

Rupp Ranches  
176 Kranichwood Street  
Richland, WA 99352

S-88299

Application No. 88299

Permit No. S. 55245

Certificate No. \_\_\_\_\_

**FEEES PAID**

Date	Amount	Receipt No.
10/15/16	10,850.00	12/27/16

C202E

Date

DENIED \_\_\_\_\_

MISFILED \_\_\_\_\_

Volume | Page

WITHDRAWN \_\_\_\_\_

CANCELLED \_\_\_\_\_

**FEEES REFUNDED**

Date	Amount	Receipt No.

KTOR672 12, 2016

WM# 5

**D FILES**

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\_\_\_\_\_  
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**ASSIGNMENTS**

Date	To Whom	Address

PMENT \_\_\_\_\_ Date

tion 1/16/2025

ed to \_\_\_\_\_

roof received \_\_\_\_\_

d Cert. Mailed \_\_\_\_\_

**REMARKS** \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**MAP LOCATION** \_\_\_\_\_

# Oregon Water Resources Department

## Water Right Services Division

Water Right Application S-88299 in the )  
name of RUPP RANCHES ) PROPOSED FINAL ORDER  
)

**Summary:** The Department proposes to issue an order approving Application S-88299, as amended, and a permit consistent with the attached draft permit.

### ***Authority***

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and Umatilla Basin Program OAR 690-507. These statutes and rules can be viewed on the Oregon Water Resources website: <http://www.oregon.gov/owrd/pages/law/index.aspx>

The Department's main page is <http://www.oregon.gov/OWRD/pages/index.aspx>

The Department shall presume that a proposed use will not impair or be detrimental to the public interest if:

- a) 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);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission. ORS 537.153(2); OAR 690-310-0110(1) .

All four criteria must be met for a proposed use to be presumed to not impair or be detrimental to the public interest. When the criteria are met and the presumption is established, or if the proposed use can be modified or conditioned to meet the presumption criteria, the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies and any other available information to determine whether the presumption is overcome. OAR 690-310-0120(3).

If the Department determines that the presumption is established and not overcome, the Department shall issue a proposed final order recommending issuance of the permit subject to any appropriate modifications or conditions.

### **FINDINGS OF FACT**

#### **Application History**

1. On October 12, 2016, Rupp Ranches filed a complete application for the following water use:  
Amount of Water: 31.4 cubic feet per second (CFS)  
Use of Water: IRRIGATION OF 5021.2 ACRES  
County: Umatilla County

Location: within Section 8, Township 5 North, Range 30 East, W.M  
Source of Water: Columbia River, tributary to Pacific Ocean

2. On June 30, 2017, the Department mailed the applicant notice of its Initial Review, determining that "... *The diversion of 31.4 CFS of water from Columbia River, a tributary of Pacific Ocean, for irrigation of 5021.2 acres, may be allowable during the full period requested, October 1 through April 14 of each year...*" The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On July 4, 2017, 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 obtaining future notices and a copy of the Proposed Final Order.
4. A written comment was received during the comment period. In summary, the commenter wished to be on list of interested parties.
5. On October 11, 2017, the applicant sent the justification for out of season irrigation along with a diminution to resolve the water right conflict.

**Presumption Criteria (a) Consistency with Basin Program**

6. The proposed use is allowed under the Umatilla Basin Program (OAR 690-507). ORS 537.153(2); OAR 690-310-0110(1)(a)

**Presumption Criteria (b) Water Availability**

7. An assessment of water availability at 80% exceedance for the proposed use was completed. A copy of this assessment is in the application file. For this application, and for most surface water applications, the Department uses an 80% exceedance for determining water availability to provide a consistent method of avoiding periods of the year when flows are low and seldom exceed the needs of water rights and when additional flows are needed to support public uses. This review is done consistent with OAR 690-410-0070(2)(c). The assessment established that surface water is available at an 80% exceedance year-round. ORS 537.153(3)(c); OAR 690-310-0150(2)(c)

**Presumption Criteria (c) Injury Determination**

8. The proposed use will not injure other water rights. ORS 537.153(2); OAR 690-310-0110(1)(c)

**Presumption Criteria (d) Whether the Use Complies with Rules of the Commission**

9. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright. ORS 537.621(3)(b); OAR 690-310-0150(2)(b) ORS 537.153(2)(b); OAR 690-310-0110(2)(d)
10. The proposed use is in an area of the state in which OAR 690-033-0115 thru -0140, and OAR 690-033-0310 thru -00340 applies. These rules establish definitions, additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species.

**OAR 690-033-0115 Upper Columbia Rules (Above Bonneville Dam)**

11. The proposed use is located in the Umatilla Basin, therefore the Upper Columbia Rules apply.
12. The proposed use is consistent with the Fish and Wildlife Program (Program).

13. The proposed use can be conditioned to be consistent with the Program.
14. The application is not presumed to impair or be detrimental to the public interest. OAR 690-003-0120(1)
15. The applicant has not provided information to show compliance with the following standards:  
OAR 690-033-0120(2)(a)
  - (a) The proposed use does not involve appropriation of direct streamflow during the time period of April 15 to September 30, except as provided in OAR 690-033-0140;
  - (b) The proposed use does not involve hydraulically connected groundwater with potential for substantial interference as listed in OAR 690-009 (division 9 of this Chapter) during the time period of April 15 to September 30, except that which is artificially recharged or as otherwise provided in OAR 690-033-0140;
  - (c) The proposed use complies with screen design, installation, operation specifications and passage requirements as listed in ORS 498.301 through 498.346 and 509.580 through 509.910;
  - (d) The proposed use complies with existing state and federal water quality standards; and
  - (e) The proposed use complies with water use measurement, recording and reporting required by the Director.

**OAR 690-033-0310 to -0340 Statewide Rules**

16. The proposed use occurs in an area that may affect the habitat of sensitive fish species, and or outside the Columbia Basin, where, threatened or endangered fish species are located. OAR 690-033-0310
17. The applicant has been notified that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied. OAR 690-033-0330(1)(a)
18. The interagency review team (Team) has been notified that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0330(1)(b)
19. The Team reviewed the application and did recommend conditions as necessary to achieve the standards listed in 690-033-0330(2)(a) and (b). The draft permit has been conditioned accordingly.
20. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

**Determination of Presumption that a Proposed Surface Water Use will not Impair or be Detrimental to the Public Interest**

21. Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.153(2); OAR 690-310-0110(1)(a)-(d)

**Further Evaluation of the Proposed Use**

22. A comment was received by the close of the comment period. OAR 690-310-0120(3).

23. Information available in department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the proposed use would not impair or be detrimental to the public interest under ORS 537.153. OAR 690-310-0120(3)

**Other Criteria and Requirements**

24. The proposed use is not located within or above a Scenic Waterway, as designated under ORS 390.826.

25. The applicant did not propose any measures to measure the amount of water diverted, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream and to prevent damage to public uses of any affected surface waters. Measures addressing these requirements will be conditions on water use in the permit. OAR 690-310-0120(3)(b)(A)

**CONCLUSION OF LAW**

The proposed use would not impair or be detrimental to the public interest.

When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of water to be appropriated for the project. The attached draft permit is conditioned accordingly.

**PROPOSED ORDER**

The Department recommends approval of Application S-88299 and issuance of a permit consistent with the attached draft permit.

DATED January 23, 2018

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Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director

## **Protests**

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **March 9, 2018**. Protests 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 the 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;
- To affect the department's determination that the proposed use in this application will, or will not, impair or be detrimental to the public interest ORS 537.153(6) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.170(8) that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.170 (8) would be impaired or be adversely affected;
- If you are the applicant, the protest fee of \$410 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$810 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.

