a determination has been made for a specific course of action either by a legislative, administrative or budgetary action of a public body, or by engineering, design work, or other investment toward approved construction by both the public and private sector.

(33) "Planned Uses" means the use or uses of water or land which has/have been planned as defined in this section. Such uses include, but are

not limited to, the uses approved in the policies, provisions, and maps contained in acknowledged city and county comprehensive plans and land use regulations.

(34) "Pollution Abatement or Pollution Prevention Water Use" means the use of water to dilute, transport or prevent pollution.

(35) "Power Development Water Use" means the use of the flow of water to develop electrical or mechanical power. Examples of these uses include, but are not limited to, the use of water for the operation of a hydraulic ram or water wheel and hydroelectric power production.

(36) "Primary Right" means the right to store water in a reservoir or the water right designated by the commission as the principle water supply for the authorized use, or if no designation has been made, the first in time or initial appropriation.

(37) "Proposed Certificate" means a draft version of a water right certificate describing the elements and extent of the water right developed under the terms of a permit or transfer approval order, as determined by field investigation.

(38) "Protest" means a written statement expressing disagreement with a proposed final order that is filed in the manner and has the content described in ORS 537.145 to 537.240.

(39) "Public Corporation" means a corporation which operates subject to control by a local government entity or officers of a local government and which, at least in part, is organized to serve a public purpose of, and receives public funds or other support having monetary value, from such government.

(40) "Quasi-Municipal Water Use" means the delivery and use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system, for those uses usual and ordinary to municipal water use. A quasi-municipal water right shall not be granted the statutory municipal preferences given to a municipality under ORS 537.190(2), 537.230(1), 537.352, 537.410(2), 540.510(3), 540.610(2), (3), or those preferences over minimum streamflows designated in a basin program.

(41) "Rate and Duty of Water for Irrigation" means the maximum flow of water in cubic feet per second or gallons per minute (instantaneous rate) and the total volume of water in acre-feet per acre per year that may be diverted for irrigation.

(42) "Recharge Permit" means a permit for the appropriation of water for the purpose of artificial groundwater recharge.

(43) "Recreation Water Use" means the use of water for play, relaxation or amusement. Examples of these uses include, but are not limited to boating, fishing, wading, swimming, and scenic values.

(44) "Riparian Area" means a zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex, the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, or ephemeral, intermittent or perennial stream.

(45) "Secondary Groundwater Permit" means a permit for the appropriation of groundwater which was stored through the exercise of a recharge

OREGON ADMINISTRATIVE RULES
CHAPTER 690, DIVISION 300 — WATER RESOURCES DEPARTMENT

permit or certificate.

(46) "Stockwater Use" means the use of water for consumption by domesticated animals and wild animals held in captivity as pets or for profit.

(47) "Storage" means the retention or impoundment of surface or groundwater by artificial means for public or private uses and benefits.

(48) "Stored Recharge Water" means groundwater which results from artificial groundwater recharge.

(49) "Storage Account" means a net volume of artificially recharged groundwater which is calculated for a single recharge activity from a formula specified in a single recharge permit which records additions to a groundwater reservoir by artificial recharge and depletions from a groundwater reservoir by pumping and natural losses.

(50) "Storm Water Management Water Use" means the use or storage of water in any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement, flood control or property protection. It may also include, but is not limited to, existing features such as wetlands, water quality swales, and ponds which are maintained as storm water quality facilities.

(51) "Stream or Riparian Area Enhancement Water Use" means the use of water to restore or enhance a stream or riparian area.

(52) "Supplemental Water Right or Supplemental Water Use Permit" means an additional appropriation of water to make up a deficiency in supply from an existing water right. A supplemental water right is used in conjunction with a primary water right.

(53) "Surplus Waters" means all waters in excess of those needed to satisfy current existing rights and minimum streamflows established by the Commission.

(54) "Temperature Control" means the use of water to protect a growing crop from damage from extreme temperatures.

(55) "Transfer" means a change of use or place of use or point of diversion of a water right.

(56) "Wastewater" means water that has been diverted under an authorized water right after it is beyond the control of the owner or that right but has not yet returned to the channel of a natural stream. In an irrigation district, the wastewater of an individual user is not subject to appropriation until it leaves the boundaries of the district. Wastewater abandoned to the channel of a natural stream becomes a part of that stream and is subject to appropriation.

(57) "Water is Available," when used in OAR 690-310-080, 690-310-110 and 690-310-130, means:

(a)(A) The requested source is not over-appropriated under OAR 690-400-010 and 690-410-070 during any period of the proposed use; or

(B) If the requested source is already over-appropriated for any portion of the period of use proposed in a new application:

(i) The applicant can show the proposed use requires water only during the period of time in

which the requested source is not already over-appropriated;

(ii) The applicant has obtained authorization to use water from an alternate source to provide water needed during any period of use in which the source is over-appropriated; or

(iii) If the applicant has shown they can obtain authorization to use water from an alternate source during any period of use in which the source is over-appropriated and if the department conditions the approval of the application to require that prior to diversion of water the applicant obtains authorization for use of water from the alternate source.

(b) For surface water applications received before July 17, 1992, the provisions of subsection (a) of this section shall apply except that the determination of whether a requested source is over-appropriated under OAR 690-400-010 and 690-410-070 shall be based upon whether the quantity of water available during a specified period is not sufficient to meet the expected demands for all water rights at least 50 percent of the time during that period.

(58) "Water Availability Analysis" means the investigation of stream flow or groundwater measurement records, watermaster distribution records, flow requirements of existing water rights, stream flow modeling in ungauged basins, minimum perennial streamflows, or scenic waterway flow requirements to determine if water is available to support the proposed water use.

(59) "Water Right Subject to a Transfer" means a right established by a court decree or evidenced by a valid water right certificate, or a right for which proof of beneficial use of water under a water right permit or transfer has been submitted to and approved by the Director but for which a certificate has not yet been issued.

(60) "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(61) "Wetland Enhancement Water Use" means the use of water to restore, create, or enhance or maintain wetland resources.

(62) "Wildlife Water Use" means the use of water by or for sustaining wildlife species and their habitat.

Stat. Auth.: ORS 536.027

Stats. Implemented: ORS Chapters 536, 537, 539, 540 & 541
Hist.: WRD 6-1987, f. & ef. 6-11-87; WRD 5-1988, f. & cert. ef. 6-28-88; WRD 12-1990, f. & cert. ef. 8-8-90; WRD 16-1990, f. & cert. ef. 8-23-90; WRD 9-1992, f. & cert. ef. 7-1-92; WRD 4-1993, f. & cert. ef. 10-7-93; WRD 6-1993, f. & cert. ef. 11-30-93; WRD 5-1994, f. & cert. ef. 4-13-94; WRD 7-1994, f. & cert. ef. 6-14-94; WRD 5-1995(Temp), f. & cert. ef. 8-4-95; WRD 1-1996, f. & cert. ef. 1-31-96; Renumbered from 690-11-010; WRD 3-1996, f. & cert. ef. 3-15-96

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]



Application No. **G-14395**
Permit No.
CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

WATER & SEWER
DEPARTMENT

P.O. Box 638
PENDLETON, OREGON 97801
Area code 503 Phone 276-4301 FAX 278-0839

October 16, 1996

RECEIVED
OCT 18 1996
WATER RESOURCES DEPT.
SALEM, OREGON

Dick Bailey, Water Rights Administrator
Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310-0210

Subject: Filing of Limited License and Permit to Appropriate Groundwater under Protest.

Dear Dick:

On behalf of the Confederated Tribes of the Umatilla Indian Reservation, I am authorized to submit, under protest, an application for a Limited License and a Permit to Appropriate Groundwater for Well #3 & #4.

Enclosed is the following information:

- 1) Resolution No. 96-85 with Statement of Protest and Non-Waiver;
- 2) Limited License with Site Map and \$110 fee; and
- 3) Permit to Appropriate Groundwater with copies of:
 - a) Well #3 & Well #4 well logs, including tie-back distances to section corners;
 - b) description of Tribal water/sewer service boundary and map;
 - c) Well #3 & Well #4 site map, site plans, and pumping station floor plan;
 - d) description of local zoning for all areas within our service boundary;
 - e) recorded right-of-way easements with Umatilla County;
 - f) Oregon Water Resources Department's "Form M;"
 - g) 1979 Water System Feasibility Study;
 - h) 1996 Regional Water System Feasibility Study; and
 - i) \$650 fee.

Dick Bailey, WRD
Application under Protest
October 16, 1996
Page 2

Most of this information was reviewed with Mike Ladd, WRD District Manager in Pendleton, on October 4, 1996. In our review and discussions with WRD in Salem, the easement information, service boundary map, tie-back distances, and "Form M" were still needed to complete the application. That information has since been compiled and included as part of this submittal package.

If there are any questions or concerns, please contact me at (541) 276-4301.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Patterson", written in black ink.

Bob Patterson, PE
CTUIR Public Works Director

Copy Gary George, CTUIR Executive Director
CTUIR Board of Trustees' Members
Mike Ladd, WRD, Pendleton
CO
C:\MSOFFICE\WINWORD\PROTEST.DOC

Application No. 6-14395
Permit No.

RECEIVED

OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

AG-3 SMALL FARM ZONE

SECTION 3.060 Description and Purpose:

The Ag-3 Small Farm Zone is designed to maintain the agricultural lands and open space of the Reservation and yet accommodate high intensity agriculture of such as the product of fruit crops, vegetable crops, greenhouses, hay crops and certain types of animal husbandry excluding feed lots and hog farms, in areas with adequate soils and efficient irrigation systems. The small farm zone is also designed to allow tribal members and other persons to more economically become involved in agriculture on a small scale to reduce the cost of living and/or provide additional income.

SECTION 3.065 Acreage-Dimensional Standards:

(1) There shall be a 9 acre minimum lot acreage for a dwelling unit.

(2) The minimum average lot width shall be 100 feet and the minimum street frontage, 50 feet; minimum average lot depth shall be 150 feet.

(3) Non-farm residential uses and land divisions therefore may be established on generally non-productive agricultural lands upon a finding by the Natural Resources Commission that each such use:

(a) Is compatible with farm uses and is consistent with intent and purposes set forth in the Comprehensive Plan and this Code.

(b) Is situated upon generally unsuitable land for the production of farm crops and livestock considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of tract, historical cropping patterns and availability of water for irrigation.

(4) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or mark.

(5) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

SECTION 3.070 Setbacks:

No building or structure shall be located closer than 20 feet from a property line or street or road.

SECTION 3.075 Uses Permitted:

In Ag-3 Small Farm Zone the following uses are permitted upon issuance of a zoning permit.

- (1) Farm Use as defined by this Code (except, livestock feed yards and hog farms);
- (2) The propagation, growing and harvesting of forest and nursery products;
- (3) Single family dwellings and building which are customary with the farm use;
- (4) Single wide mobile home;
- (5) Double wide mobile home.

SECTION 3.080 Conditional Uses Permitted:

In an Ag-3 Small Farm Zone the following uses are permitted subject to the requirements listed under Section 6.010 through 6.050 inclusive and upon the issuance of a zoning permit.

- (1) Farm Storage facilities;
- (2) Alternative energy research, projects, buildings and structures dealing with solar, wind and low head hydro only;
- (3) Parks, playgrounds, wildlife sanctuaries and community facilities operated by and for the Confederated Tribes of the Umatilla Indian Reservation;
- (4) Agricultural, research experiment, projects and/or buildings related thereto;
- (5) Utility facilities necessary for a public service excluding commercial facilities for sale to the public;
- (6) Fish and Wildlife research, projects and related structures;

- (7) Horse, cattle and dairying operations provided that they meet requirements of the Tribal Health Advisor and are well maintained;
- (8) Roadside stand for sale of agricultural products;
- (9) Cemeteries;
- (10) Greenhouses in excess of 300 square feet;
- (11) Personal-use landing strip for airplanes and helicopter pads, including associated facilities;
- (12) Schools;
- (13) Churches.

R-1 RURAL RESIDENTIAL ZONE

SECTION 3.110 Description and Purpose:

The R-1, Rural Residential Zone is intended to promote areas for medium density suburban residential development in close proximity to necessary public utilities (water, sewer, electricity, natural gas, telephone, etc.)

SECTION 3.115 Acreage-Dimensional Standards:

(1) Two (2) acre minimum lot size for the R-1, Rural Residential Zone.

(2) No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 feet in height.

(3) Lot Width: Every lot shall have a minimum average width of 100 feet.

(4) Frontage: Every lot shall have a minimum width at the street of 50 feet except that on an approved cul-de-sac this may be reduced to 30 feet.

(5) Side Yard: A side yard shall be a minimum of 5 feet and the sum of the two side yards shall be a minimum of 15 feet.

(6) Rear Yard: The rear yard shall be a minimum of 20 feet.

(7) Lot Coverage: Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

SECTION 3.120 Setbacks:

No building or structure shall be located closer than 20 feet from a front property line or street or road or closer than 10 feet from an existing right-of-way or easement. Should the existing right-of-way or easement be construed as the property line, then the 20 foot requirement shall stand.

SECTION 3.125 Requirements for Use:

(1) All residential development in a R-1, Rural Residential Zone shall be completed so as to hook-on to the existing sewer trunkline and Mission Water System;

(2) Adequate structures, adequate corrals and fencing shall be provided for all animals.

(3) One horse, cow, goat, sheep, swine, or other livestock shall have a corral or pasture with a useable area of at least 7,500 square feet.

(4) No enclosures for horses, cows, goats, sheep, swine, or other livestock, shall be located closer than 100 feet to a neighboring dwelling.

(5) Fences erected in connection with keeping of livestock shall be of lumber or other standard fencing material (not including barbed wire or electric fence) shall be kept in good repair, and shall be at least 4 feet in height.

(6) All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

SECTION 3.130 Uses Permitted:

In a R-1 Rural Residential Zone the following uses and accessory uses are permitted upon the issuance of a permit:

- (1) Dwelling, single family;
- (2) Mobile Home, not less than 18 feet wide;
- (3) Public or Semi-Public use owned or operated by the Confederated Tribes of the Umatilla Indian Reservation.
- (4) Non-Commercial outdoor recreation;
- (5) Home occupation, not requiring additional structures;
- (6) Non-commercial greenhouse or nursery;
- (7) Planned Unit Development, subject to the planned unit development standard, requirements and procedures in Section 6.040 through 3.060.

SECTION 3.135 Conditional Uses Permitted:

In a R-1, Rural Residential Zone the following uses and their accessory uses are permitted, subject to the requirements of Section 6.010 through 6.050 inclusive and upon the issuance of a permit.

- (1) Commercial greenhouse or nursery;
- (2) Small Animal Veterinary Clinic or animal hospital;
- (3) Utility facility;
- (4) Roadside stand for sale of agricultural products;
- (5) Temporary Use;
- (6) Planned Unit Development;
- (7) Single wide mobile home;
- (8) Mobile home parks;
- (9) Church, schools;
- (10) Boarding, lodging, rooming house;
- (11) Duplexes;
- (12) Parks, playgrounds.

R-2 GENERAL RURAL ZONE

SECTION 3.140 Description and Purpose:

The R-2, General Rural Zone is intended as a transition zone from agricultural uses to rural residential uses or small farms. These lands contain many developed and undeveloped lots of record of varying acreages and uses with inadequate flood plain management and lack of planned efficient utility systems.

SECTION 3.145 Acreage-Dimensional Standards:

- (1) There shall be a 19 acre minimum lot acreage for a dwelling unit.
- (2) The minimum average lot width shall be 100 feet and the minimum street frontage 50 feet.
- (3) The minimum average lot depth shall be 150 feet.
- (4) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or mark.
- (5) All structure buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

SECTION 3.150 Setbacks:

No building or structure shall be located closer than 20 feet from a property line or street or road or closer than 10 feet from an existing right-of-way or easement. Should an existing right-of-way or easement be construed as the property line, then the 20 foot requirement shall stand.

SECTION 3.155 Uses Permitted:

In a R-2, General Rural Zone the following uses and their accessory uses are permitted upon the issuance of a permit.

- (1) Farm use as defined by this code;
- (2) Dwelling, single family;
- (3) Mobile home, not less than 12 feet wide;

- (4) Public or semi-public use owned and operated by the Umatilla Confederated Tribes;
- (5) Non-Commercial outdoor recreation;
- (6) Home occupation not requiring additional structures;
- (7) Non-commercial greenhouse less than 300 square feet or a non-commercial nursery.

SECTION 3.160 Conditional Uses Permitted:

In a R-2 zone the following uses are permitted subject to the requirements listed under Section 6.010 through 6.050 inclusive and upon issuance of a permit.

- (1) Sanitary landfill operated by and for the Umatilla Confederated Tribes;
- (2) Alternative energy research, projects, buildings and structures dealing with solar wind and low-head hydro only;
- (3) Veterinary or animal hospital;
- (4) Fish and wildlife research, projects and related structures;
- (5) Dog pound or kennel;
- (6) Schools;
- (7) Churches;
- (8) Planned Unit Development;
- (9) Grain Elevators;
- (10) Sports complexes or physical training facilities operated by and for the Umatilla Confederated Tribes;
- (11) Commercial nurseries;
- (12) Commercial greenhouses;
- (13) Roadside stands for sale of agricultural products;
- (14) Nursing Homes;

(15) Duplex;

(16) Mobile Home Park.

C-D COMMERCIAL DEVELOPMENT ZONE

SECTION 3.195 Description and Purpose:

The C-D, Commercial Development Zone is designed to promote individual and Tribal Enterprise Development to diversify and improve the Reservation economy. The Commercial Development Zone is established to promote efficient and appropriate locations for commercial and related service activities.