## **Requests for Standing**

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **March 9, 2018**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and

- A standing fee of \$230. If a hearing is scheduled, an additional fee of \$580 must be submitted along with a petition for party status.

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 either:

- 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.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a prima facie case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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- If you have any questions about statements contained in this document, please contact Scott Grew at 503-986-0899 or [Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov).
  - 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 Patricia McCarty 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 Right Services Division  
   725 Summer St NE, Suite A  
Fax: 503-986-0901                                 Salem, OR 97301-1266
-

STATE OF OREGON

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND WA 99352

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

APPLICATION FILE NUMBER: S-88299

SOURCE OF WATER: COLUMBIA RIVER, TRIBUTARY TO PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 5021.2 ACRES

MAXIMUM RATE: 31.4 CUBIC FEET PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH APRIL 14

DATE OF PRIORITY: OCTOBER 12, 2016

POINT OF DIVERSION:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	5 N	30 E	WM	8	SW NW	2920 FEET NORTH AND 150 FEET EAST FROM SW CORNER, SECTION 8

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	1	NE NE	40.0
5 N	30 E	WM	1	NW NE	40.0
5 N	30 E	WM	1	SW NE	40.0
5 N	30 E	WM	1	SE NE	40.0
5 N	30 E	WM	1	NE NW	40.0
5 N	30 E	WM	1	NW NW	40.0
5 N	30 E	WM	1	SW NW	40.0
5 N	30 E	WM	1	SE NW	40.0
5 N	30 E	WM	1	NE SW	40.0
5 N	30 E	WM	1	NW SW	40.0
5 N	30 E	WM	1	SW SW	40.0
5 N	30 E	WM	1	SE SW	40.0
5 N	30 E	WM	1	NE SE	40.0



Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	1	NW SE	40.0
5 N	30 E	WM	1	SW SE	40.0
5 N	30 E	WM	1	SE SE	40.0
5 N	30 E	WM	11	NE NE	40.0
5 N	30 E	WM	11	NW NE	40.0
5 N	30 E	WM	11	SW NE	40.0
5 N	30 E	WM	11	SE NE	40.0
5 N	30 E	WM	11	NW NW	40.0
5 N	30 E	WM	11	SW NW	40.0
5 N	30 E	WM	11	NW SW	40.0
5 N	30 E	WM	11	SW SW	40.0
5 N	30 E	WM	11	NE SE	40.0
5 N	30 E	WM	11	NW SE	40.0
5 N	30 E	WM	11	SW SE	40.0
5 N	30 E	WM	11	SE SE	40.0
5 N	30 E	WM	12	NE NE	40.0
5 N	30 E	WM	12	NW NE	40.0
5 N	30 E	WM	12	SW NE	40.0
5 N	30 E	WM	12	SE NE	40.0
5 N	30 E	WM	12	NE NW	40.0
5 N	30 E	WM	12	NW NW	40.0
5 N	30 E	WM	12	SW NW	40.0
5 N	30 E	WM	12	SE NW	40.0
5 N	30 E	WM	12	NE SW	40.0
5 N	30 E	WM	12	NW SW	40.0
5 N	30 E	WM	12	SW SW	40.0
5 N	30 E	WM	12	SE SW	40.0
5 N	30 E	WM	12	NE SE	40.0
5 N	30 E	WM	12	NW SE	40.0
5 N	30 E	WM	12	SW SE	40.0
5 N	30 E	WM	12	SE SE	40.0
5 N	30 E	WM	13	NE NE	40.0
5 N	30 E	WM	13	NW NE	40.0
5 N	30 E	WM	13	SW NE	40.0
5 N	30 E	WM	13	SE NE	40.0
5 N	30 E	WM	13	NE NW	40.0
5 N	30 E	WM	13	NW NW	40.0
5 N	30 E	WM	13	SW NW	40.0
5 N	30 E	WM	13	SE NW	40.0
5 N	30 E	WM	13	NE SW	40.0
5 N	30 E	WM	13	NW SW	40.0
5 N	30 E	WM	13	SW SW	40.0
5 N	30 E	WM	13	SE SW	40.0
5 N	30 E	WM	14	NE NE	40.0
5 N	30 E	WM	14	NW NE	40.0
5 N	30 E	WM	14	SW NE	40.0
5 N	30 E	WM	14	SE NE	40.0
5 N	30 E	WM	14	NE NW	40.0
5 N	30 E	WM	14	NW NW	40.0
5 N	30 E	WM	14	SW NW	40.0
5 N	30 E	WM	14	SE NW	40.0
5 N	30 E	WM	14	NE SW	40.0
5 N	30 E	WM	14	NW SW	40.0
5 N	30 E	WM	14	SW SW	40.0
5 N	30 E	WM	14	SE SW	40.0
5 N	30 E	WM	14	NE SE	40.0

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	14	NW SE	40.0
5 N	30 E	WM	14	SW SE	40.0
5 N	30 E	WM	14	SE SE	40.0
5 N	30 E	WM	15	NE NE	40.0
5 N	30 E	WM	15	NW NE	40.0
5 N	30 E	WM	15	SW NE	40.0
5 N	30 E	WM	15	SE NE	40.0
5 N	30 E	WM	15	NE NW	40.0
5 N	30 E	WM	15	NW NW	40.0
5 N	30 E	WM	15	SW NW	40.0
5 N	30 E	WM	15	SE NW	40.0
5 N	30 E	WM	15	NE SE	40.0
5 N	30 E	WM	15	NW SE	40.0
5 N	30 E	WM	15	SW SE	40.0
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5 N	31 E	WM	5	NW SW	36.8
5 N	31 E	WM	5	SW SW	38.8
5 N	31 E	WM	5	SE SW	38.8
5 N	31 E	WM	7	NE NE	40.0
5 N	31 E	WM	7	SW NE	40.0
5 N	31 E	WM	7	SE NE	40.0
5 N	31 E	WM	7	NE NW	40.0
5 N	31 E	WM	7	SW NW	40.0
5 N	31 E	WM	7	SE NW	40.0
5 N	31 E	WM	7	NE SW	40.0
5 N	31 E	WM	7	NW SW	40.0
5 N	31 E	WM	7	SW SW	40.0
5 N	31 E	WM	7	SE SW	40.0
5 N	31 E	WM	7	NE SE	40.0
5 N	31 E	WM	7	NW SE	40.0
5 N	31 E	WM	7	SW SE	40.0
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5 N	31 E	WM	8	SW NW	40.0
5 N	31 E	WM	8	SE NW	40.0
5 N	31 E	WM	8	NE SW	40.0
5 N	31 E	WM	8	NW SW	40.0
5 N	31 E	WM	8	SW SW	40.0
5 N	31 E	WM	8	SE SW	40.0
5 N	31 E	WM	8	NW SE	40.0
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5 N	31 E	WM	17	SE NW	40.0
5 N	31 E	WM	18	NE NE	40.0
5 N	31 E	WM	18	NW NE	40.0
5 N	31 E	WM	18	SW NE	40.0
5 N	31 E	WM	18	SE NE	40.0
5 N	31 E	WM	18	NE NW	40.0
5 N	31 E	WM	18	NW NW	40.0
5 N	31 E	WM	18	SW NW	40.0

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	31 E	WM	18	SE NW	40.0

**Measurement Devices and Recording/Reporting of Annual Water Usage:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

A fishway to ensure adequate upstream and downstream passage for fish is required for any in-channel obstruction, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state’s criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

**STANDARD CONDITIONS**

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW’s Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

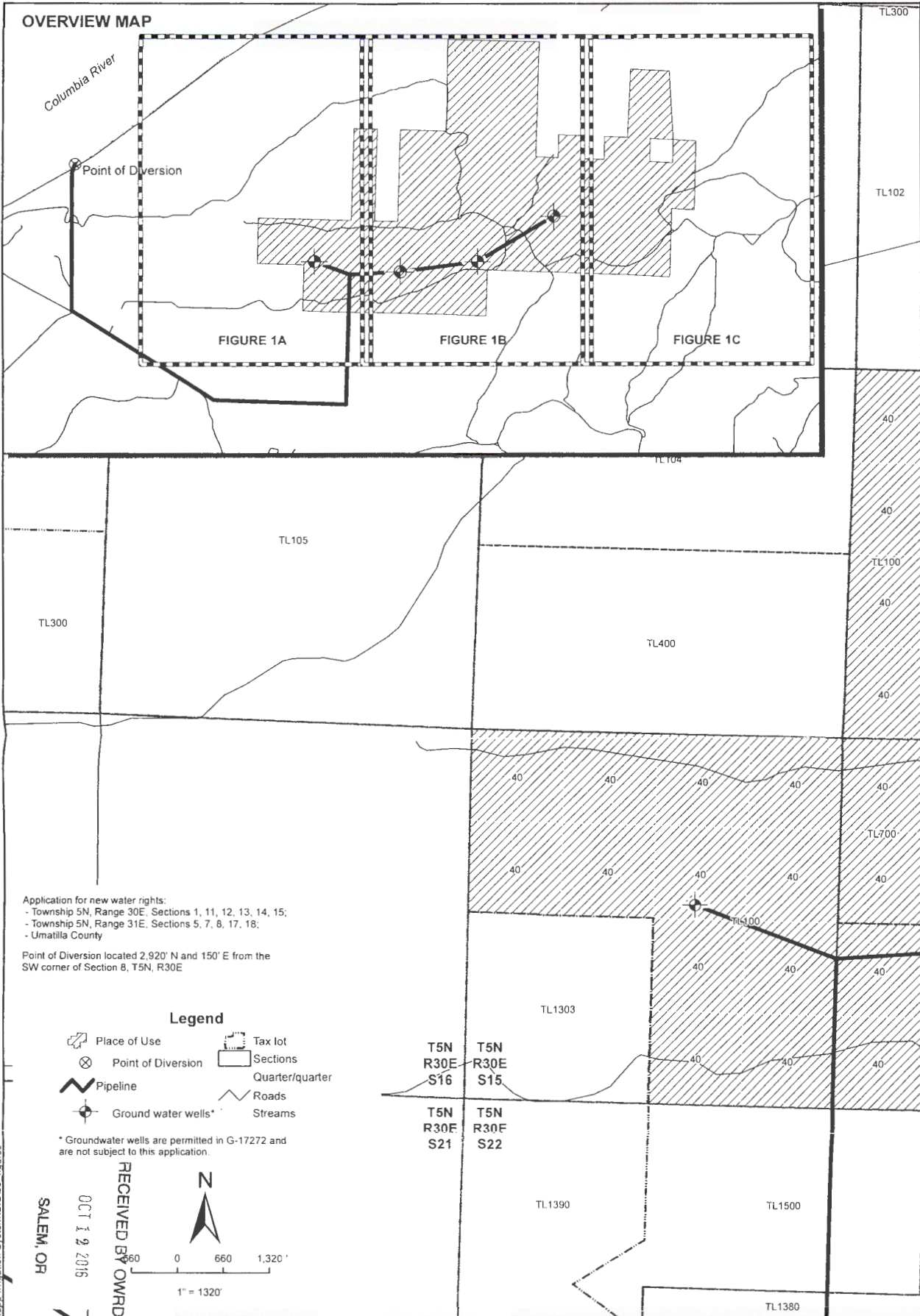
Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

**DRAFT - THIS IS NOT A PERMIT**

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Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director



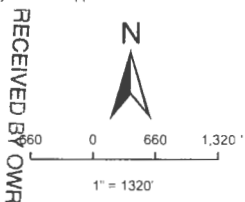
Application for new water rights:  
 - Township 5N, Range 30E, Sections 1, 11, 12, 13, 14, 15;  
 - Township 5N, Range 31E, Sections 5, 7, 8, 17, 18;  
 - Umatilla County

Point of Diversion located 2,920' N and 150' E from the SW corner of Section 8, T5N, R30E

**Legend**

- Place of Use
- Point of Diversion
- Pipeline
- Ground water wells\*
- Tax lot
- Sections
- Quarter/quarter
- Roads
- Streams

\* Groundwater wells are permitted in G-17272 and are not subject to this application.



RECEIVED BY OWRD  
 OCT 19 2016  
 SALEM, OR

**AKANA**  
 Plan • Design • Engineer • Manage

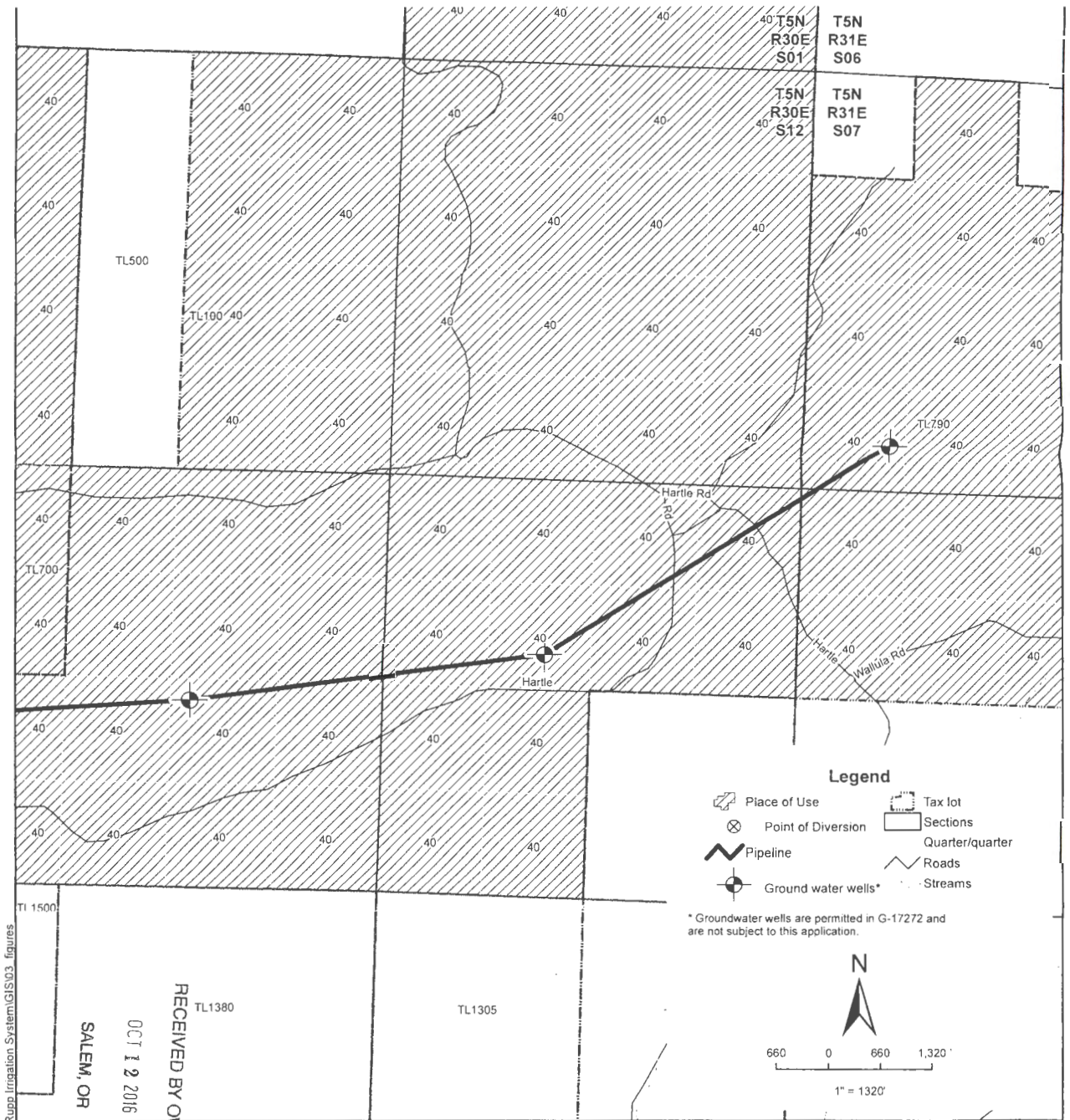
6400 SE Lake Road, Ste 270  
 Portland, Oregon 97222  
 (503) 652-9090