SECTION 3.200 Acreage-Dimensional Standards:

- (1) The Natural Resource Commission may deviate from this requirement where it is deemed necessary for the protection of the health, safety and welfare of the residents of the Umatilla Indian Reservation.
- (2) Lot width: No requirements.
- (3) Lot depth: 100 feet.
- (4) The front yard setback shall be a minimum of 10 feet.
- (5) Side yard none, except when a side lot line is abutting a lot in a Residential zone, and then side yard shall be a minimum of 10 feet.
- (6) Rear yard, none except when a rear lot line is abutting a lot in a Residential zone and then the rear yard shall be a minimum of 10 feet.
- (7) Lot coverage: Maximum lot coverage by buildings and structures shall be 35 percent of the total lot area.
- (8) Off-street parking and loading: Off street parking and loading space shall be provided as required in Section _____.
- (9) Height Regulations: No building or structures shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

SECTION 3.205 Setbacks:

Refer to Chapter XIII Supplementary Regulations for additional requirements.

SECTION 3.210 Uses Permitted:

In a C-D, Commercial Development Zone the following uses and their accessory uses are permitted upon issuance of a permit:

- (1) Agricultural supply and machinery enterprise, excluding activities which may have hazardous, injurious or offensive noises, vibrations, smoke, dust, odors, heat, glare or other objectionable influences;
- (2) Automobile repair and service centers;
- (3) Automobile service stations;
- (4) Bakeries;
- (5) Barber or Beauty shops;
- (6) Business and professional offices;
- (7) Business, retail, wholesale or service, catering directly to consumer;
- (8) Dairy products store;
- (9) Dry cleaning and laundry;
- (10) Feed and seed and garden supplies;
- (11) Financial institutions;
- (12) Frozen food lockers;
- (13) Gift shop;
- (14) Grocery;
- (15) Hardware;
- (16) Motel or Hotel;
- (17) Greenhouses, commercial;
- (18) Parking lots;
- (19) Plumbing and sheet metal shops, retail or wholesale;
- (20) Restaurant or eating establishment;

- (21) Home occupation;
- (22) Shoe Repair Shop;
- (23) Tailoring and dressmaking;
- (24) Gunsmith;
- (25) Veterinary or animal hospital;
- (26) Art galleries, libraries, and reading rooms;
- (27) Artist supplies and picture framing;
- (28) Auto parts sales;
- (29) Bicycle Shop;
- (30) Book or Stationary Store;
- (31) Jewelry Store;
- (32) Leather goods and luggage.

SECTION 3.215 Conditional Uses Permitted:

In a C-D, Commercial Development Zone the following uses and their accessory uses are permitted subject to the requirements of Section 6.010 through 6.050 inclusive and upon issuance of permits:

- (1) Alternative energy projects, research or structures dealing with low-head hydro, solar and wind only;
- (2) Utility facility operated by and for the Umatilla Confederated Tribes;
- (3) Roadside stand for the sale of agricultural products;
- (4) For those buildings or structures over 30 feet in height;
- (5) Caretaker residence;
- (6) Bowling Alley;
- (7) Mall or Department Store;
- (8) Theater.

C-D OVERLAY - COMMERCIAL DEVELOPMENT OVERLAY ZONE

SECTION 3.2180 Description and Purpose:

The C-D Overlay Zone is designed to complement the Interpretive Institute on the Umatilla Indian Reservation P-1 Overlay zone and to provide efficient and appropriate locations for commercial and related service activities.. In as much as the commercial development will be consistent with the Interpretive Institute, it is intended to promote individual and Tribal Enterprise Development to diversify and improve the Reservation economy.

SECTION 3.2181 Acreage-Dimensional Standards:

(1) The Natural Resource Commission may deviate from this requirement where it is deemed necessary for the protection of the health, safety and welfare of the residents of the Umatilla Indian Reservation.

(2) Lot width: No requirements.

(3) Lot depth: 100 feet.

SECTION 3.2182 Setbacks:

(1) The front yard setback from a property line shall be a minimum of 10 feet.

(2) There is no side yard setback from a property line.

(3) Rear yard, none except when a rear lot line is abutting a lot in a Residential zone and then the rear yard shall be a minimum of 10 feet.

SECTION 3.2184 General Standards:

(1) Off-street parking shall be provided as required in Section 13.010;

(2) All structures shall be designed, constructed and maintained in a manner which is consistent with the architectural style and enhances the function and aesthetics of the Interpretive Institute.

(3) Height Regulations: No building or structures shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet.

- (4) Lot coverage: Maximum lot coverage by buildings and structures shall be 35 percent of the total lot area.

(5) Refer to Chapter XIII Supplementary Regulations for additional requirements.

SECTION 3.2186 Uses Allowed:

The following uses are allowed without the issuance of a Land Use Permit:

- (1) Those items addressed in Chapter XII of this Code;
- (2) Temporary commercial activities associated with planned activities organized by the Interpretive Institute.

SECTION 3.2187 Uses Permitted:

In a C-D, Commercial Development Zone the following uses and their accessory uses are permitted upon issuance of a permit:

- (1) Bowling Alley
- (2) Automobile repair and service centers;
- (3) Automobile service stations;
- (4) Bakeries;
- (5) Barber or Beauty shops;
- (6) Business and professional offices;
- (7) Business, retail, wholesale or service, catering directly to consumer;
- (8) Dairy products store;
- (9) Dry cleaning and laundry;
- (10) Theater
- (11) Financial institutions;
- (13) Gift shop;
- (14) Grocery;
- (16) Motel or Hotel;

- (18) Parking lots
- (20) Restaurant or eating establishment;
- (26) Art galleries, libraries, and reading rooms;
- (27) Artist supplies and picture framing;
- (24) Gunsmith
- (28) Auto parts sales
- (29) Bicycle Shop;
- (30) Book or Stationary Store;
- (31) Jewelry Store;
- (32) Leather goods and luggage.
- (33) Care takers residence wholly enclosed within the structure of a permitted use

SECTION 3.2188 Conditional Uses Permitted:

In a C-D, Commercial Development Zone the following uses and their accessory uses are permitted subject to the requirements of Section 6.010 through 6.050 inclusive and upon issuance of permits:

- (1) Utility facility;
- (2) Buildings or structures over 30 feet in height;
- (3) Mall or Department Store;

P-1, U.I.R. PUBLIC USE ZONE

SECTION 3.220 Description and Purpose:

The purpose of the P-1, Public Use Zone is to set aside land for educational, recreational, homesites, subsidization for the benefit of the Tribe, or tribal religious organizations or an agency of Federal, State or local governments.

SECTION 3.225 Acreage-Dimensional Standards:

(1) The P-1, Public Use Zone acreage and dimensional standards shall be determined by the Commission or Board of Trustees as the case may be.

(2) Off-street parking - Off street parking shall be provided as required in Section _____.

SECTION 3.230 Setbacks:

May be imposed by the Commission or Board of Trustees based upon findings which may require such restrictions.

SECTION 3.235 Uses Permitted:

Within the P-1, Public Use Zone the following uses are allowed subject to the issuance of a permit:

- (1) Single family/Multi-family dwellings;
- (2) Governmental Buildings;
- (3) Government Shop and Garages;
- (4) Recreational Facilities;
- (5) Sports Ground and Complexes;
- (6) Educational Facilities;
- (7) Cultural Facilities;
- (8) Governmental Utility Facilities;
- (9) Parks;
- (10) Archeological Sites;
- (11) Duplex;

(12) Planned Unit Development.

SECTION 3.240 Conditional Uses Allowed:

In a P-1, Public Use Zone the following uses are permitted subject to the requirements listed under Sections 6.010 through 6.050 inclusive and upon issuance of a permit.

- (1) Alternative energy research, projects, buildings and structures dealing with solar, wind and low-head hydro only;
- (2) Roadside stand for sale of agricultural products;
- (3) Special Exceptions;
- (4) Cemeteries;
- (5) Greenhouses in excess of 300 square feet;
- (6) Sanitary Landfills.

P-1 OVERLAY, U.I.R. PUBLIC USE OVERLAY ZONE

SECTION 3.2410 Description and Purpose:

The purpose of the P-1 Overlay Zone is to support and protect the integrity of the Interpretive Institute of the Umatilla Indian Reservation, and within the context of supporting the Institute, to set aside land for education, recreation, subsidization for the benefit of the Tribe, tribal religious organizations or an agency of Federal, State or local governments.

SECTION 3.2420 Acreage-Dimensional Standards:

The P-1 Overlay Zone acreage and dimensional standards shall be determined by the Commission or Board of Trustees.

SECTION 3.2430 Setbacks:

May be imposed by the Commission or Board of Trustees based upon findings which may require such restrictions.

SECTION 3.2435 General Standards:

- (1) Off-street parking shall be provided as required in Section 13.010;
- (2) All structures shall be designed, constructed and maintained in a manner which is consistent with the architectural style and enhances the function and aesthetics of the Interpretive Institute.

SECTION 3.2440 Uses Allowed:

The following uses are allowed without the issuance of a Land Use Permit:

- (1) Those items addressed in Chapter XII of this Code;
- (2) Temporary commercial activities associated with planned activities organized by the Interpretive Institute.

SECTION 3.2443 Uses Permitted:

The following uses are subject to the issuance of a permit:

- (1) Recreational Facilities;
- (2) Sports Ground and Complexes;

- (3) Educational Facilities;
- (4) Cultural Facilities;
- (5) Parks;
- (6) Archeological Sites;

SECTION 3.2445 Conditional Uses Allowed:

In a P-1 Overlay Zone the following uses are permitted subject to the requirements listed under Sections 6.010 through 6.035 inclusive and upon issuance of a permit.

- (1) Government buildings
- (2) Government shop and garages
- (3) Special Exceptions
- (4) Cemeteries
- (5) Utility facility

OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

To Bob Patterson (CTUIR) Date: 5/11/98 Page 1 of 4

Fax # 541 276-7464
From Adam S.

Comments: _____

*FAX
+ return
Don't have's
A.S.*

Fax. 503-378-2496

Dam Safety	Director's Office	Hearings
Groundwater	Hanford Studies	Legislative & Rules Coord.
Hydrographics	Information (Computer) Services	Water Resources Comm. Liaison
Public Information	Strat. Planning & Policy Coord.	

Fax. 503-378-8130

Accounting / Fiscal	CWRE Coordination	Columbia / Snake Issues
Conservation	District 16 Watermaster	Enforcement
GWEB Liaison	Land Use Coordination	Northwest Region
Office Services	Personnel	Planning
Resource Management	Water Development Loan Fund	Water Use Reporting
Well Construction	Well Driller Licensing	

Fax. 503-378-6203

Adjudications	Final Proof Surveys	Hydroelectric Permits
Transfers	Water Rights	

OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

To Bob Patterson (CTUIR) Date: 5/11/98 Page 1 of 4

Fax # 541 276-7464

From Adam Sussman

Comments: _____

Fax. 503-378-2496

Dam Safety	Director's Office	GIS / Mapping
Groundwater	Hanford Studies	Hearings
Hydrographics	Information (Computer) Services	Legislative & Rules Coord.
Public Information	Strat. Planning & Policy Coord.	Water Resources Comm. Liaison

Fax. 503-378-8130

Accounting / Fiscal	CWRE Coordination	Columbia / Snake Issues
Conservation	District 16 Watermaster	Enforcement
GWEB Liaison	Land Use Coordination	Northwest Region
Office Services	Personnel	Planning
Resource Management	Water Development Loan Fund	Water Use Reporting
Well Construction	Well Driller Licensing	

Fax. 503-378-6203

Adjudications	Final Proof Surveys	Hydroelectric Permits
Transfers	Water Rights	

(d) If for agricultural purposes, in addition to any other information required, the application shall give the legal subdivisions of the land and the acreage to be irrigated, as near as may be.

(e) Except as otherwise provided in OAR 690, Division 51, if for power purposes, in addition to any other information required, the application shall give the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the uses to which the power is to be applied.

(f) If for municipal or quasi-municipal water supply, in addition to any other information required, the application shall give the already installed and available capacities to provide water service, present population to be served, and, as near as may be, the future requirements of the population served, and if known, the methods that may be used to meet such future requirements.

(g) If for mining purposes, in addition to any other information required, the application shall give the nature of the mines to be served, and the methods of supplying and utilizing the water.

(2) Each application for a permit to appropriate water shall be accompanied by the examination fee set forth in ORS 536.050 (1)(a).

(3) If the proposed use of the water is for operation of a chemical process mine as defined in ORS 517.953, the applicant shall provide the information required under this section as part of the consolidated application under ORS 517.952 to 517.987.

(4) If the department determines that the source of a proposed use of water is in or above a scenic waterway, in addition to any other information required, the applicant shall provide the information required under OAR 690-310-260.

Stat. Auth.: ORS 536.027

Statutes Implemented: ORS 390.835, 537.140 and 537.615

Map to Accompany Application for Water Use Permit

690-310-050 (1) Each application shall be accompanied by a map or drawing which shall be considered a part of the application.

(2) Maps submitted with water use applications shall meet the following criteria:

(a) The application map, which is made part of the record, shall be of permanent quality and drawn in ink or otherwise printed in an indelible form with sufficient clarity so as to be easily reproduced.

(b) Maps shall be drawn on good-quality paper. If the map is larger than 11 inches by 17 inches, four copies must be submitted or the map must be drawn on tracing linen, tracing vellum or mylar.

(c) All maps shall be drawn to a standard, even scale of not less than 4 inches = 1 mile. All maps must include the scale to which the map is drawn and a north directional symbol.

(3) A platted and recorded subdivision map, deed description survey map or county assessor map may be submitted as the application map if all of the required information is clearly shown.

(4) Each copy of the map shall show clearly each of the following requirements that apply to the proposed appropriation:

(a) The location of each diversion point, well, or dam by reference to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

(b) The location of main canals, ditches, pipelines, or flumes.

(c) The location of the place where water is to be used identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the proposed place of use, if appropriate. The Department also shall accept any locational coordinate information that the applicant may wish to provide, including latitude and longitude as established by a global positioning system. If for irrigation, the area to be irrigated in each quarter-quarter of a section shall be indicated by shading or hatchuring and the number of acres in each quarter-quarter section, donation land claim, government lot or other recognized public land survey lines indicated.

Stat. Auth.: ORS 536.027

Statutes Implemented: ORS 537.140, 537.615

Hist.: WRD 6-1987, f. & ef. 6-11-87; WRD 3-1988, f. 2-26-88, cert. ef. 2-28-88; WRD 16-1990, f. & cert. ef. 8-23-90

Permits for Reservoirs Storing Up to Five Acre-Feet of Water, or for Livestock Watering Outside of Riparian Areas (SB 150, 1989); Fees

690-310-060 (1) Applications for permits to use water for storage projects of five acre-feet or less, or for livestock watering outside of riparian areas, are subject to the following reduced fees:

(a) For examining the application, \$40;

(b) For filing and recording the permit, \$10.

(2) If the intended use of the stored water requires a secondary permit as defined by ORS 537.400(2), the secondary application shall be subject to the usual fees as described under ORS 536.050.

(3) Applications submitted under this rule shall in all other respects be subject to the usual requirements for application processing.

Stat. Auth.: ORS 536.025, 536.027

Statutes Implemented: ORS 536.050

Hist.: WRD 6-1989(Temp), f. 9-29-89, cert. ef. 10-3-89; WRD 9-1989, f. & cert. ef. 11-20-89; WRD 9-1992, f. & cert. ef. 7-1-92; Renumbered from 690-11-083

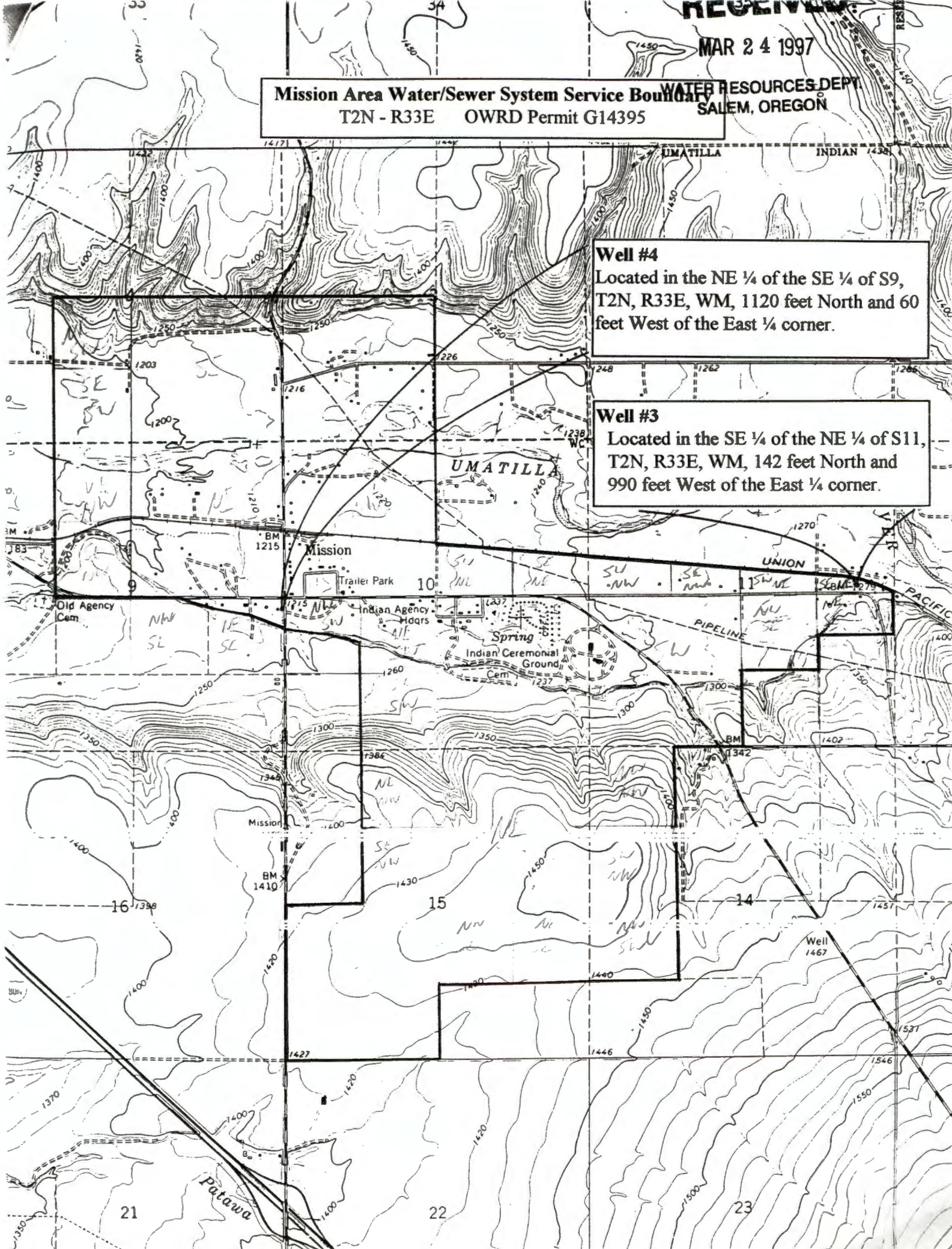
Completeness Review

690-310-070 (1) Within 15 days after receiving an application, the Department shall determine whether the application contains the information required under OAR 690-310-040 and is complete and not defective, including the payment of all required fees. If the Department determines that the application is

MAR 24 1997

Mission Area Water/Sewer System Service Boundary
T2N - R33E OWRD Permit G14395

WATER RESOURCES DEPT.
SALEM, OREGON



Well #4
Located in the NE ¼ of the SE ¼ of S9,
T2N, R33E, WM, 1120 feet North and 60
feet West of the East ¼ corner.