FIGURE 1A Application for New Water Right				
No.	Date	By	Revisions	
1	06/17/16	RMS	DRAFT	

Rupp Ranches  
 176 Kranichwood Street  
 Richland, WA 99352  
 509-737-0547

Disclaimer: This map is not intended to provide legal dimension or locations of property ownership lines

P:\PDX PROJECTS\01515-196 Rupp Irrigation System\GIS\03 Figures



P:\PDX PROJECTS\2015\15-196 Rupp Irrigation System\GIS\03 Figures

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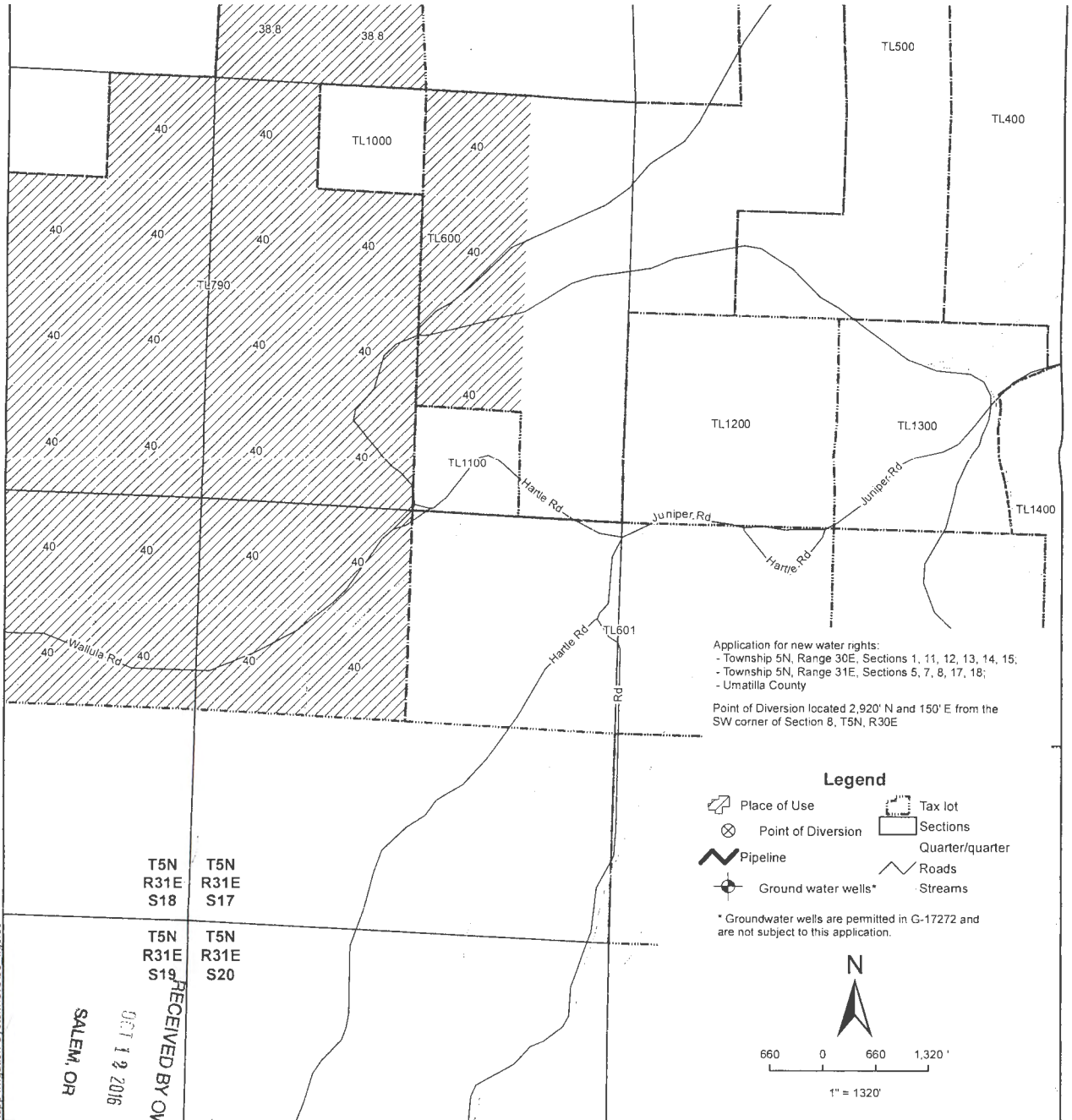
6400 SE Lake Road, Ste 270  
 Portland, Oregon 97222  
 (503) 652-9090

**FIGURE 1B  
 Application for  
 New Water Right**

1	06/17/16	RMS	DRAFT
No.	Date	By	Revisions

Rupp Ranches  
 176 Kranichwood Street  
 Richland, WA 99352  
 509-737-0547

Disclaimer: This map is not intended to provide legal dimension or locations of property ownership lines.

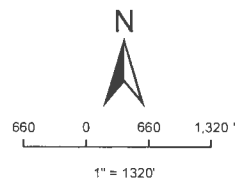


Application for new water rights:  
 - Township 5N, Range 30E, Sections 1, 11, 12, 13, 14, 15;  
 - Township 5N, Range 31E, Sections 5, 7, 8, 17, 18;  
 - Umatilla County

Point of Diversion located 2,920' N and 150' E from the SW corner of Section 8, T5N, R30E

- Legend**
- Place of Use
  - Point of Diversion
  - Pipeline
  - Ground water wells\*
  - Tax lot
  - Sections
  - Quarter/quarter
  - Roads
  - Streams

\* Groundwater wells are permitted in G-17272 and are not subject to this application.



T5N R31E S18  
 T5N R31E S17  
 T5N R31E S19  
 T5N R31E S20

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PIPDX PROJECTS\2015\15-196 Rupp Irrigation System\GIS\03\_figures

**AKANA**  
 Plan + Design + Engineer + Manage

6400 SE Lake Road, Ste 270  
 Portland, Oregon 97222  
 (503) 652-9090

**FIGURE 1C**  
 Application for  
 New Water Right

No	Date	By	Revisions
1	06/17/16	RMS	DRAFT

Rupp Ranches  
 176 Kranichwood Street  
 Richland, WA 99352  
 509-737-0547

Disclaimer: This map is not intended to provide legal dimension or locations of property ownership lines.

# Mailing List for IR Copies

Application #S-88299

IR Date: June 30, 2017

## Original and map mailed to applicant:

- ✓ RUPP RANCHES, 176 KRANICHWOOD ST, RICHLAND, WA 99352

### SENT VIA EMAIL:

1. WRD - Watermaster # 5
2. ODFW
3. DEQ

Copies Mailed By: <u>JS</u> (SUPPORT STAFF) on: <u>6-30-17</u> (DATE)
---

### Copies sent to:

- ✓ 1. WRD - Hydrographics

### IR, Map, and Fact Sheet Copies sent to:

2. WRD - File # S-88299
- ✓ 3. WRD - Regional Manager: NCR
- ✓ 4. Department of Agriculture
- ✓ 5. Columbia River Intertribal Fish Commission, Julie Carter,  
729 NE Oregon St, Ste 200, Portland OR 97232
- ✓ 6. US Fish & Wildlife Service, Gary Miller, 3502 Hwy 30, La Grande, OR 97850
- ✓ 7. NW Power Planning Council, Fish & Wildlife Division, Karl Weist  
851 SW Sixth Ave, Ste 1020, Portland OR 97204
- ✓ 8. Confederated Tribes of the Umatilla Indian Reservation, Carl Merkle or Jennifer Hudson  
Nixyaawii Governance Center, 46411 Timine Way, Pendleton OR 97801
- ✓ 9. National Marine Fisheries Service, Spencer Hovekamp  
3502 Hwy 30, La Grande, OR 97850

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

- ✓ 10. Carl St. Hilaire, JSH Farms Inc, 84186 Hwy 37, Hermiston, OR 97838

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

- ✓ 11. Said Amali/Akana, 6400 SE Lake Rd, Suite 270, Portland, OR 97222

Caseworker: Scott Grew



# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME RUPP RANCHES		PHONE (HM)	
PHONE (WK) 1 (509) 737-0547	CELL 1 (509) 628-7516	FAX 737-0978	
ADDRESS 176 KRANICHWOOD STREET			
CITY RICHLAND	STATE WA	ZIP 99352	E-MAIL * RANDY@COSTLESSCARPET.COM

### Organization Information

NAME SAMES AS APPLICANT		PHONE	FAX
ADDRESS		CELL 1 (509) 628-7516	
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME SAID AMALI/AKANA		PHONE 503-205-3848	FAX
ADDRESS 6400 SE LAKE ROAD, SUITE 270		CELL 503-720-2116	
CITY PORTLAND	STATE OR	ZIP 97222	E-MAIL * SAID.AMALI@AKANA.US

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

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Revise

App. No. <u>S-88279</u>	For Department Use Permit No. _____	Date _____
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**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

No

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

Carl St. Hilaire, JSH Farms, Inc. 84186 Hwy 37, Hermiston, OR 97838

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: <u>COLUMBIA RIVER</u>	Tributary to: <u>PACIFIC OCEAN</u>
Source 2: _____	Tributary to: _____
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in item 3A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
COLUMBIA RIVER	IRRIGATION	Oct 1 <sup>st</sup> – April 14 <sup>th</sup>	31.4 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 5021.2 Acres                      Supplemental: 0 Acres  
 List the Permit or Certificate number of the underlying primary water right(s): N/A  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 7532 ac-ft

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: \_\_\_\_\_
- If the use is **mining**, describe what is being mined and the method(s) of extraction:  
 \_\_\_\_\_

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## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 5,200 HP TURBINE

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The infrastructure is already in place to deliver water. JSH Farms and Rupp Ranches will operate the system as part of their current annual operations.

An existing pump station on the Columbia River, booster stations, and conveyance pipeline, owned by JSH Farms, Inc., will be used for diversion from Columbia River and delivery to Rupp Ranches property for this supply. The conveyance system is a 30-inch pipeline beginning at the Point of Diversion and pump station and terminates as a 24-inch pipeline on Rupp Ranch properties. Acreage owned by Rupp and JSH are adjacent. Once on Rupp property, the water will be conveyed using existing irrigation infrastructure.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Rupp Ranches will use center pivot irrigation on the Place of Use.

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

This water is requested to irrigate the 5021.0 acres based on an application rate of 18 inches per annum during the winter growing season.

The applicant requests an allocation of half of 1/80<sup>th</sup> cfs per acre or (1/160<sup>th</sup> cfs per acre) based on historical water use rates experienced on the existing center pivot irrigated fields. This irrigation rate follows the gradual rise in crop coefficients for the typical crops grown in that area, and demonstrated by the power use rates observed by JSH Farms, Inc, who leases several of these fields. At this rate the maximum diversion rate requested is ( 1/160<sup>th</sup> cfs X 5021.2 acres = ) 31.4 cfs.

A portion of the acreage subject of this application is served by Permit G-17272 between March 1<sup>st</sup> and October 31<sup>st</sup>. Groundwater will continue to be used on those acres as primary irrigation between April 15<sup>th</sup> and September 30<sup>st</sup>, as appropriated in Permit G-17272. The period of use of Permit G-17272 is to remain unchanged.

Meters currently exist on JSH pump station and lines. Rupp Ranches will install additional meters on main line and laterals, as needed, for water management, to maintain the agreement with JSH, and maintain this water right.

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**SECTION 6: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: The JSH river pump station is already permitted and has all required screening mechanisms.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: \_\_\_\_\_
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: See above re JSH system.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: \_\_\_\_\_

**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: Construction already started and will be completed in phases.

Date construction will be completed: By August 2021

Date beneficial water use will begin: By March 1 2017. Full beneficial use will be realized once the system is fully built out.

**SECTION 8: WITHIN A DISTRICT**

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

The Place of Use of this application fully contains the Place of Use in Permit G17272. The new water is requested to augment existing groundwater supply during the irrigation seasons as described above.

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# Land Use Information Form



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

Applicant: Rupp Ranches \_\_\_\_\_  
First Last

Mailing Address: 176 KRANICHWOOD STREET \_\_\_\_\_

RICHLAND \_\_\_\_\_ WA \_\_\_\_\_ 99352 \_\_\_\_\_ Daytime Phone: (509) 628-7516 \_\_\_\_\_  
City State Zip

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
Please see Attachment 2 – all proposed land uses are “irrigation”, all water to be “conveyed” and “used” on listed acreage.						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Umatilla County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 1500 \_\_\_\_\_  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

River water diverted at an existing pump station for “shoulder season” irrigation.

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

See bottom of Page 3. →

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# For Local Government Use Only

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


**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.056 CA
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Farm use is allowed outright in an EFU zone. Use would occur on Assessor's map 5N30 Tax Lots 100 and 700 both are zoned EFU.

Name: Brandon Seitz Title: Assistant planner  
 Signature:  Phone: 541-278-6249 Date: RECEIVED BY OWRD  
 Government Entity: Umatilla County

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

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**Receipt for Request for Land Use Information**

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Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: SALEM, OR

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Proposed "USE" Lands

TOWN/RANGE	SECTION	Q/Q	TAX LOT	AREA (ac)
5N, 30E	11	SESE	100	10.0
5N, 30E	11	SWSE	100	10.0
5N, 30E	12	SWSW	100	5.0
5N, 30E	13	NWNW	100	10.0
5N, 30E	13	NWSW	100	10.0
5N, 30E	13	SWNW	100	10.0
5N, 30E	13	SWSW	100	5.0
5N, 30E	14	NENE	100	40.0
5N, 30E	14	NENW	100	40.0
5N, 30E	14	NESE	100	40.0
5N, 30E	14	NESW	100	40.0
5N, 30E	14	NWNE	100	40.0
5N, 30E	14	NWNW	700	40.0
5N, 30E	14	NWSE	100	40.0
5N, 30E	14	NWSW	100	40.0
5N, 30E	14	SENE	100	40.0
5N, 30E	14	SENW	100	40.0
5N, 30E	14	SESE	100	20.0
5N, 30E	14	SESW	100	20.0
5N, 30E	14	SWNE	100	40.0
5N, 30E	14	SWNW	700	40.0
5N, 30E	14	SWSE	100	20.0
5N, 30E	14	SWSW	100	20.0
5N, 30E	15	NENE	100	40.0
5N, 30E	15	NENW	100	40.0
5N, 30E	15	NESE	100	40.0
5N, 30E	15	NWNE	100	40.0
5N, 30E	15	NWNW	100	10.0
5N, 30E	15	NWSE	100	40.0
5N, 30E	15	SENE	100	40.0
5N, 30E	15	SENW	100	40.0
5N, 30E	15	SESE	100	20.0
5N, 30E	15	SWNE	100	40.0
5N, 30E	15	SWNW	100	10.0
5N, 30E	15	SWSE	100	20.0
			<b>Total</b>	<b>1000.0</b>