Well #3
Located in the SE ¼ of the NE ¼ of S11,
T2N, R33E, WM, 142 feet North and
990 feet West of the East ¼ corner.

Application No. G-14395

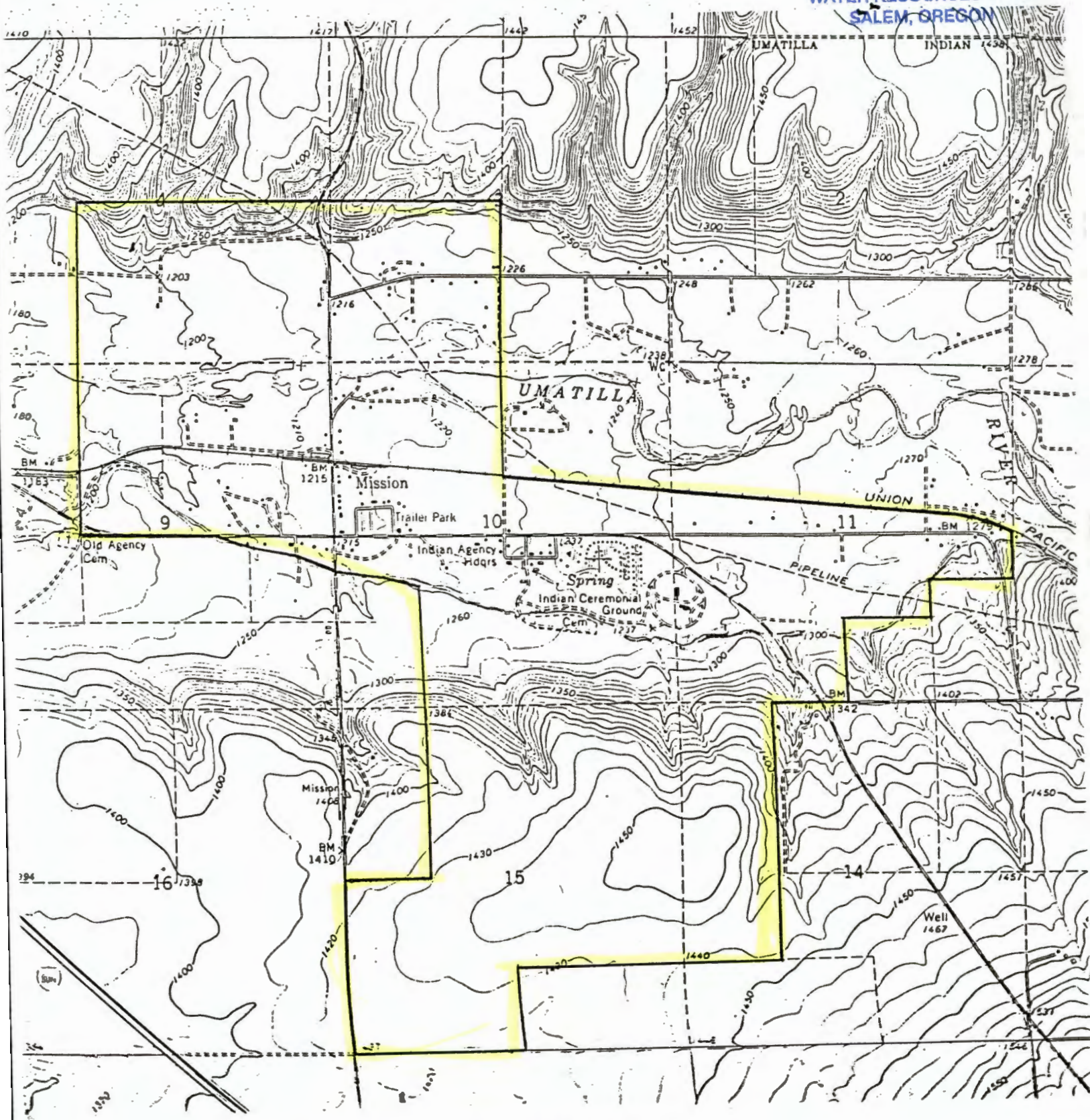
RECEIVED

Mission Area Water/Sewer System Service Boundary

OCT 18 1996

Township 2 North - Range 33 East

WATER RESOURCES DEPT.
SALEM, OREGON



CTUIR Public Works Department
 PO Box 638
 Pendleton, OR 97801

Phone: (541) 276-4301

Fax: (541) 278-0839

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SALEM, OREGON

TRIBAL WATER/SEWER SERVICE BOUNDARY

PROPORTIONAL CONVEYANCE

The Tribal Water/Sewer boundary is described as the following area within the listed Sections of Township 2 North, Range 33 East. Willamette Meridian.

Starting with:

Section 3 -- The total area within the SW 1/4.

Section 4 -- The total area within: 1) the SE 1/4; and
2) the E 1/2 of the SW 1/4.

Section 9 -- The total area within: 1) the NE 1/4;
2) within the E 1/2 of the NW 1/4;
3) beginning at the NE corner of the NW1/4 SE 1/4 of Section 9:
Th Wly alg the E-W c/l of sd Sec. 9 a dist. of 500 ft
m/l;
Th Sly 80 ft. m/l;
Th Ely 80 ft. m/l;
Th Sly 40 ft m/l;
Th Ely 250 ft. m/l;
Th Sly 40 ft. m/l;
Th Ely 170 ft. m/l;
Th Nly 170 ft. m/l to the P.O.B. exc (Note:
description developed from measurments off Umatilla
County Assessors Map 2N3309): and
4) beginning at the NW corner of the NE 1/4 SE 1/4 of
Section 9:
Th Ely alg the E-W c/l of sd Sec. 9 a dist. of 1464.5
ft. to the NE corner of the NE 1/4 SE 1/4 of sd Sec. 9;
Th Sly alg the E line of sd SE 1/4 of sd Sec. 9 a dist.
of 567.9 ft.;
Th N 70* 09' W a dist. of 372.1 ft.;
Th N 66* 35' 30" W a dist. of 261.52 ft.;
Th N 70* 08' W a dist. of 162.33 ft.;
Th N 71* 08' W a dist. of 200.57 ft.;
Th N 83* 27' W a dist. of 376.96 ft. on the N-S c/l
of the SE 1/4 of sd Sec. 9;
Th Nly alg sd N-S c/l to the P.O.B. exc:

Section 10 -- The total area within: 1) the NW 1/4;
2) the SE 1/4;

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WATER RESOURCES DEPT.
SALEM, OREGON

- 3) the NE 1/4 laying South of the Union Pacific Railroad Right-of-way;
- 4) the E 1/2 of the SE 1/4; and
- 5) beginning at the NW corner of the NW 1/4 SW 1/4 of Section 10:

Th Ely alg the E-W c/l of sd Sec. 10 a dist. of 1343.28 ft. m/l to the NE corner of the NW 1/4 SW 1/4 of sd Sec. 10;

Th Sly alg the E line of sd NW 1/4 SW 1/4 of sd Sec. 10 a dist. of 668 ft. m/l;

Th N 82° 49' 10" W a dist. of 345.62 ft. m/l;

Th N 82° 49' 10" W a dist. of 317.68 ft.;

Th N 82° 10' 50" W a dist. of 673.6 ft.;

Th N 0° 25' W a dist. of 496 ft. to the P.O.B. exc:

- Section 11 -- The total area within:
- 1) the N 1/2 laying South of the Union Pacific Railroad Right-of-way;
 - 2) the SW 1/4;
 - 3) the NW 1/4 of the SE 1/4; and
 - 4) the N 1/2 of the NE 1/4 of the SE 1/4.

- Section 14 -- The total area within:
- 1) the W 1/2 of the NW 1/4; and
 - 2) the NW 1/4 of the SW 1/4.

- Section 15 -- The total area within:
- 1) the NE 1/4;
 - 2) the SW 1/4; and
 - 3) the N 1/2 of the SE 1/4.

Application No. C-14395

Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON

R215 372

168821

QUITCLAIM DEED

THIS DEED is made January 15, 1992, between Umatilla County and the Confederated Tribes of the Umatilla Indian Reservation.

WHEREAS, the several real properties hereinafter described have been acquired by Umatilla County, pursuant to certain tax foreclosure proceedings commenced and prosecuted to final determination in the Circuit Court, and said county has received a deed for such properties; and

WHEREAS, the Board of County Commissioners of Umatilla County has deemed it for the best interest of said county to sell such real properties and did so on December 10, 1991, by an order duly made and entered in the Deed Records of Umatilla County, commencing at Reel 214, Page 1128; and

WHEREAS, on November 5, 1991, at 10:00 a.m. in Room 121 of the county courthouse in Pendleton, Umatilla County, Oregon, the county commissioners did sell to the Confederated Tribes of the Umatilla Indian Reservation the parcel of real property described below for the following sum, to-wit:

A parcel of land lying in the Northeast Quarter of the Southeast Quarter of Section 9, Township 2 North, Range 33 East, W.M., bounded on the north by County Road No. 800 and on the East by County Road No. 885 and being more particularly described as:

Beginning at the Northeast corner of said Northeast Quarter of the Southeast Quarter of Section 9; thence south along the East line of said Section 9 a distance of 160 feet to the Northeast corner of that tract of land conveyed to W. Louis Jones as described on Page 644 of Book 323 of the Umatilla County Deed Records; thence Northeasterly to the Northwest corner of said Jones tract as recorded on Page 644 of Book 323, said corner being 190 feet north of the Southwest corner, said corner also being on the East line of a tract of land conveyed to W. Louis Jones as recorded on Page 301 of Book 289 of the Umatilla County Deed Records; thence North along the East line of said Jones tract as recorded on Page 301 of Book 289 a distance of 60 feet $\frac{1}{4}$ to the Northeast corner thereof, said corner also being the Southeast corner of that tract conveyed to W. Louis Jones as recorded on Page 69 of Book 243 of the Umatilla County Deed Records; thence North along the East line of said Jones tract as recorded on Page 69 of Book 243 a distance of 217.8 feet to the Northeast corner thereof, said corner being on the East-West centerline of Section 9; thence East along said East-West centerline a distance of 250.00 feet to the Point of Beginning.

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OCT 18 1996

WATER RESOURCES DEPT
SALEM, OREGON

R 215 PAGE 373

Excepting therefrom any and all Road and Water Rights of Way.

All being in Umatilla County, Oregon.

The true and actual consideration for this transfer is \$8,000.

Until a change is requested, tax statements will be sent to the Confederated Tribes of the Umatilla Indian Reservation in care of Elwood H. Patawa, P. O. Box 638, Pendleton, OR 97801.

AND WHEREAS, due notice has been given to each municipal corporation having a registered lien or liens against any of said real properties as set forth in ORS 275.130 and no such corporation has exercised its right to purchase the same within the time prescribed by law;

NOW, THEREFORE, Umatilla County, grantor, and in consideration of the several sums paid by the Confederated Tribes of the Umatilla Indian Reservation, as aforesaid, receipt whereof is hereby acknowledged and by virtue of the statutes of the State of Oregon in such cases made and provided does hereby grant and convey to the Confederated Tribes of the Umatilla Indian Reservation the said real estate, hereinabove described, as fully and completely as the grantor can by virtue of the premises convey the same.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING THE FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, said grantor has caused this deed to be executed in its corporate name by its Umatilla County governing board on January 15th, 1992.

Umatilla County Board of Commissioners

Glean Youngman
Glean Youngman, Chairman

ATTEST:

Emile M. Holman
Emile M. Holman
STATE OF OREGON

Thomas L. Groat
Thomas L. Groat
Umatilla County Clerk

William S. Hansell
William S. Hansell

0373

RECEIVED

OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

R 215 PAGE 374

STATE OF OREGON, COUNTY OF UMATILLA
I, Thomas L. Groat, County Clerk, certify that this
instrument was received and recorded on 01-16-92
at 10:00 in the record of document code type DE-2

Instrument Code: 0000-0000
Document number: 92-149001
Fee: 40.00

Thomas L. Groat
Umatilla County Clerk

received by J. McLaughlin Deputy

Dennis Hawkins
Foreclosed Property

File No. 23389P
Legal Description

215th St 481
EXHIBIT "A"

168864

RECEIVED

A parcel of land located in the Southeast Quarter of the Northeast Quarter of Section 11, Township 2 North, Range 33 East of the Willamette Meridian, Umatilla County, Oregon, described as follows, with reference to Map of Survey No. 91-95-C, as recorded in the Office of the Umatilla County Surveyor:

OCT 18 1996

WATER RESOURCES DEPT
SALEM, OREGON

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 11; thence North 89° 59' 38" East along the South line of the Southeast Quarter of the Northeast Quarter of Section 11 a distance of 753.77 feet to the Southeast corner of that tract of land conveyed in Jarb Baker, in Warranty deed recorded in Book 294, Page 462, Deed Records of Umatilla County; thence North 00° 24' 33" East, along the East line of said Baker Tract, parallel with the West line of the Southeast Quarter of the Northeast Quarter of Section 11, a distance of 41.70 feet to a point on the Northerly right-of-way line of County Road No. 908 (formerly County Road No. 747), the true point of beginning for this description; thence continuing North 00° 24' 33" East along the East line of said Baker Tract a distance of 246.81 feet to a point on the Southerly right-of-way line of the Union Pacific Railroad right-of-way; thence South 85° 05' 15" East along said Southerly right-of-way line a distance of 128.94 feet to the point of curvature of a curve; thence along the arc of a 2594.45 foot radius curve to the right a distance of 257.85 feet (long chord bears South 82° 14' 25" East a distance of 257.74 feet); thence South 00° 25' 57" East a distance of 198.05 feet to a point on the Northerly right-of-way line of County Road No. 908; thence South 89° 34' 03" West along the Northerly right-of-way line of County Road No. 908 a distance of 387.12 feet to the true point of beginning.

10

R 215 1386

WARRANTY DEED

RECEIVED

OCT 18 1996

WATER RESOURCES DEPT
SALEM, OREGON

HOMESTEAD TITLE 23052P

KNOW ALL MEN BY THESE PRESENTS, That VIRGIL O. JORDAN AND LEVETA E. JORDAN

Grantor in consideration of ONE HUNDRED SIXTY FIVE THOUSAND NO/100---(\$165,000.00)----- Dollars, to them paid by the Grantee herein, do hereby grant, bargain, sell and convey unto CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Grantee the following described real property, situate in the County of UMATILLA and State of Oregon, to wit:

AS PER EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF.
MAP NUMBER: 2N 33 10 B C 1802 (16-02)

To Have and to Hold the granted premises unto the said Grantee, its Heirs and Assigns forever. And the Grantor do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances. SUBJECT EASEMENT FOR ROADWAY DISCLOSED IN DEED RECORDED AUGUST 23, 1965 IN BOOK 281, PAGE 191, DEED RECORDS OVER THE NORTHERLY AND WESTERLY PORTION OF THE TRACT DESCRIBED HEREIN. EASEMENT FOR PIPELINES DESCRIBED IN DEED RECORDED AUGUST 23, 1965 IN BOOK 281, PAGE 191, DEED RECORDS. TELEPHONE RIGHT OF WAY EASEMENT RECORDED JUNE 15, 1990 IN REEL 193, PAGE 1473, UMATILLA COUNTY MICROFILM RECORDS.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness our hand and seal this 3RD day of FEBRUARY, 1992.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

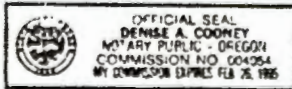
Virgil O. Jordan (SEAL)
Leveta E. Jordan (SEAL)
LEVETA E. JORDAN (SEAL)
(SEAL)

STATE OF OREGON
County of UMATILLA ss.