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S-88299



ATTACHMENT A - PROPOSED "USE" LANDS					
TOWNSHIP	RANGE	SECTION	QUARTER-QUARTER	TAX LOT	AREA (ac)
T5N	R30E	1	NENE	100	40.0
T5N	R30E	1	NWNE	100	40.0
T5N	R30E	1	SWNE	100	40.0
T5N	R30E	1	SENE	100	40.0
T5N	R30E	1	NENW	100	40.0
T5N	R30E	1	NWNW	100	40.0
T5N	R30E	1	SWNW	100	40.0
T5N	R30E	1	SENW	100	40.0
T5N	R30E	1	NESW	100	40.0
T5N	R30E	1	NWSW	100	40.0
T5N	R30E	1	SWSW	100	40.0
T5N	R30E	1	SESW	100	40.0
T5N	R30E	1	NESE	100	40.0
T5N	R30E	1	NWSE	100	40.0
T5N	R30E	1	SWSE	100	40.0
T5N	R30E	1	SESE	100	40.0
T5N	R30E	11	NENE	100	40.0
T5N	R30E	11	NWNE	100	40.0
T5N	R30E	11	SWNE	100	40.0
T5N	R30E	11	SENE	100	40.0
T5N	R30E	11	NWNW	100	40.0
T5N	R30E	11	SWNW	100	40.0
T5N	R30E	11	NWSW	100	40.0
T5N	R30E	11	SWSW	100	40.0
T5N	R30E	11	NESE	100	40.0
T5N	R30E	11	NWSE	100	40.0
T5N	R30E	11	SWSE	100	40.0
T5N	R30E	11	SESE	100	40.0
T5N	R30E	12	NENE	100	40.0
T5N	R30E	12	NWNE	100	40.0
T5N	R30E	12	SWNE	100	40.0
T5N	R30E	12	SENE	100	40.0
T5N	R30E	12	NENW	100	40.0
T5N	R30E	12	NWNW	100	40.0
T5N	R30E	12	SWNW	100	40.0
T5N	R30E	12	SENW	100	40.0
T5N	R30E	12	NESW	100	40.0
T5N	R30E	12	NWSW	100	40.0
T5N	R30E	12	SWSW	100	40.0
T5N	R30E	12	SESW	100	40.0
T5N	R30E	12	NESE	100	40.0
T5N	R30E	12	NWSE	100	40.0
T5N	R30E	12	SWSE	100	40.0
T5N	R30E	12	SESE	100	40.0
T5N	R30E	13	NENE	100	40.0
T5N	R30E	13	NWNE	100	40.0
T5N	R30E	13	SWNE	100	40.0
T5N	R30E	13	SENE	100	40.0
T5N	R30E	13	NENW	100	40.0
T5N	R30E	13	NWNW	100	40.0
T5N	R30E	13	SWNW	100	40.0
T5N	R30E	13	SENW	100	40.0

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5-88299

T5N	R30E	13	NESW	100	40.0
T5N	R30E	13	NWSW	100	40.0
T5N	R30E	13	SWSW	100	40.0
T5N	R30E	13	SESW	100	40.0
T5N	R30E	14	NENE	100	40.0
T5N	R30E	14	NWNE	100	40.0
T5N	R30E	14	SWNE	100	40.0
T5N	R30E	14	SENE	100	40.0
T5N	R30E	14	NENW	100	40.0
T5N	R30E	14	SENW	100	40.0
T5N	R30E	14	NESW	100	40.0
T5N	R30E	14	NWSW	100	40.0
T5N	R30E	14	SWSW	100	40.0
T5N	R30E	14	SESW	100	40.0
T5N	R30E	14	NESE	100	40.0
T5N	R30E	14	NWSE	100	40.0
T5N	R30E	14	SWSE	100	40.0
T5N	R30E	14	SESE	100	40.0
T5N	R30E	15	NENE	100	40.0
T5N	R30E	15	NWNE	100	40.0
T5N	R30E	15	SWNE	100	40.0
T5N	R30E	15	SENE	100	40.0
T5N	R30E	15	NENW	100	40.0
T5N	R30E	15	NWNW	100	40.0
T5N	R30E	15	SWNW	100	40.0
T5N	R30E	15	SENW	100	40.0
T5N	R30E	15	NESE	100	40.0
T5N	R30E	15	NWSE	100	40.0
T5N	R30E	15	SWSE	100	40.0
T5N	R30E	15	SESE	100	40.0
T5N	R31E	8	NWNE	600	40.0
T5N	R31E	8	SWNE	600	40.0
T5N	R31E	8	NWSE	600	40.0
T5N	R30E	14	NWNW	700	40.0
T5N	R30E	14	SWNW	700	40.0
T5N	R31E	5	SWNW	790	35.0
T5N	R31E	5	SENW	790	35.0
T5N	R31E	5	NESW	790	36.8
T5N	R31E	5	NWSW	790	36.8
T5N	R31E	5	SWSW	790	38.8
T5N	R31E	5	SESW	790	38.8
T5N	R31E	7	NENE	790	40.0
T5N	R31E	7	SWNE	790	40.0
T5N	R31E	7	SENE	790	40.0
T5N	R31E	7	NENW	790	40.0
T5N	R31E	7	SWNW	790	40.0
T5N	R31E	7	SENW	790	40.0
T5N	R31E	7	NESW	790	40.0
T5N	R31E	7	NWSW	790	40.0
T5N	R31E	7	SWSW	790	40.0
T5N	R31E	7	SESW	790	40.0
T5N	R31E	7	NESE	790	40.0
T5N	R31E	7	NWSE	790	40.0
T5N	R31E	7	SWSE	790	40.0
T5N	R31E	7	SESE	790	40.0

Please do not include these (TL 700) in your Assessment. These were completed per the previous Land Use Information Form

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T5N	R31E	8	NWNW	790	40.0
T5N	R31E	8	SWNW	790	40.0
T5N	R31E	8	SEW	790	40.0
T5N	R31E	8	NESW	790	40.0
T5N	R31E	8	NWSW	790	40.0
T5N	R31E	8	SWSW	790	40.0
T5N	R31E	8	SESW	790	40.0
T5N	R31E	17	NENW	790	40.0
T5N	R31E	17	NWNW	790	40.0
T5N	R31E	17	SWNW	790	40.0
T5N	R31E	17	SEW	790	40.0
T5N	R31E	18	NENE	790	40.0
T5N	R31E	18	NWNE	790	40.0
T5N	R31E	18	SWNE	790	40.0
T5N	R31E	18	SENE	790	40.0
T5N	R31E	18	NENW	790	40.0
T5N	R31E	18	NWNW	790	40.0
T5N	R31E	18	SWNW	790	40.0
T5N	R31E	18	SEW	790	40.0

TOTAL ACREAGE 5021.2

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P-88090

Date \_\_\_\_\_

(For staff use only)



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

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

- SECTION 1: \_\_\_\_\_
- SECTION 2: \_\_\_\_\_
- SECTION 3: \_\_\_\_\_
- SECTION 4: \_\_\_\_\_
- SECTION 5: \_\_\_\_\_
- SECTION 6: \_\_\_\_\_
- SECTION 7: \_\_\_\_\_
- SECTION 8: \_\_\_\_\_
- SECTION 9: \_\_\_\_\_
- Land Use Information Form \_\_\_\_\_
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees \_\_\_\_\_

**MAP**

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other \_\_\_\_\_

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5/6

2007 5290604



2007-5290604 1 of 6

After recording return to grantee herein. Until a change is requested send all tax statements to grantee herein.

RECEIVED

GRANTEE'S NAME AND ADDRESS:

RANDY F. RUPP  
176 KRANICHWOOD STREET  
RICHLAND, WA 99352

DEC 12 2007

UMATILLA COUNTY  
RECORDS

WARRANTY DEED -- STATUTORY FORM

(INDIVIDUAL or CORPORATION)

NWA DEVELOPMENT I, INC Grantor,

conveys and warrants to:

RANDY F. RUPP, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Encumbrances: see attached Exhibit 'B' for permitted exceptions

The true consideration for this conveyance is \$2,187,700.00\*\*\* However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value is the whole/part of the consideration\*\*\*this transfer is for and in consideration of an IRC 1031 Exchange on behalf of the Grantee

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)). THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)).

If grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this 11<sup>th</sup> day of December, 2007.

GRANTOR(S):

*Scot T. Hansen*  
NWA DEVELOPMENT I, INC  
BY SCOT T. HANSEN, PRESIDENT

WASHINGTON  
STATE OF ~~OREGON~~, County of Benton ) ss.

This instrument was acknowledged before me on DECEMBER 11<sup>th</sup>, 2007, by NWA DEVELOPMENT I, INC BY SCOT T. HANSEN, PRESIDENT

*Kristen E. Lauman*  
Notary Public for Oregon  
Washington

My commission expires: 6-1-2009

GRANTOR'S NAME AND ADDRESS:  
NWA DEVELOPMENT I, INC  
1020 N CENTER PARKWAY, SUITE A  
KENNEWICK, WA 99336



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State of Oregon,  
County of Umatilla )  
This instrument was received and recorded on  
12-12-07 at 3:00  
in the record of instrument  
code type DE-UD

Instrument Number 2007-5290604  
Fee \$1.00

Office of County Records

*Deann Hamilton*  
Records Officer

PICKEER TITLE CO. 62514-2  
126 SE Court, Pend. OR, 97801

5-88289

Exhibit "A"

Descriptions

Tract I

Township 5 North, Range 30, E.W.M.

- Section 1: ALL.
- Section 11: West Half of the West Half.  
East Half.
- Section 12: ALL.
- Section 13: North Half.  
Southwest Quarter.
- Section 14: Northeast Quarter.  
East Half of the Northwest Quarter.  
South Half.
- Section 15: North Half.  
Southeast Quarter.

Township 6 North, Range 30, E.W.M.

- Section 25: Lots 5 and 8.  
Southwest Quarter of the Southeast Quarter.
- Section 25: All that portion of Lots 1 and 4, lying Southeasterly of the  
Southeasterly right-of-way line of U.S. Highway No. 730.
- Section 34: All that portion of Lot 1 lying Southeasterly of the Southeasterly  
right-of-way line of U.S. Highway No. 730.  
  
Excepting therefrom the Easterly 660 feet.
- Section 35: All that portion of Lot 1 and that portion of the Northeast  
Quarter of the Northeast Quarter and of the Southeast Quarter of  
the Northwest Quarter lying Southeasterly of the Southeasterly  
right-of-way line of U.S. Highway No. 730.
- Section 35: Southwest Quarter of the Southwest Quarter.
- Section 36: All that portion of the Northwest Quarter of the Northwest Quarter  
lying Southeasterly of the Southeasterly right-of-way line of U.S.  
Highway No. 730.
- Section 36: North Half of the Northeast Quarter.  
Northeast Quarter of the Northwest Quarter.  
South Half of the North Half.  
South Half.



Exhibit "A" (continued)

Tract I (continued)

Township 5 North, Range 31, E.W.M.

- Section 5: Lots 3 and 4.  
South Half of the Northwest Quarter.  
Southwest Quarter.
- Section 6: Lots 3, 4 and 5.  
1 Southeast Quarter of the Northwest Quarter.
- Section 7: Northeast Quarter of the Northeast Quarter.  
South Half of the Northeast Quarter.  
East Half of the Northwest Quarter.  
Lots 2, 3 and 4.  
East Half of the Southwest Quarter.  
Southeast Quarter.
- Section 8: West Half of the Northwest Quarter.  
Southeast Quarter of the Northwest Quarter.  
Southwest Quarter.
- Section 17: Northwest Quarter.
- Section 18: Northeast Quarter.  
East Half of the Northwest Quarter.  
Lots 1 and 2.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract II

An Easement for ingress and egress, together with the terms and provisions thereof, established by Easement Appurtenant and Road Agreement, between Robert T. Mautz, etal, Servient Estate Owners and Glenn Thorne, etal, Dominant Estate Owners, recorded February 18, 1999 in Instrument No. 1999-3450709, Office of Umatilla County Records.

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**Exhibit "B"**

Permitted Exceptions

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
2. Rights of the public in and to any portion of the described lands lying within the boundaries of roads and highways.
3. Reservations for coal and iron rights, including the terms and provisions thereof, contained in deed from  
Grantor : Northern Pacific Railway Company  
Recorded : August 22, 1941 in Book 161, Page 461, Deed Records  
  
Conveyance of Grantors Interest  
Grantee : Meridian Minerals Company  
Recorded : September 6, 1988 in Microfilm R-170, Page 695, Office of Umatilla County Records.
4. Easement, including the terms and provisions thereof  
Grantee : Pacific Telephone & Telegraph Company  
Recorded : February 10, 1932 in Book 141, Page 585, Deed Records.
5. Easement, including the terms and provisions thereof  
Grantee : Pacific Telephone & Telegraph Company  
Recorded : March 27, 1950 in Book 192, Page 104, Deed Records.
6. Easement, including the terms and provisions thereof  
Grantee : Pacific Gas Transmission Company  
Recorded : January 6, 1960 in Book 257, Page 67, Deed Records.  
Amended : February 11, 1961 in Book 262, Page 188, Deed Records.  
Amended : November 28, 1961 in Book 265, Page 583, Deed Records.  
Amended : January 15, 1979 in Microfilm R-44, Page 1313, Office of Umatilla County Records.
7. Easement, including the terms and provisions thereof  
Grantee : United States of America, BPA  
Recorded : September 9, 1966 in Book 286, Page 111, Deed Records.
8. Easement, including the terms and provisions thereof  
Grantee : Pacific Power & Light Company  
Recorded : February 3, 1969 in Book 298, Page 282, Deed Records.
9. Terms and provisions contained under Easement for farm type access road, granted by  
Grantor : United States of America, Dept. of the Army  
Recorded : August 23, 1982 in Microfilm R-94, Page 956, Office of Umatilla County Records.





Exhibit "B" (continued)

- 10. Easement for Access Road, including the terms and provisions thereof  
 Grantee : United States of America, Bureau of Land Management  
 Recorded : April 26, 1991 in Microfilm R-205, Page 177, Office of Umatilla County Records.
  