BE IT REMEMBERED, That on this 03 day of February, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named VIRGIL O. JORDAN AND LEVETA E. JORDAN

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Denise Cooney
Notary Public for Oregon.
My Commission expires 02/26/95

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

CONFEDERATED TRIBES OF THE UMATILLA
P.O. BOX 638
PENDLETON, OR 97801

Return to:
CONFEDERATED TRIBES OF THE UMATILLA
P.O. BOX 638
PENDLETON, OR 97801

STATE OF OREGON, COUNTY OF UMATILLA
I Thomas L. Groat, County Clerk, certify that this instrument was received and recorded on 02-04-92 at 10:45 in the record of document code type DE-NISC

Location 0215-1386
Document number 92-169187
Fee 10.00

Thomas L. Groat
Umatilla County Clerk

received by Denise Cooney Deputy

HST y

RECEIVED

File No. 23052P
Legal Description

R 215 1387

169187

OCT 18 1996

WATER RESOURCES
SALEM, OREGON

Commencing at the point of intersection of the North Right of Way line of U. S. Highway No. 30 with the West line of Section 10, Township 2 North, Range 33, said point being 30 feet Northerly from the Southwest Corner of the Northwest Quarter of said Section; thence South 89° 36' East along the said North Right of Way line 324.77 feet, more or less, to a point on the Southerly extended Easterly line of Mission Tracts, and the true point of beginning for this description; thence continuing South 89° 36' East along the said North Right of Way line a distance of 586.43 feet to the Southwest Corner of that tract of land conveyed to the Tillicum Grange #799, Inc., by Deed recorded in Deed Book 202, Page 605, Umatilla County Records; thence North 6° 02' East along the Westerly line of said Grange Tract, 223.7 feet to the South line of that tract of land conveyed to Chester L. Warnock, et ux, by Deed recorded in Deed Book 206, Page 049, Umatilla County Records; thence North 89° 36' West along the said South line to the Southwest corner thereof; thence North 4° 22' East along the West line of said Warnock Tract to the Southeast Corner of that tract of land conveyed to R. J. Stine, et ux, by Deed recorded in Deed Book 206, Page 050, Umatilla County Records; thence North 89° 36' West along the South line of said Stine Tract and said South line extended for a distance of 619.4 feet to the East line of Mission Tracts; thence South 0° 21' East along the East line of Mission Tracts and said East line extended Southerly 450 feet, more or less, to the point of beginning;

EXCEPTING THEREFROM the Easterly 255 feet thereof;

ALSO EXCEPTING any and all water rights of way and roads;

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

RECEIVED

OCT 18 1996

200547 WATER RESOURCES DEPT
SALEM, OREGON

REEL 262 PAGE 827

94 NOV -3 A 11:38

QUITCLAIM DEED

Umatilla County, a political subdivision of the State of Oregon, Grantor, for the consideration stated below, hereby quitclaims and conveys to the Confederated Tribes of the Umatilla Indian Reservation, Grantee, all of its right, title and interest in the following described real property, acquired in any manner in accordance with Oregon statutes:

The true and actual consideration for this conveyance is the grantee's obligation to use the parcel for public purposes.

This deed is executed pursuant to an ORDER of the Board of County Commissioners of Umatilla County, approved on October 27, 1994, and recorded at Reel 262, Page 574 of the Deed Records of Umatilla County, Oregon.

The recorded instrument should be returned to:
Umatilla County Property Manager
Umatilla County Courthouse
216 S. E. 4th
Pendleton, OR 97801

Until a change is requested, tax statements are to be sent to:
Confederated Tribes of the Umatilla Indian Reservation
† John Rosario
PO Box 638
Pendleton, OR 97801

Map and Tax Lot #: 16-02 2N3309 TL 1100; also known as:

To be used for public purposes.

A parcel of land lying in the Southwest quarter of the Northwest quarter of Section 9, Township 2 North, Range 33 EMM, and being more particularly described as follows:

Beginning at a point which is the intersection of the West line of Section 9, Township 2 North, Range 33 EMM, and the Northerly right of way line of the Old Oregon Trail Highway, said point being 30 feet distant from (and measured at right angles to) the center line of said highway at Engineer's Station 151+03.5; said point also being 975 feet North and 1.1 feet East of the quarter corner common to Sections 8 and 9, Township 2 North, Range 33 EMM; thence (along the Northerly right of way line of said highway) on a 1667.1 foot radius curve to the right (the

Deed-Umatilla County/CTUIR Page 1

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OCT 18 1995

WATER RESOURCES DEPT.
SALEM, OREGON

REEL 262 PAGE 828

long chord of which bears South 65 degrees 54' East, 412.57 feet) a distance of 413.6 feet; thence South 58 degrees 47' East, a distance of 1043.2 feet; thence on a 1402.5 foot radius curve to the left (the long chord of which bears South 60 degrees 09' East, 66.7 feet) a distance of 66.7 feet to a point which is the intersection of the said highway right of way line and the East line of the aforementioned Southwest quarter of the Northwest quarter of Section 9; thence (following said East line of the Southwest quarter of the Northwest quarter of Section 9) North 0 degrees 16.5' West, a distance of 732.05 feet to the Southerly right of way line of the O.W.R.R. & N. Company; thence (following the said O.W.R.R. & N. Co. right of way line) on a 1769.1 foot radius curve to the right (the long chord of which bears South 88 degrees 24' West, 309.4 feet) a distance of 310.8 feet; thence North 86 degrees 34' West, a distance of 1015.65 feet to the West line of said Section 9; thence following said section line South 0 degrees 04' West, a distance of 41.9 feet to the point of beginning; containing 10.69 acres, more or less, in Umatilla County, Oregon.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 20th day of November, 1994.

UMATILLA COUNTY
BOARD OF COMMISSIONERS, GRANTOR

William S. Hahsell
William S. Hahsell, Chairman

ATTEST:

Gleyn Groat
Gleyn Groat

Jean Hemmick, Deputy
Thomas L. Groat
Umatilla County Clerk

Emile M. Holeman
Emile M. Holeman



OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL DEED TO:

1992 DEC 31 2 067

CONFEDERATED TRIBES OF THE UMATILLA
INDIAN RESERVATION
P. O. BOX 638
Pendleton, Oregon 97801

NEEL 229-1513

QUITCLAIM DEED

178331

(Individual or Corporation)

BARBARA M. GARLINGHOUSE, grantor, conveys and warrants to
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, the
following described real property, for public use, free and clear
of encumbrances except as specifically set forth herein, situated
in the County of Umatilla, State of Oregon, to wit:

NW1/4NE1/4 and NE1/4NW1/4 Sec. 30, T.2N., R35E., Willamette
Meridian, Oregon, containing 80 acres, more or less, excepting
and reserving unto the grantors, their heirs and assigns, 50%
of all minerals including gas and oil but excluding sand and
gravel, together with the right to prospect for, mine and
remove same.

Title to the above described property is conveyed subject to
any existing easements for public roads and highways, for public
utilities, and for railroads and pipelines and for any other
easements or rights-of-way of record.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$00.00.

Dated this 28th day of December, 1992.

Barbara M. Garlinghouse
BARBARA M. GARLINGHOUSE

40

PEEL 270 PAGE 107

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That VERNON R. CASE and LULA MARIE CASE

Grantor in consideration of ONE HUNDRED THIRTY THOUSAND Dollars to CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION

Grantee the following described real property, situate in the County of UMATILLA and State of Oregon, to wit:

SEE EXHIBIT "A" ATTACHED HERETO:

HOMESTEAD TITLE 216851P

RECEIVED

OCT 18 1995

WATER RESOURCES SALEM, OREGON

To Have and to Hold the granted premises unto the said Grantor his Heirs and Assigns forever. And the Grantor do covenant that they lawfully seized in fee simple of the above granted premises free from all encumbrances.

EXCEPTING REAL PROPERTY TAXES PLUS INTEREST IF ANY, BY REASON OF FARM DEFERRAL ASSESSMENT, EASEMENT, IN FAVOR OF PACIFIC NORTHWEST PIPELINE CORPORATION, RECORDED DECEMBER 15, 1955, BOOK 230, PAGE 443, UMATILLA COUNTY-DEED RECORDS, AND AMENDED IN REEL 47, PAGE 1521, UMATILLA COUNTY MICROFILM RECORDS.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness hand and seal this 21 day of April 1995

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

Vernon R Case (SEAL) LULA MARIE CASE (SEAL)

NOTARY ACKNOWLEDGEMENT

STATE OF Oregon ss. April 21 1995 COUNTY OF Umatilla Personally appeared the above named Vernon R Case and Lula Marie Case and acknowledged the foregoing instrument to be their voluntary act.



Before me Marcia M Rosenberg Notary Public for My commission expires

STATE OF OREGON, COUNTY OF UMATILLA I Thomas L. Groat, County Clerk, certify this instrument was received and recorded on 04-26-95 at 12:06 in the record of document code type 01-00 Location 0270-0107 Document number 95-205655 fee 48.00

UNTL. A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS CONFEDERATED TRIBES OF UMATILLA INDIAN P.O. BOX 638 PENDLETON, OR 97801

Thomas L. Groat Umatilla County Clerk Received by [Signature] Deputy

RECEIVED

OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Legal Description File No. 26851 270:241 108

205655

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 11, Township 2 North, Range 33, East of the Willamette Meridian, Umatilla County, Oregon, described as follows:

Commencing at the Center One Quarter corner of Section 11; thence North 89°28'27" West along the East-West centerline of Section 11 a distance of 308.48 feet to the Northeast corner of that tract of land conveyed to Cynthia M. Protheroe described in deed recorded in Reel 182, Page 1501, Umatilla County Deed Records; thence South 00°19'14" West along the West line of said Protheroe Tract and parallel with the North-South centerline of Section 11 a distance of 32.84 feet to a point on the South right of way line of County Road No. 908 (Also known as County Road No. 747); thence continuing South 00°19'14" West along the West line of said Protheroe Tract a distance of 587.00 feet to the true point of beginning for this description; thence continuing South 00°19'14" West along the West line of said Protheroe Tract a distance of 786.79 feet to a point on the South line of the Northeast Quarter of the Southwest Quarter of said Section 11; thence North 89°52'46" West along said South line of the Northeast Quarter of the Southwest Quarter a distance of 740.59 feet to a point on the East line of that tract of land known as the "Indian Reserve"; thence North 00°17'17" East along the East line of said Reserve a distance of 968.12 feet to the Southwest corner of that tract of land conveyed to Carol Ann Drake in Reel 139, page 107, Umatilla County Deed Records of Umatilla County; thence North 89°59'55" East along the South line of said Drake Tract a distance of 298.68 feet to the Southeast corner thereof; thence North 00°17'17" East along the East line of said Drake tract a distance of 324.09 feet to a point on the South right of way line of County Road No. 908; thence North 89°59'55" East along the South right of way line of County Road No. 908 a distance of 300.65 feet; thence South 00°19'14" West a distance of 587.00 feet; thence North 89°59'55" East a distance of 150.00 feet to the true point of beginning.

NEW APPLICATION ROUTING SLIP

RECEIPTING _____ ✓

DATA CENTER _____ ✓

FRED LISSNER _____

ms INITIAL REVIEW _____

SUPPORT (FOR ~~ACK LETTER~~ COPIES) _____

ca
12/19/24

Fred, Please expedite!
Critical issue
See Dick & of any questions

33

34

RECEIVED

MAR 24 1997

Mission Area Water/Sewer System Service Boundary
T2N - R33E OWRD Permit G14395

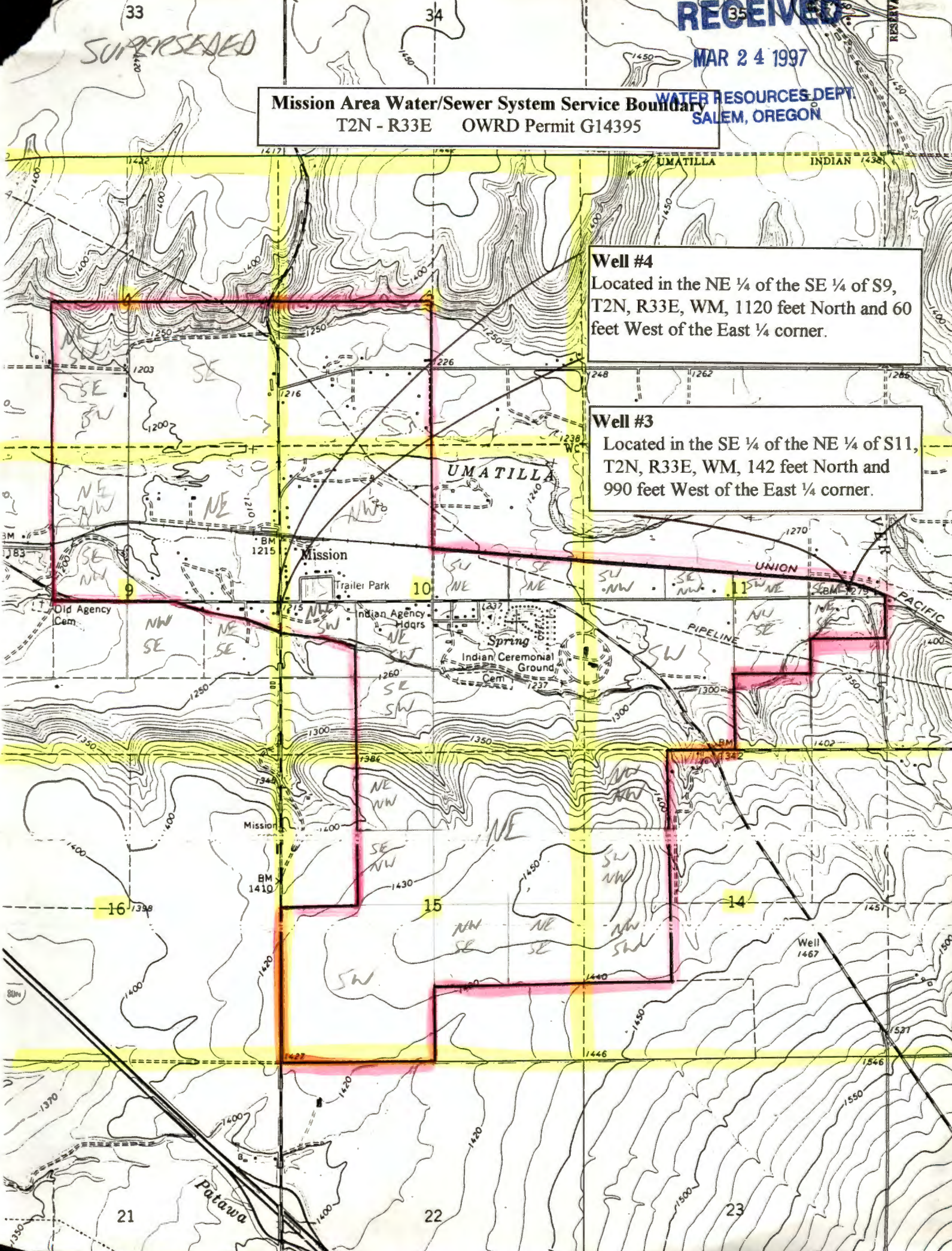
WATER RESOURCES DEPT
SALEM, OREGON

Well #4

Located in the NE 1/4 of the SE 1/4 of S9,
T2N, R33E, WM, 1120 feet North and 60
feet West of the East 1/4 corner.

Well #3

Located in the SE 1/4 of the NE 1/4 of S11,
T2N, R33E, WM, 142 feet North and
990 feet West of the East 1/4 corner.



SUPERSEDED

RESERVATI

Old Agency Cem

Mission Trailer Park

UMATILLA

Spring Indian Ceremonial Ground Cem

UNION

PIPELINE

PACIFIC

Patawa



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area code 503 Phone 276-4301 FAX 278-0839

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MAR 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

March 19, 1997

Laura K. Snedaker, Senior Water Rights Examiner
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Permit Application G-14395

Dear Laura,

I have enclosed a copy of the revised application map you requested in your January 31, 1997 letter. I also enclosed a copy of the Public Notice that was delivered to the *East Oregonian* and is currently being published in accordance with the requirements outlined in your letter. A copy of the affidavit will be sent as soon as I have received it from the *East Oregonian*.

The Confederated Tribes of the Umatilla Indian Reservation is completing this permanent groundwater application under protest. Attached to this letter is our Statement of Protest and Non-Waiver for your information.

If you have any questions or concerns, please contact me at (541) 276-4301.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Patterson". The signature is fluid and cursive.

Bob Patterson, PE
Public Works Director

copy: Gary E. George, CTUIR Executive Director
Dan Hester, CTUIR Attorney
Mike Ladd, OWRD District Manager

RECEIVED

MAR 24 1997

STATEMENT OF PROTEST AND NON-WAIVER

WATER RESOURCES DEPT.
SALEM, OREGON

This Application for a limited license and permanent groundwater permit is filed under protest and to protect tribal interests, solely for purposes of securing loan/grant funds from the Oregon Economic Development Department. The groundwater wells that are the subject of this application are located on tribal lands within the Umatilla Indian Reservation ("Reservation") and are intended for use by tribal members and enterprises on Reservation lands. It is the position of the Confederated Tribes of the Umatilla Indian Reservation that:

1. the Confederated Tribes have federal reserved water rights under the Winters doctrine to the groundwater resources being developed by the wells that are the subject of this application; and

2. the Confederated Tribes possess the sovereign authority to regulate the development and use of the groundwater resources located underneath Reservation trust lands as well as lands owned in fee by the Confederated Tribes within the boundaries of the Umatilla Indian Reservation and, pursuant to its Interim Water Code, the Confederated Tribe have exercised such regulatory authority.

Accordingly, the filing of this application is not intended as, nor shall it be construed as, conferring, recognizing or conceding to the State of Oregon any regulatory authority over on-Reservation groundwater resource development. In addition, by the filing of this application, the Confederated Tribes do not relinquish or waive any rights it possesses to groundwater under the Winters doctrine.

Andrea -

278-0859

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MAR 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

PO # 77272

Total Cost \$ 157.72

Legal notice to
Run March 10, 17, 24, 1997

Holly - ED

276-2211

EQ-3987
NOTICE OF WATER USE
REQUEST

Regarding application:
G-14395

The Oregon Water Resources Department is evaluating the request by the Confederated Tribes of the Umatilla Indian Reservation, under protest, to use 3600 gallons per minute of basalt water for municipal purposes. The proposed source of water is located within Umatilla County, Township 2 North, Range 33 East. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

ORS 537.130(3) requires notice to all affected landowners. ORS 537.130(4) allows this notice to be made through publication in a local newspaper if there are more than 25 landowners involved.

For further information contact the Water Resources Department Water Rights Information Group at 1-(800)-624-3199 x499. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97310-0210.

By posting this notice, the Tribes do not agree to state jurisdiction nor waive any treaty rights, water rights, or its inherent sovereignty.

March 10, 17, 24, 1997



WATER & SEWER
DEPARTMENT

RECEIVED

MAR 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

CONFEDERATED TRIBES
of the

Umatilla Indian Reservation

P.O. Box 638

PENDLETON, OREGON 97801

Area code 503 Phone 276-4301 FAX 278-0839

March 19, 1997

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Commerce Building
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WATER RESOURCES DEPT.
SALEM, OREGON

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RECEIVED

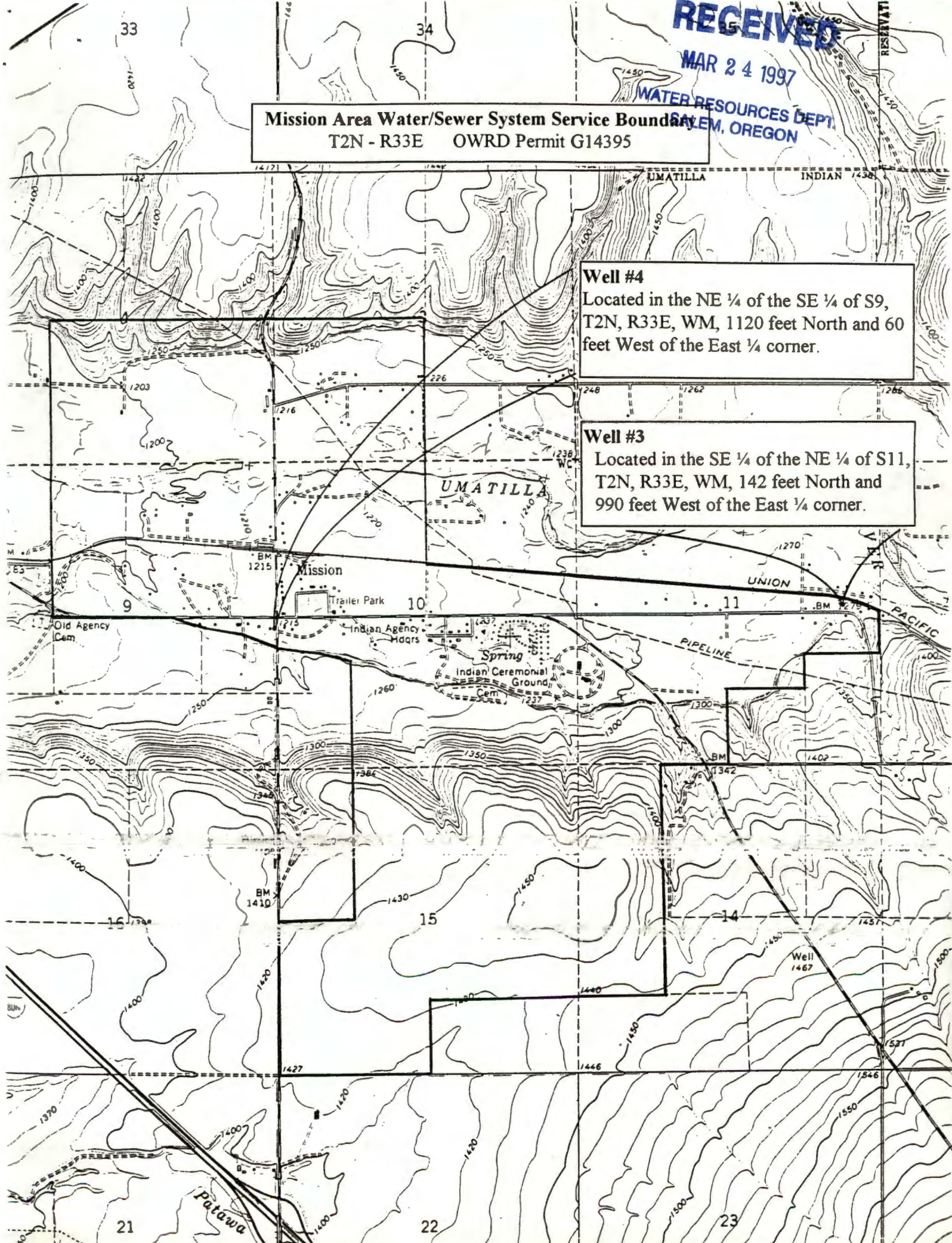
MAR 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Mission Area Water/Sewer System Service Boundary
T2N - R33E OWRD Permit G14395

Well #4
Located in the NE ¼ of the SE ¼ of S9,
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Well #3
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278-0839

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MAR 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

PO # 77272

Total cost \$ 157.72

Legal notice to
Run March 10, 17, 24, 1997

Holly - EO

276-2211

EO-3967
NOTICE OF WATER USE
REQUEST
Regarding application:
G-14395

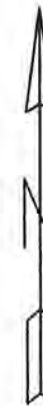
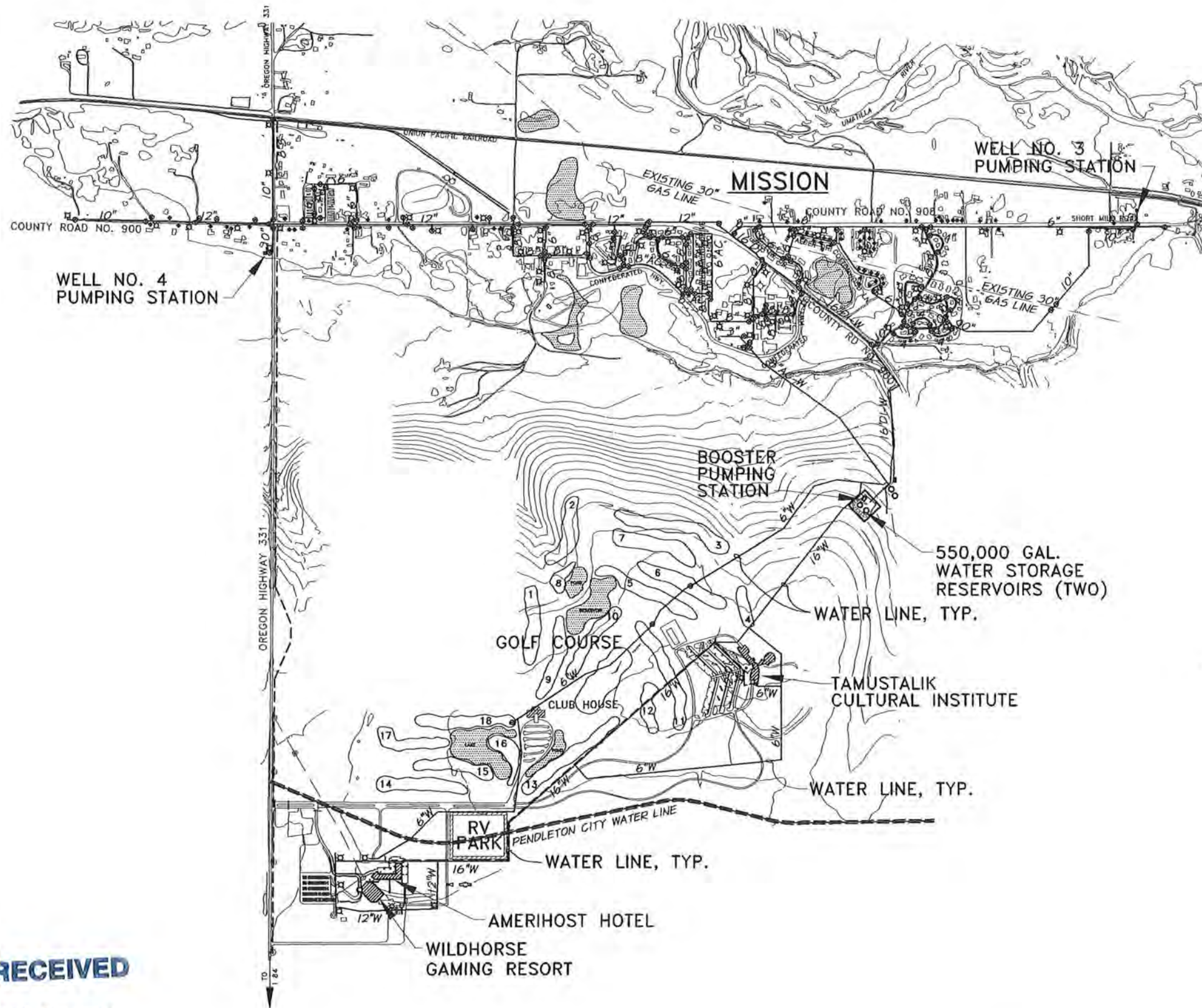
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March 10, 17, 24, 1997



SCALE IN FEET



NOTE: WATER LINES ARE PVC UNLESS OTHERWISE NOTED.

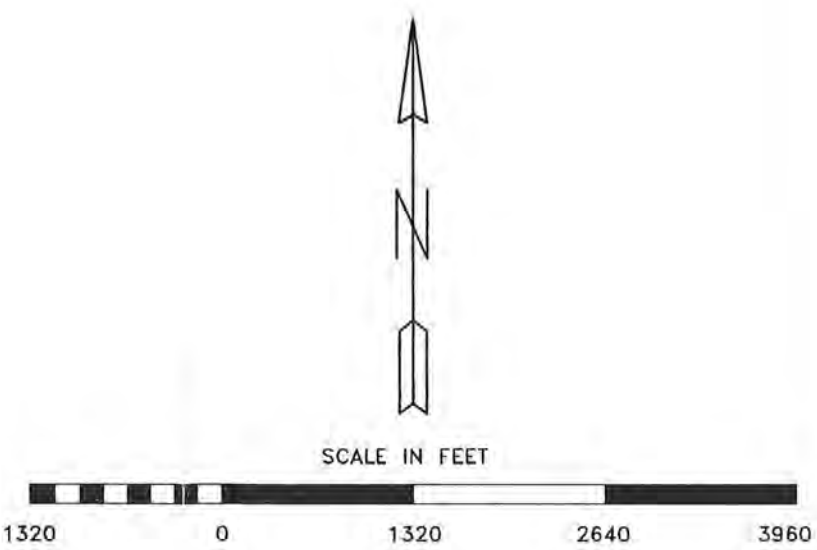
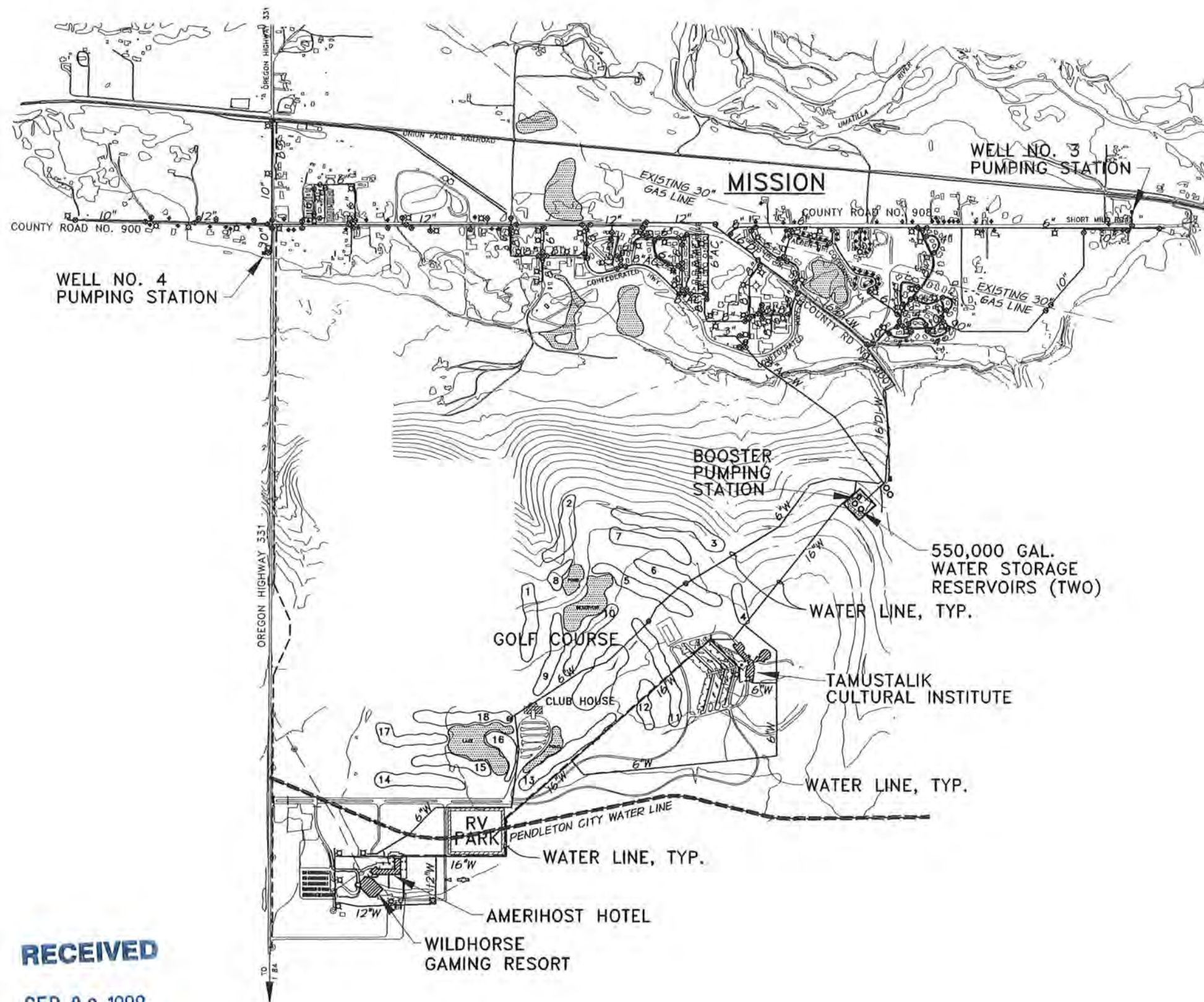
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SEP 03 1998

WATER RESOURCES DEPT.
SALEM, OREGON

**ap anderson
perry
Associates, Inc.**

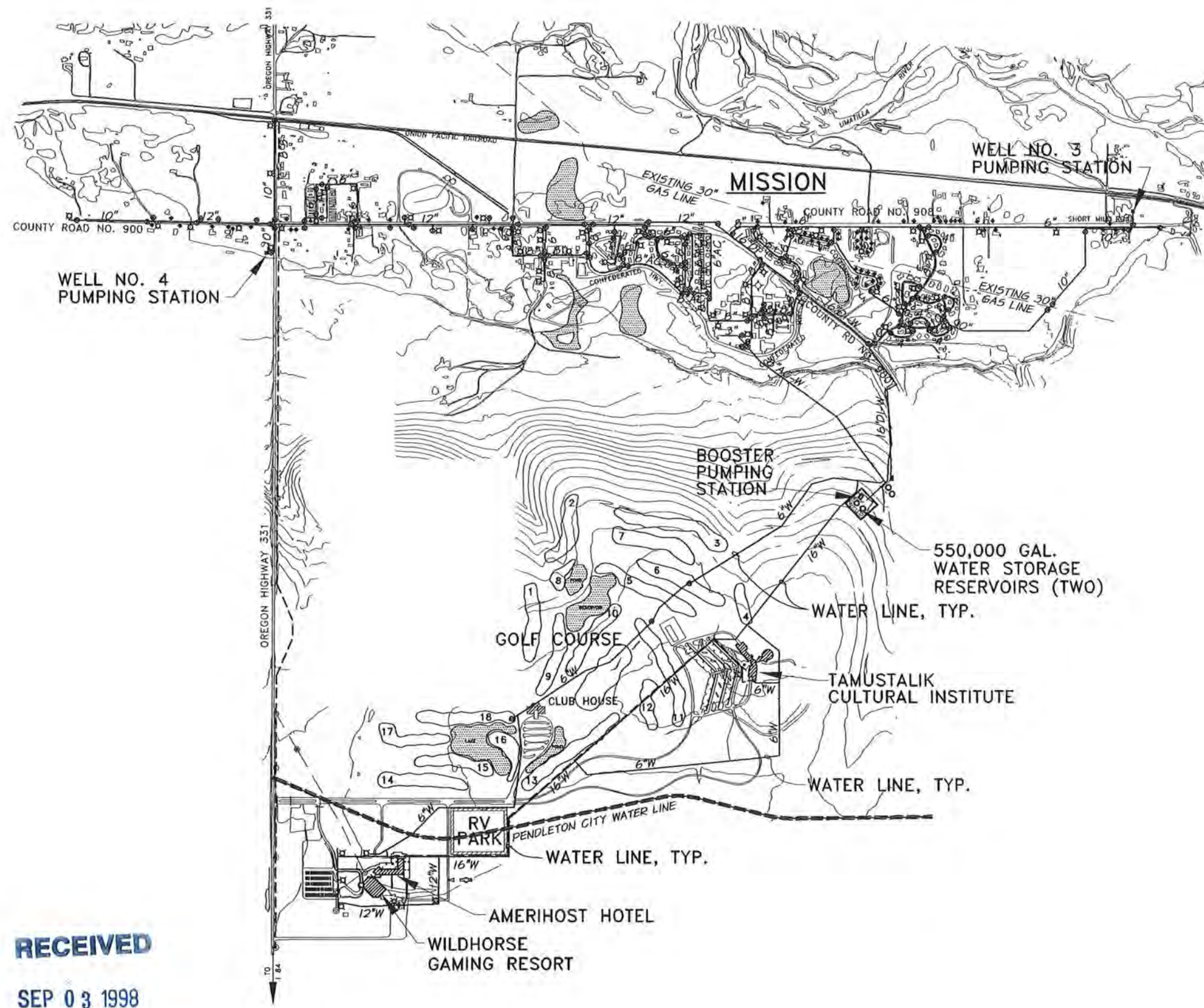
ENGINEERING • SURVEYING • MATERIALS TESTING
LA GRANDE, OR. WALLA WALLA, WA. BAKER CITY, OR.



NOTE: WATER LINES ARE PVC UNLESS OTHERWISE NOTED.

RECEIVED
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ap anderson perry
 & associates, inc.
ENGINEERING - SURVEYING - MATERIALS TESTING
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SCALE IN FEET



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RECEIVED

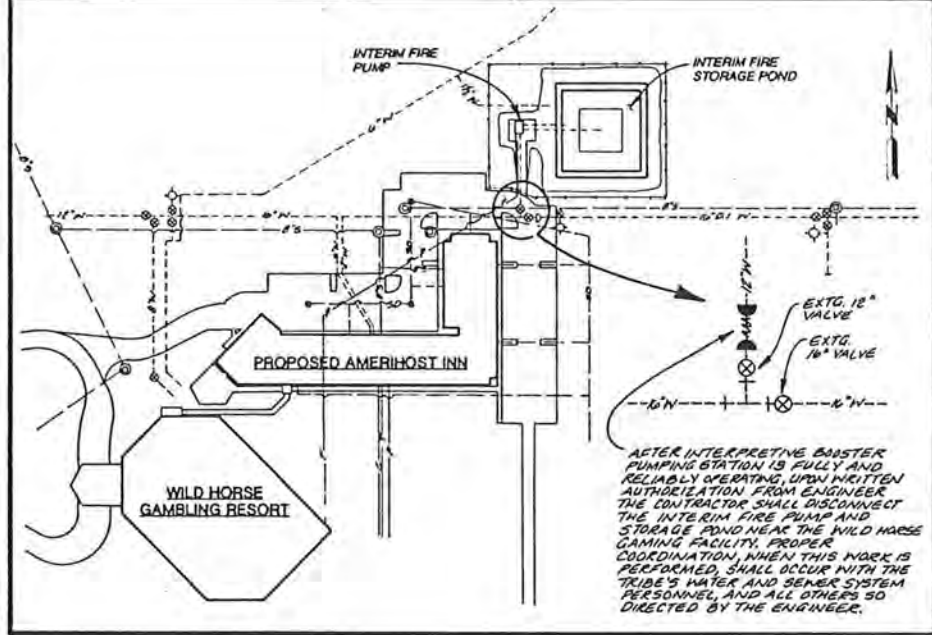
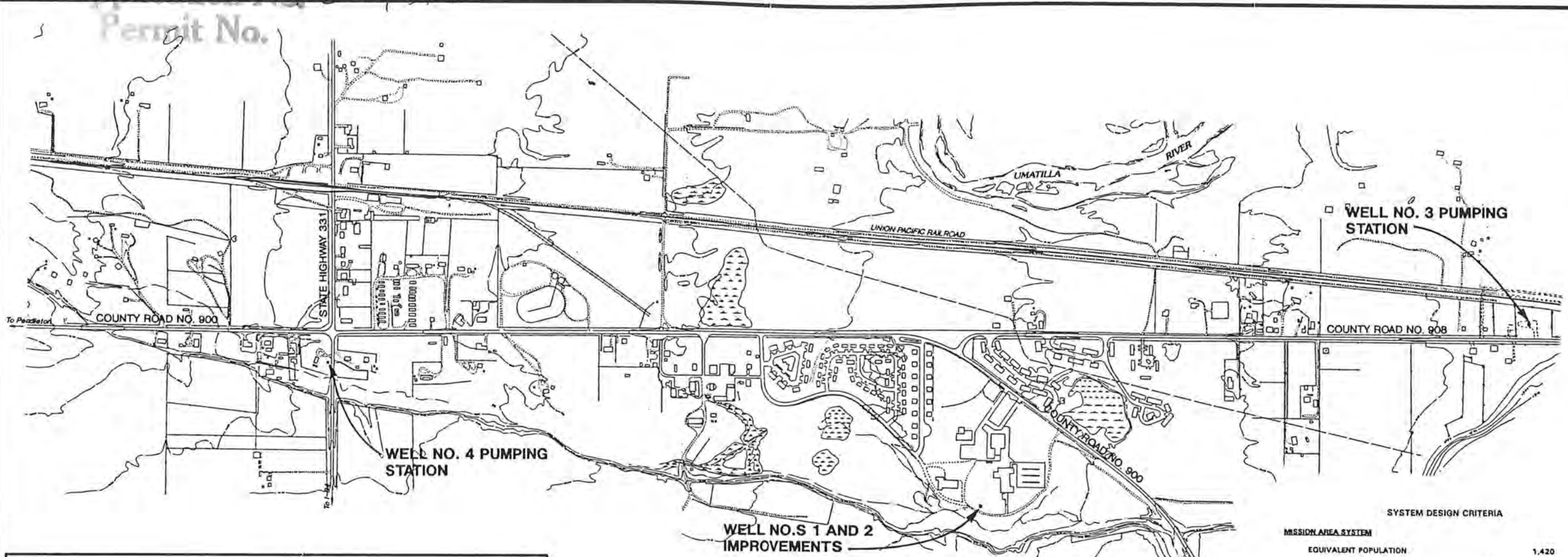
SEP 03 1998

WATER RESOURCES DEPT.
SALEM, OREGON

**anderson
perry**
associates, inc.
ENGINEERING • SURVEYING • MATERIALS TESTING

LA GRANDE, OR. WALLA WALLA, WA. BAKER CITY, OR.

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 OCT 18 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON



**WILD HORSE INTERIM FIRE SYSTEM DISCONNECT
LOCATION MAP**
N.T.S.

**WELL NO. S 1 AND 2
IMPROVEMENTS**

**RESERVOIRS AND TOURISM
AND INTERPRETIVE BOOSTER
PUMPING STATION**

GENERAL NOTES

- IT IS THE INTENT OF THE PROJECT WHERE NEW WATER LINES ARE INSTALLED, TO MAINTAIN WATER SERVICE WITH THE EXISTING WATER LINES, UNTIL SERVICES CAN BE TRANSFERRED TO THE NEW LINE.
- ALL EXIST UTILITIES SHOWN ON THESE PLANS ARE SHOWN BASED UPON AVAILABLE INFORMATION. IT SHOULD BE NOTED THAT SOME DISCREPANCIES AND OMISSIONS IN LOCATION, TYPE, AND SIZE WILL OCCUR. THE EXACT LOCATION OF THESE EXISTING UTILITIES WILL REQUIRE FIELD VERIFICATION. UTILITIES SHOWN ARE FOR THE CONVENIENCE OF THE CONTRACTOR. THE CONTRACTOR SHALL POITHOLE AND LOCATE EXISTING UTILITIES, I.E. WATER, SEWER, TELEPHONE, GAS, STORM SEWER, ETC. WHENEVER A CROSSING OR CONFLICT MAY OCCUR WITH THE NEW WATER OR SEWER LINE. THIS WORK SHALL BE PERFORMED PRIOR TO INSTALLING ANY NEW LINE TO ENSURE THE GRADE AND DEPTH OF NEW LINE WILL NOT BE IN CONFLICT WITH THE EXISTING UTILITY AND TO ENSURE THAT THE MINIMUM DEPTH OF WATER LINES CAN BE MAINTAINED. ADJUST THE LOCATION OF THE NEW WATER AND SEWER LINES AS MAY BE NECESSARY TO PREVENT CONFLICTS WITH EXISTING UTILITIES. THE ADJUSTMENTS SHALL BE REVIEWED AND APPROVED BY THE ENGINEER. THE CONTRACTOR SHALL PROVIDE FITTINGS AS REQUIRED TO ALLOW FOR A GRADE ADJUSTMENT OF THE NEW WATER LINE WHEN CONDITIONS REQUIRE. CONTRACTOR SHALL WORK CLOSELY WITH THE RESPECTIVE UTILITY COMPANIES FOR LOCATION AND COORDINATION NEEDS.
- LOCATIONS OF REQUIRED TEES, CROSSES, VALVES, HYDRANTS, WATER METERS, ETC. ARE APPROXIMATE ONLY. ACTUAL FIELD CONDITIONS WILL DETERMINE EXACT LOCATIONS.
- THE WATER LINE DETAILS ON THESE SHEETS ARE SCHEMATIC IN NATURE. THE CONTRACTOR SHALL INSTALL THE LINES AS MAY BE REQUIRED IN THE FIELD AND AS APPROVED BY THE ENGINEER. THE CONTRACTOR MAY PROPOSE ALTERNATE COMBINATIONS OF FITTINGS.
- THRUST BLOCK SIZE AND LOCATIONS ARE NOT ALWAYS SHOWN ON INDIVIDUAL DETAILS. ALL THRUST BLOCK LOCATIONS AND SIZES MUST BE REVIEWED BY THE ENGINEER.
- AT THE CONTRACTOR'S OPTION, THE CONTRACTOR MAY USE RESTRAINED JOINT PIPE AND FITTINGS IN LIEU OF THRUST BLOCKS. THE CONTRACTOR SHALL REVIEW WITH THE ENGINEER ALL LAYOUT DETAILS WHERE RESTRAINED JOINTS ARE PROPOSED PRIOR TO THEIR USE.
- SURFACE RESTORATION WORK ITEMS TO BE PERFORMED ARE NOT ALWAYS SPECIFICALLY CALLED OUT ON THE DRAWINGS. THE INTENT IS TO RESTORE ALL WORK AREAS BACK TO AN EQUIVALENT OR BETTER CONDITION THAN EXISTED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL PERFORM ALL SURFACE RESTORATION WORK (PAY ITEMS) REQUESTED BY THE ENGINEER WHETHER OR NOT IT WAS SPECIFICALLY CALLED OUT ON THE DRAWINGS.

SYSTEM DESIGN CRITERIA

MISSION AREA SYSTEM	
EQUIVALENT POPULATION	1,420
AVERAGE DAY DEMAND	220 gpd 312,400 gpd 217 gpm
MAXIMUM DAY DEMAND	900 gpd 1,278,000 gpd 898 gpm
PEAK HOUR DEMAND (1.7 X MAXIMUM DAY FLOW)	1,496 gpm
FIRE FLOW	
RESIDENTIAL AREA	1,000 gpm
COMMERCIAL AREA	2,500 gpm
PROPOSED INDUSTRIAL SITES	2,000 gpm
MINIMUM RESIDENTIAL PRESSURE IN DISTRIBUTION SYSTEM UNDER PEAK FLOW PLUS FIRE FLOW	20 psi
TOURISM AND INTERPRETIVE SYSTEM	
AVERAGE DAY DEMAND	10,620 gpd 8 gpm
MAXIMUM DAY DEMAND	249,728 gpd 173 gpm
PEAK HOUR DEMAND IRRIGATION AND FUTURE GROWTH ALLOWANCE	278 gpm 722 gpm
TOTAL PEAK FLOW	1,000 gpm
COMBINED STORAGE	
STORAGE REQUIRED	
FIRE STORAGE	540,000 gallons
EMERGENCY STORAGE	325,000 gallons
EQUALIZING STORAGE	235,000 gallons
TOTAL	1,100,000 gallons
COMBINED WATER SUPPLY	
WELL NO. 1 (EXISTING)	150 gpm ±
WELL NO. 2 (EXISTING)	150 gpm ±
WELL NO. 3 (NEW)	400 gpm ±
WELL NO. 4 (NEW)	500 gpm ±
TOTAL	1,300 gpm ±

REVISION	BY	DATE	HORIZ. SCALE 1"= 400'	VERT. SCALE
DESIGNED BY: H. PERRY			JOB NUMBER: 50-11/150-22	DATE: 1995
DRAWN BY: L. BAUER			SCALE: 1"= 400'	
REVIEWED BY: R. HARRIS			COPYRIGHT 1995 BY ANDERSON-PERRY & ASSOC., INC.	

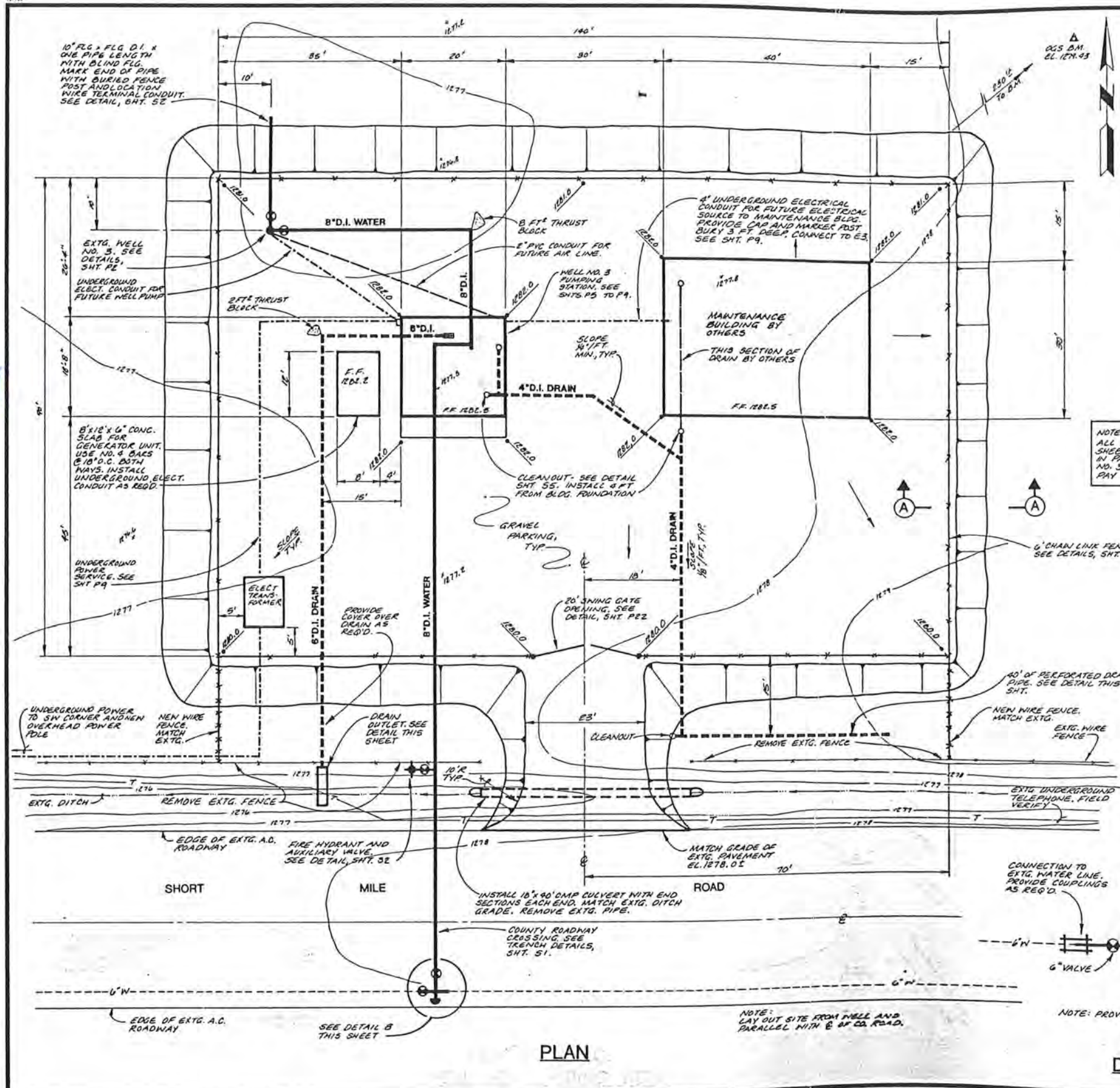
THIS DRAWING HAS BEEN PHOTOGRAPHICALLY REDUCED APPROXIMATELY 50%. DO NOT SCALE.



**CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION
RESERVOIRS, PUMPING STATIONS, AND
TELEMETRY CONTROL SYSTEM**

INDEX AND GENERAL NOTES

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 OCT 18 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON



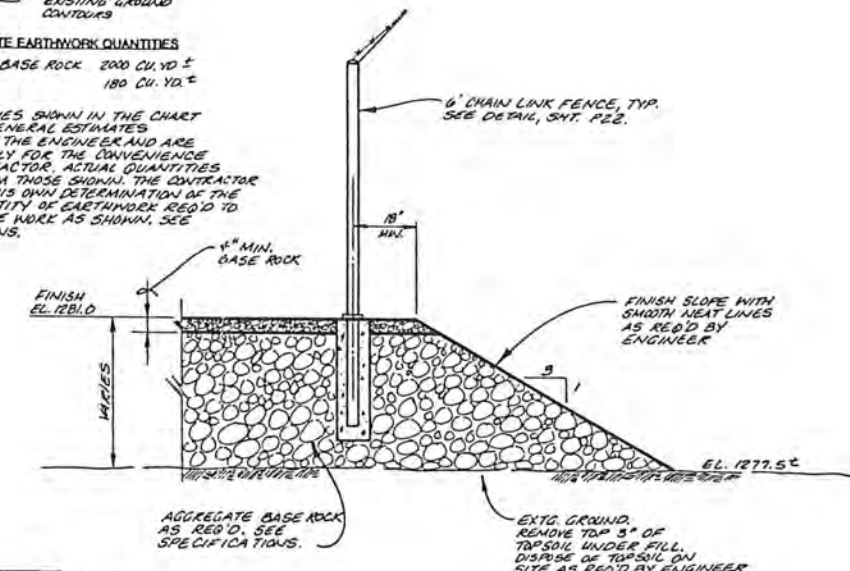
LEGEND

— EL 121.0 FINISH GRADE ELEVATIONS
 - - - - - 1218 EXISTING GROUND CONTOURS

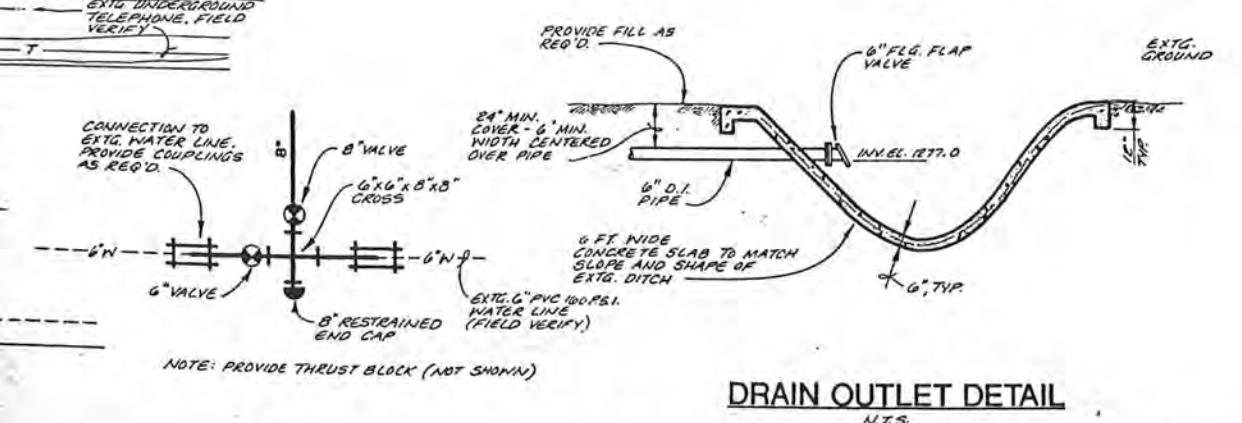
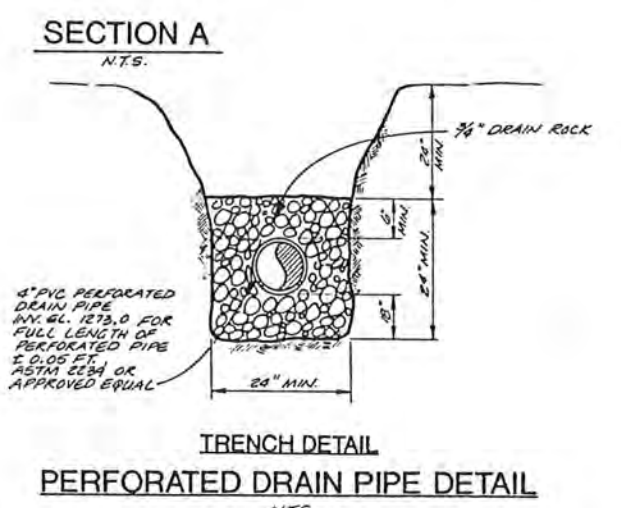
APPROXIMATE EARTHWORK QUANTITIES

AGGREGATE BASE ROCK 200 CU. YD. ±
 BASE ROCK 180 CU. YD. ±

THE QUANTITIES SHOWN IN THE CHART ABOVE ARE GENERAL ESTIMATES PREPARED BY THE ENGINEER AND ARE PROVIDED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR. ACTUAL QUANTITIES MAY VARY FROM THOSE SHOWN. THE CONTRACTOR SHALL MAKE HIS OWN DETERMINATION OF THE ACTUAL QUANTITY OF EARTHWORK REQUIRED TO COMPLETE THE WORK AS SHOWN. SEE SPECIFICATIONS.



NOTE:
 ALL WORK SHOWN ON THIS SHEET TO BE INCLUDED IN PAY LIMIT FOR WELL NO. 3 PUMPING STATION PAY ITEM.

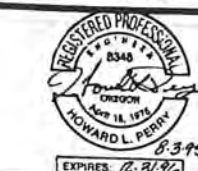


DETAIL B
 N.T.S.

NOTE:
 ALL UNDERGROUND PIPING, IE, WATER, SEWER, DRAINS, CONDUITS, ETC. SHALL HAVE LOCATION WIRE. EXTEND 24\"/>

SCALE IN FEET		10 0 10 20 30	
DESIGNED BY	H. PERRY	DATE	
DRAWN BY	L. BAUER	JOB NUMBER	150-11
REVIEWED BY	R. HARRIS	YEAR	1995
COPYRIGHT 1995 BY ANDERSON-PERRY & ASSOC., INC.			

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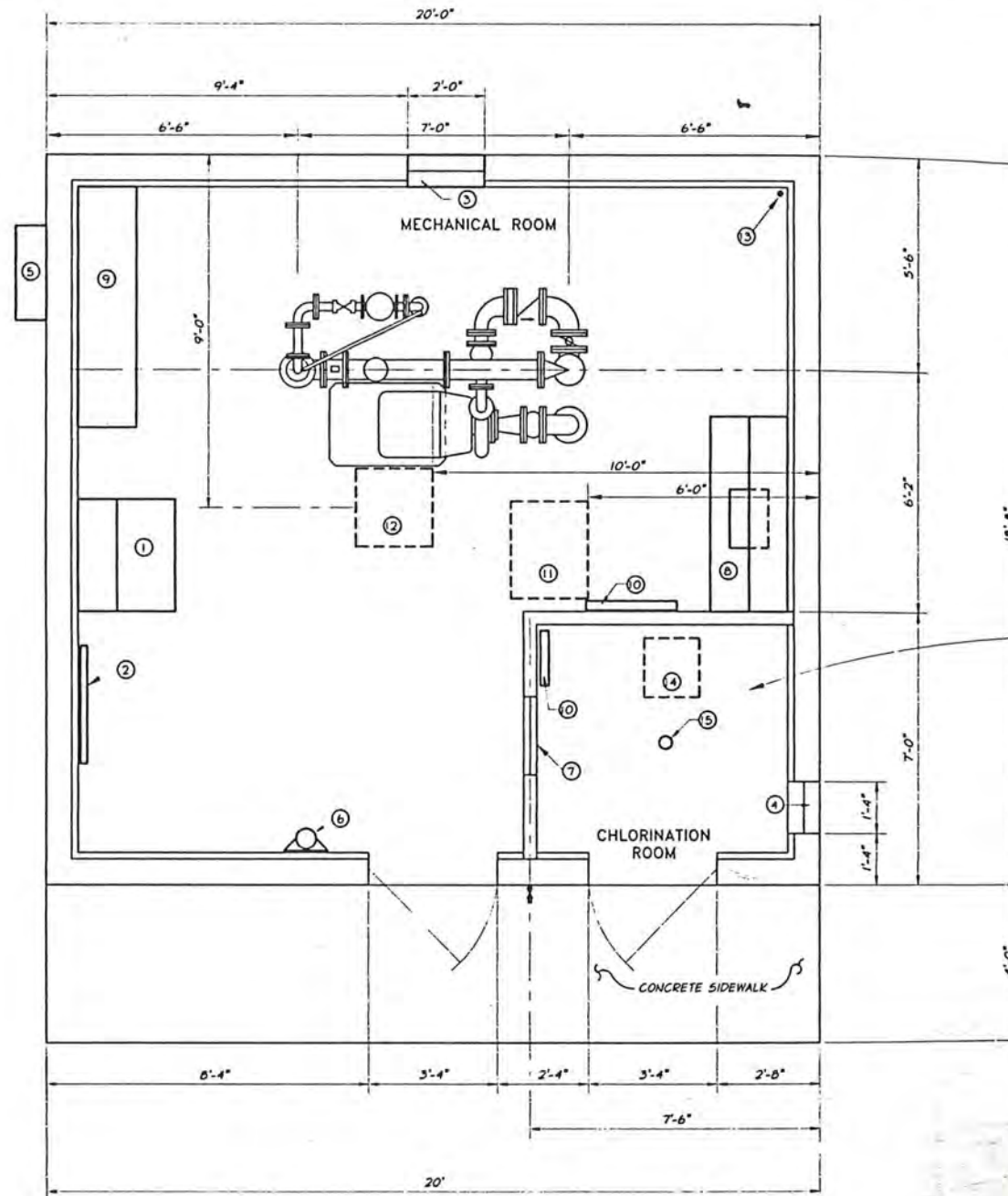
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
 RESERVOIRS, PUMPING STATIONS, AND TELEMETRY CONTROL SYSTEM
 WELL NO. 3 - SITE PLAN

SHEET
P1

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OCT 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON



NOTE:
LOCATE CEILING PENETRATIONS
SO THEY DO NOT CONFLICT WITH
CEILING LIGHTS.

NOTE:
UNDERGROUND PIPING NOT
SHOWN FOR CLARITY. SEE
DETAILS OTHER SHEETS.

NOTE: PROVIDE 2 HOUR FIRE WALL
AND CEILING ON INSIDE OF
CL₂ ROOM.

EQUIPMENT SCHEDULE

- ① METAL SHOP DESK 35-1/2"W X 30"D X 53"H,
TURNKEY MODEL 640 OR APPROVED EQUAL.
- ② 3' X 4' FRAMED BULLETIN BOARD. MOUNT ON WALL.
- ③ INTAKE LOUVER SEE DETAIL SHT. P19
- ④ EXHAUST LOUVER. SEE DETAIL SHT. P19
- ⑤ UNDERGROUND ELECTRICAL SERVICE. SEE DETAILS
SHT. P9
- ⑥ 10 LB 4A 600C FIRE EXTINGUISHER. WALL MOUNTED
- ⑦ 2 FT. X 2-1/2 FT. AIR TIGHT WINDOW. TRIM AS REQ'D.
- ⑧ WORK BENCH - SEE DETAILS SHT. P20. CONNECT SINK TO BLDG.
WATER AND SEWER AS REQ'D.
- ⑨ MOTOR CONTROL CENTER (BUILDING 1 BOOSTER PUMP SYSTEM)
SEE DETAILS SHT. P9. RAISED SLAB REQ'D. SEE DETAIL SHT. P18
- ⑩ WALL HEATER - SEE SHT. P9
- ⑪ CEILING ACCESS - SEE DETAIL SHT. P19
- ⑫ CEILING VENTILATION FAN - SEE DETAIL SHT. P19
- ⑬ 2" PVC CONDUIT TO WELL FOR FUTURE AIR LINE.
USE LONG RADIUS CONDUITS.
- ⑭ CHLORINE ROOM SUPPLY FAN (INFLOW) SEE SHT. P19
- ⑮ 4" TRAPPED FLOOR DRAIN CONNECT TO 4" DRAIN LINE.
CONNECT EACH FLOOR DRAIN TO A PPP TRAP PRIMER VALVE.

PLAN
SCALE: 1/2" = 1'-0"

PAINTING REQUIREMENTS

(SEE TECHNICAL SPECIFICATIONS)

- 1. EXPOSED INTERIOR PIPING IN BUILDING SYSTEM NO. 2
- 2. BUILDING INTERIOR SYSTEM NO. 13
- 3. BUILDING EXTERIOR (BLOCK) SYSTEM NO. 10
- 4. BUILDING FLOOR SYSTEM NO. 12. NOTE: PAINT AFTER
ALL WORK IS COMPLETE
- 5. BUILDING WOOD TRIM SYSTEM NO. 15

REVISION		BY	DATE	SCALE IN FEET - HORIZ.	
DESIGNED BY	H. PERRY	EDA PROJECT NO.	07-01-03484	HORIZ. SCALE	1/2" = 1'
DRAWN BY	D. THOMAS/L. MURRAY	JOB NUMBER	150-11	VERT. SCALE	
REVIEWED BY	R. HARRIS	HEAD FILE	MP-WELL2.DWG	DATE	1995
COPYRIGHT 1995 BY ANDERSON-PERRY & ASSOC., INC.					

THIS DRAWING HAS BEEN
PHOTOGRAPHICALLY REDUCED
APPROXIMATELY 80%
DO NOT SCALE.



anderson perry
associates, inc.
ENGINEERING • SURVEYING • MATERIALS TESTING
LA GRANDE, OR • WALLA WALLA, WA • LEWISTON, ID.

CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION
RESERVOIRS, PUMPING STATIONS, AND
TELEMETRY CONTROL SYSTEM

WELL NO. 3 & 4 PUMPING STATION - FLOOR PLAN

SHEET

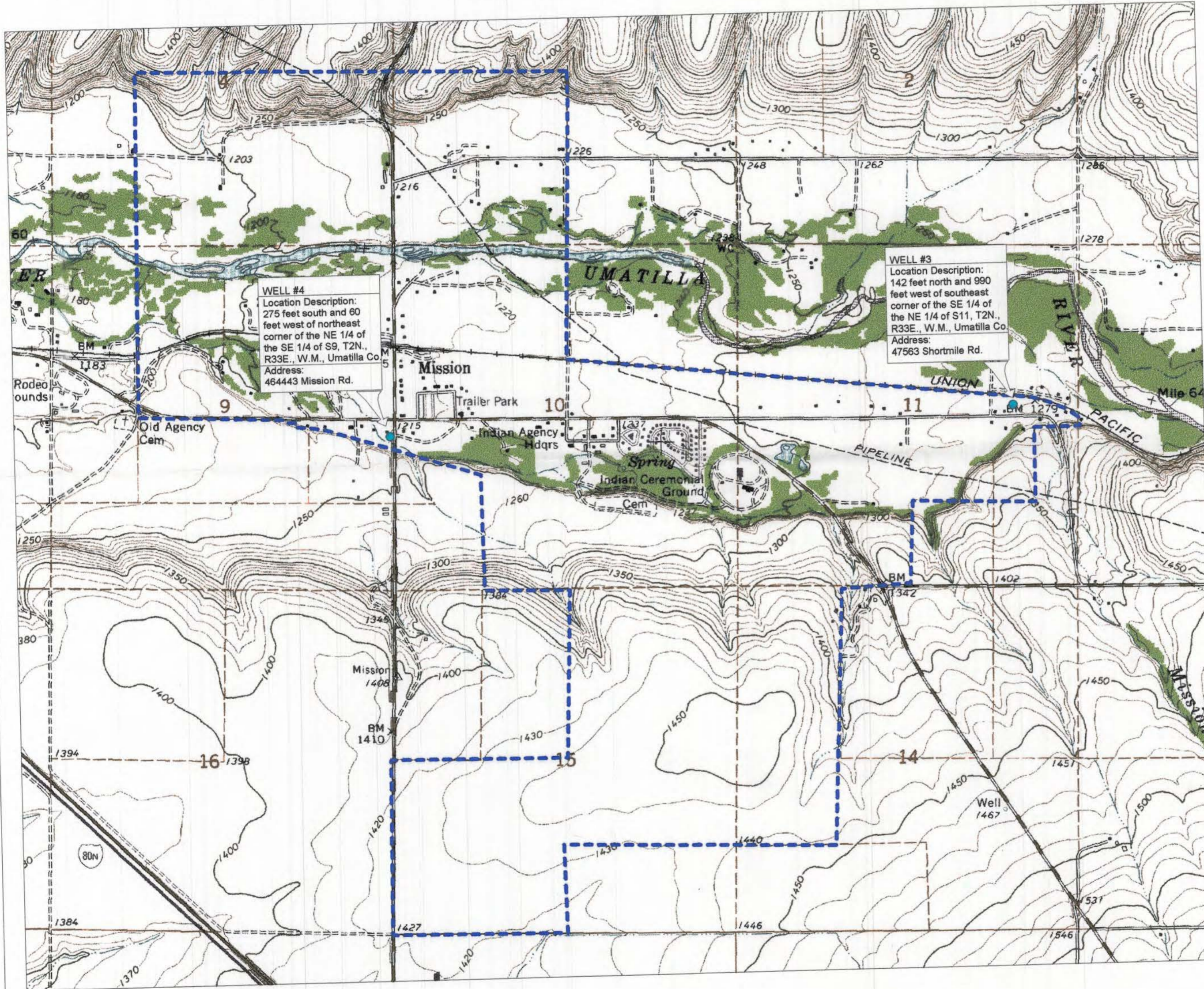
P5

RECEIVED

JUL 16 1998


WATER RESOURCES DEPT.
SALEM, OREGON


Water / Sewer Boundary *Twp. 2N., Rge. 33 E., W.M..*



WELL #4
Location Description:
275 feet south and 60
feet west of northeast
corner of the NE 1/4 of
the SE 1/4 of S9, T2N.,
R33E., W.M., Umatilla Co.
Address:
464443 Mission Rd.

WELL #3
Location Description:
142 feet north and 990
feet west of southeast
corner of the SE 1/4 of
the NE 1/4 of S11, T2N.,
R33E., W.M., Umatilla Co.
Address:
47563 Shortmile Rd.

 - Water / Sewer
Boundary

 - Well location

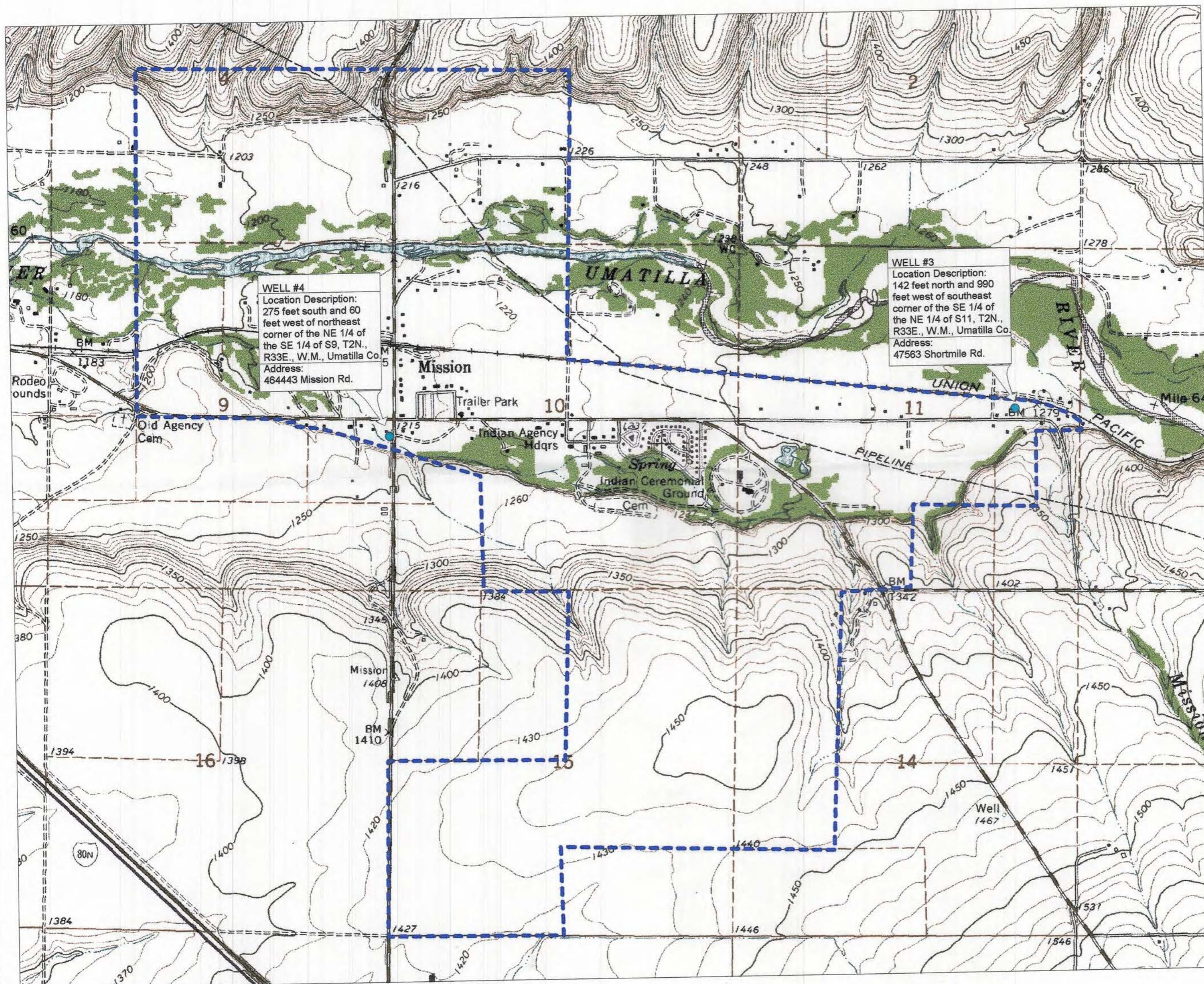
SCALE
1:15840
(4" = 1 mile)

RECEIVED

JUL 16 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water / Sewer Boundary *Twp. 2N., Rge. 33 E., W.M..*



- Water / Sewer Boundary

- Well location

SCALE
1:15840
(4" = 1 mile)

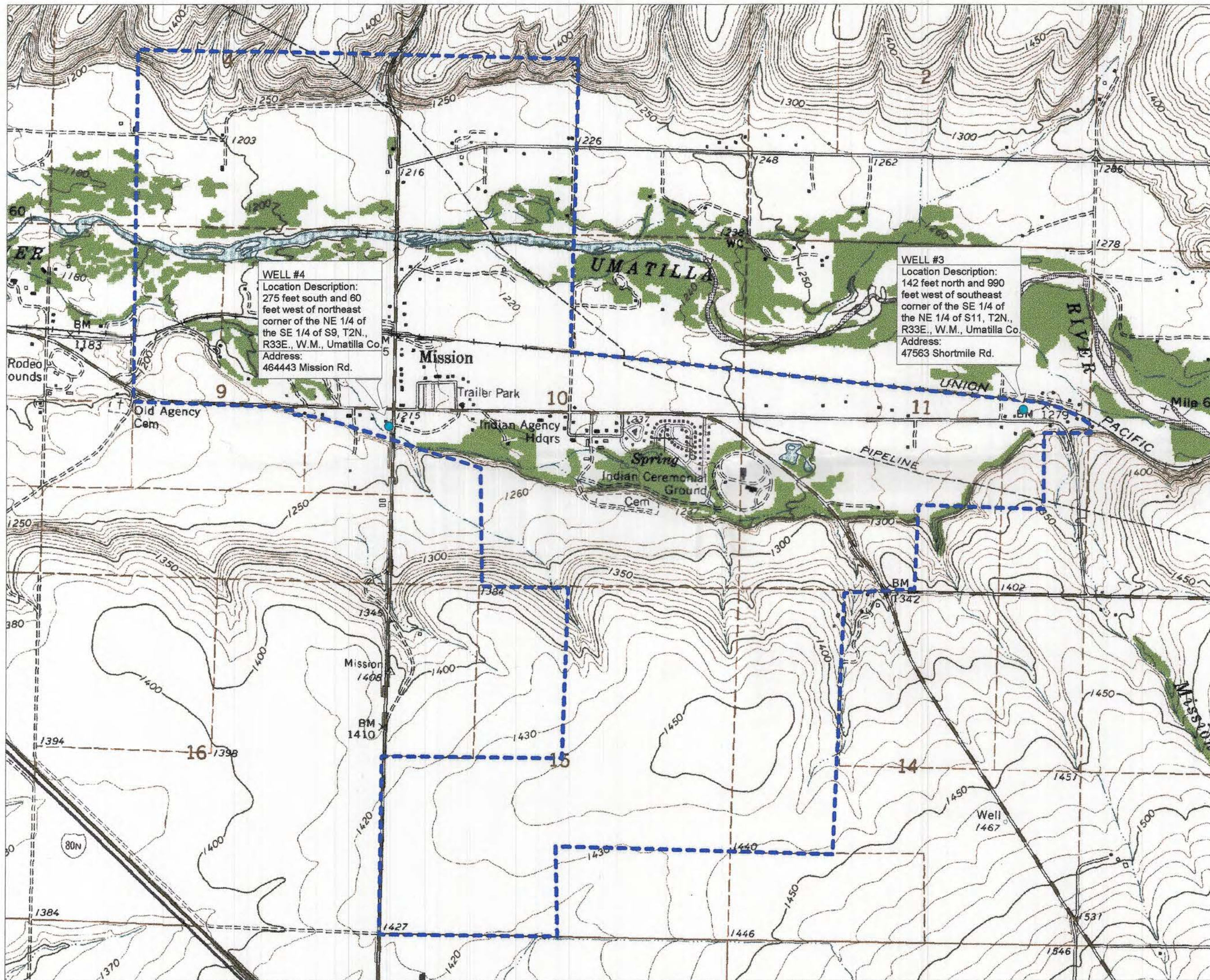
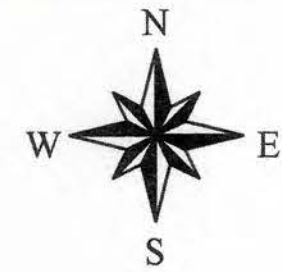
RECEIVED

JUL 16 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water / Sewer Boundary

Twp. 2N., Rge. 33 E., W.M..



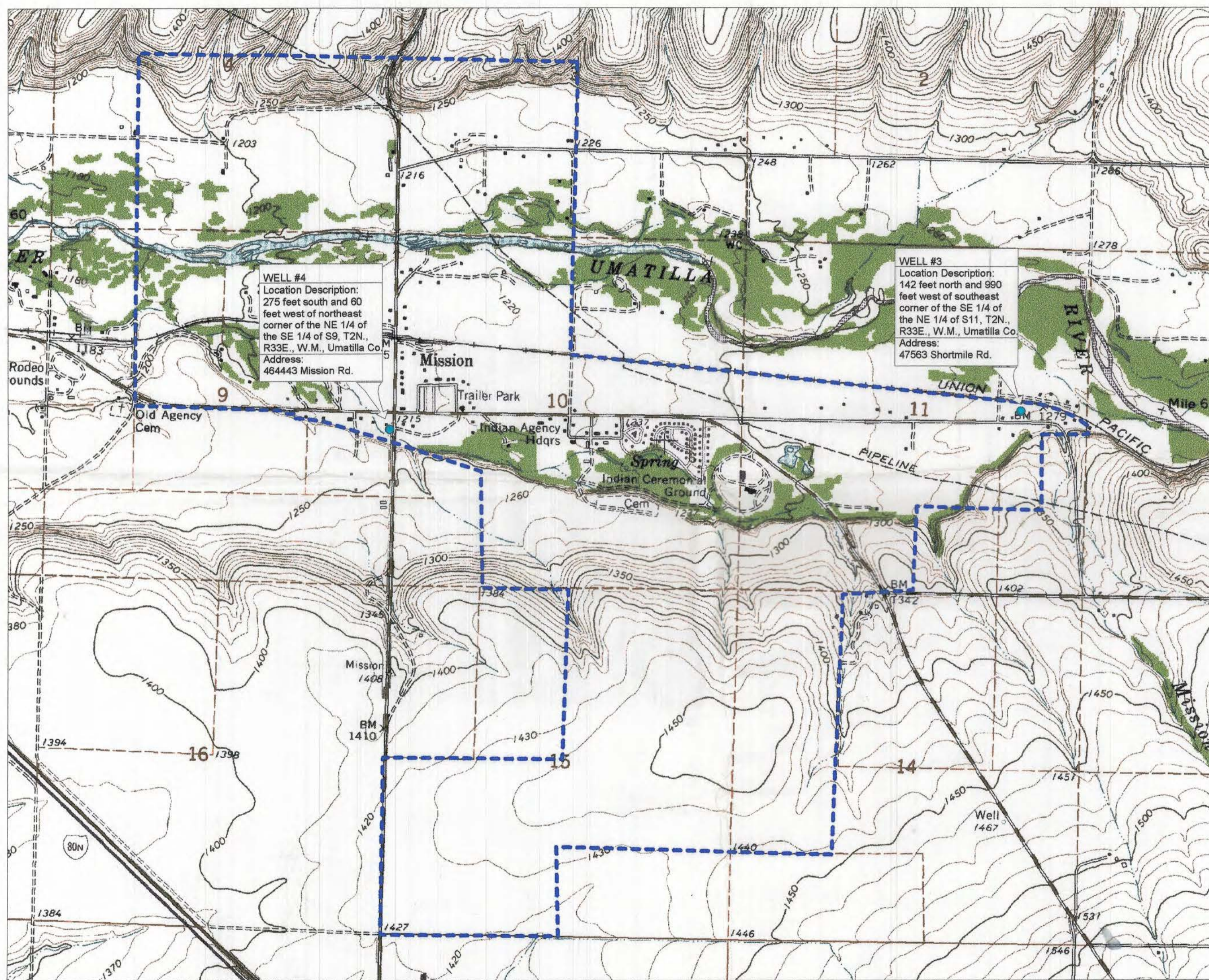
- Water / Sewer Boundary


- Well location


SCALE
1:15840
(4" = 1 mile)

Water / Sewer Boundary

Twp. 2N., Rge. 33 E., W.M..

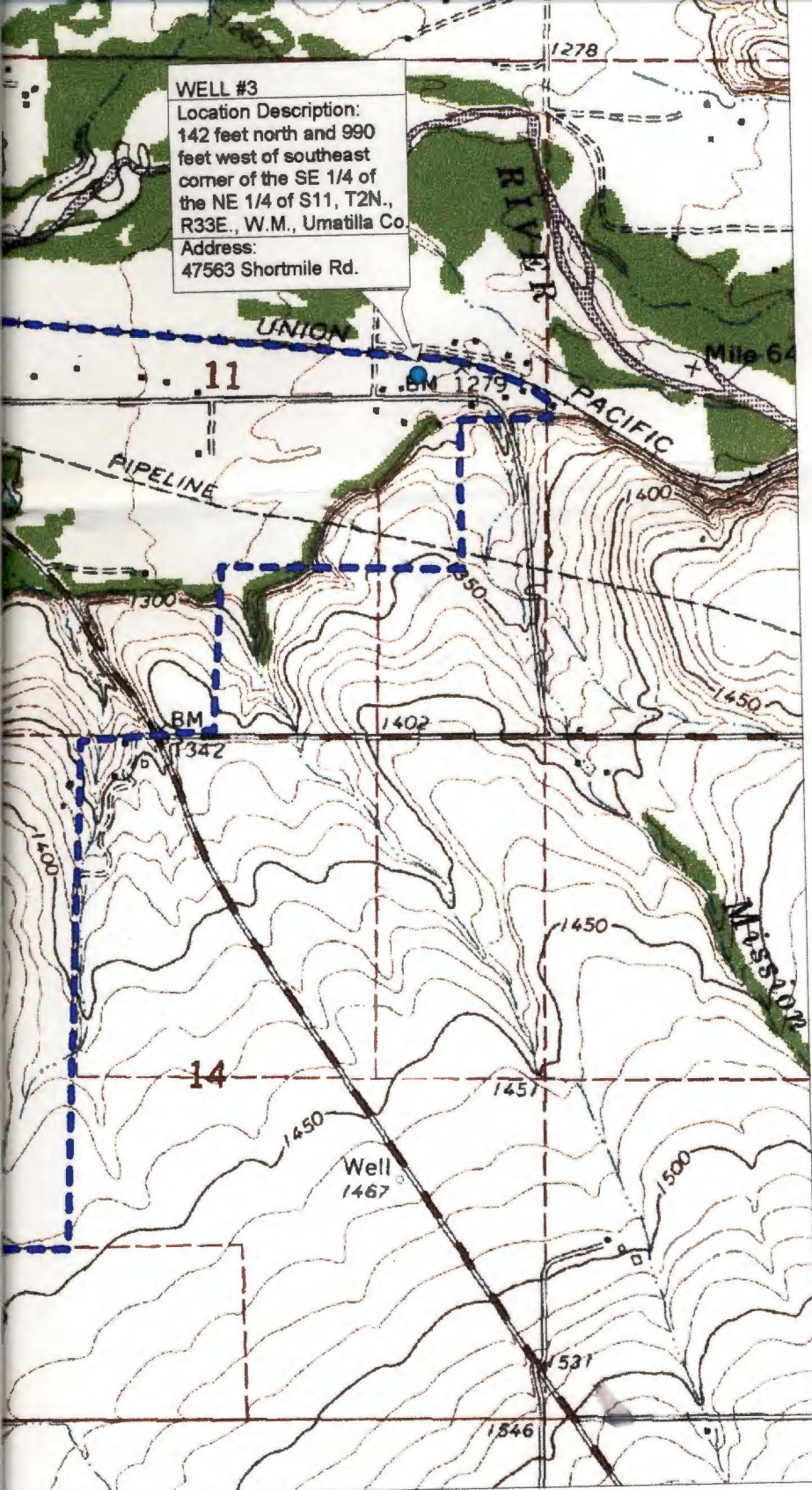



 - Water Boundary


 - Well Location

SCALE
1:1584
(4" = 1 mile)

WELL #3
Location Description:
142 feet north and 990
feet west of southeast
corner of the SE 1/4 of
the NE 1/4 of S11, T2N.,
R33E., W.M., Umatilla Co.
Address:
47563 Shortmile Rd.



 - Water / Sewer Boundary

 - Well location

Supercreek

SCALE
1:15840
(4" = 1 mile)