- 11. Easement Appurtenant and Road Agreement, including the terms and provisions thereof, between  
 Servient Estate Owners : Robert T. Mautz, etal  
 Dominant Estate Owners : Glenn Thorne, etal  
 Recorded : February 18, 1999 in Instrument No. 1999-3450709, Office of Umatilla County Records.
  
- 12. Lack of Access: We are unable to ascertain from the records if the premises herein described has a physical means of ingress and egress to and from a legally dedicated road or highway, and for this reason such rights cannot be insured.  
  
 Affects SW-1/4 of SW-1/4 of Sec. 35 in 6N-30 and W-1/2 of W-1/2 of Sec. 11 in 5N-30.
  
- 13. The insured property described herein consists of multiple tracts that are contiguous. Access to such tracts are through one or more adjoining tracts included within the insured property. No representation is made that each tract and/or the individual parts thereof have direct access to a public road or right-of-way.
  
- 14. Trust Deed, Security Agreement, Assignment of Rents and Fixture Filing, including the terms and provisions thereof, given to secure a note for \$990,000.00, with interest thereon,  
 Grantor : NWA Development I, Inc., a Washington corporation  
 Trustee : Pioneer Title Company  
 Beneficiary : Hartford Accident and Indemnity Company, a Connecticut corp  
 Dated : August 3, 2007  
 Recorded : August 8, 2007 in Instrument No> 2007-5230750, Office of Umatilla County Records.
  
- 15. Mortgage, including the terms and provisions thereof, given to secure a note for \$1,200,000.00, with interest thereon  
 Mortgagor : NWA DEVELOPMENT I, INC., a Washington corporation  
 Mortgagee : BANK REALE  
 Dated : June 7, 2007  
 Recorded : June 15, 2007 in Instrument No. 2007-5210105, Office of Umatilla County Records.  
  
 Assignment of Rents  
 Assignee : BANK REALE  
 Recorded : June 15, 2007 in Instrument No. 2007-5210106, Office of Umatilla County Records.  
  
 The above listed Mortgage has been subordinated to the Lien of the Trust Deed shown at Exc. No. 14 hereinabove, by Subordination Agreement  
 Recorded : August 8, 2007 in Instrument No. 2007-5230751, Office of Umatilla County Records.

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**Exhibit "B" (continued)**

16. Deed of Deed, including the terms and provisions thereof, given to secure performance of each agreement of grantor herein contained, and payment of the sum of all amounts loaned or advanced, with interest in accordance with the terms of a Loan Agreement and Promissory Note dated June 8, 2007
- Grantor : NWA Development I, Inc., a Washington corporation  
Trustee : Hansen Neiffer P.S.  
Beneficiary : Randy F. Rupp  
Dated : June 8, 2007  
Recorded : June 15, 2007 in Instrument No. 2007-5210114, Office of Umatilla County Records.

The above listed Mortgage has been subordinated to the Lien of the Trust Deed shown at Exc No. 14 hereinabove, by Subordination Agreement  
Recorded : August 8, 2007 in Instrument No. 2007-5230752, Office of Umatilla County Records.

FRS

# Land Use Information Form



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

Applicant: Rupp Ranches \_\_\_\_\_  
First Last

Mailing Address: 176 KRANICHWOOD STREET \_\_\_\_\_

RICHLAND \_\_\_\_\_ WA \_\_\_\_\_ 99352 \_\_\_\_\_ Daytime Phone: (509) 628-7516 \_\_\_\_\_  
City State Zip

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:	
Please see Attachment 2 – all proposed land uses are “irrigation”, all water to be “conveyed” and “used” on listed acreage.						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

Umatilla County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 31.4 \_\_\_\_\_  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

River water diverted at an existing pump station for winter season irrigation.

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

See bottom of Page 3. →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

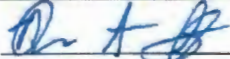
- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.056 CA7
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Farm use is allowed outright in an EFU zone. Use would occur on Assessor's map 5N30 Tax Lot 100 and Assessor's map 5N31 Tax Lots 600 and 790. All three Tax Lots are zoned EFU.

Name: Brandon Seitz Title: Assistant Planner

Signature:  Phone: 541-278-6249 Date: RECEIVED BY OWRD

Government Entity: Umatilla County

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: RECEIVED BY OWRD

5-00299



**Oregon Water Resources Department**  
**Apply for a Permit to Appropriate Surface Water**

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Wednesday, July 27, 2016

Base Application Fee for use of Surface and optionally Stored Water.		\$800.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	31.4	\$9,600.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<b>Recalculate</b>	
Estimated cost of Permit Application		\$10,850.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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 SALEM, OR

# Application for a Permit to Use Surface Water



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

## Water-Use Permit Application Processing

### 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 ([www.oregon.gov/owrd/law.our](http://www.oregon.gov/owrd/law.our)). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

### 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

### 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

### 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

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### 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

### Attachments:

---

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 10850.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included:

---

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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SALEM, OR



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 30, 2017

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND, WA 99352

Reference: File S-88299

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of the water-use permit application and to describe the options. In determining whether an application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the diversion of 31.4 cubic feet per second (CFS) of water from the Columbia River, a tributary of Pacific Ocean, for irrigation of 5021.2 acres, October 1 to April 14 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water from Columbia River, a tributary of Pacific Ocean, for irrigation is allowable under the Columbia River Basin Program (OAR 690-519).
4. Surface water is available in the amount and for the full period requested.
5. The application is subject to Section 4(d) of the Endangered Species Act and as such subject to review under OAR 690-033 by the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (DEQ).
6. A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit G-17272, which conflicts with the application. The conflict occurs during the periods March 1 through April 14 and October 1 through October 31. Please see the **Conflict Resolution Information** section below for more information.
7. Normally, no irrigation is permitted outside the established irrigation season since it cannot usually be demonstrated that such irrigation would be of any benefit, and beneficial use is a criterion which must be met under Oregon water law.



There is, however, provision for granting permits for the use of water outside the normal irrigation season if such use of water can be justified. Applications for specialty uses that require non-standard rates, duty of water, or season may be accepted by the Department. A permit thus granted would contain any special conditions or restrictions deemed proper by the Water Resources Director. Please see the **Additional Information Required** section below for more information.

### Summary of Initial Determinations

**The diversion of 31.4 CFS of water from Columbia River, a tributary of Pacific Ocean, for irrigation of 5021.2 acres, may be allowable during the full period requested, October 1 through April 15 of each year, contingent upon the submittal of conflict resolution and upon additional information.**

#### **Conflict Resolution Information:**

A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit G-17272, which conflicts with the application. The conflict occurs during the periods March 1 through April 14 and October 1 through October 31.

If you would like this application to be the primary right during the conflicting periods, the Department must receive:

- A completed form authorizing cancellation of the conflicting portions of the existing right, along with a map describing those portions; or
- A completed affidavit of diminution of the conflicting portions of the existing right to reduce them to supplemental use, along with a map describing those portions; or
- A transfer application addressing the conflicting portions of the existing right; or
- Another means of dealing with the conflict between the existing right and the use proposed under this application.

If you would like this application to be supplemental to the existing certificate during the conflicting periods, the Department must receive a revised map showing the place of use of both the primary and supplemental lands. Please note the supplemental lands will be limited and/or jeopardized as follows:

- If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be subject to cancellation.
- You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.
- The season of use for the supplemental irrigation will be limited to that of the primary right.

#### **Additional Information Required:**

Please submit justification and explanation of how water outside of the normal irrigation season will be of benefit.

**Please submit this information no later than Friday, August 3, 2017.** If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

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 the Application:

If you choose to proceed with the application, you do not have to notify the Department. The application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw the application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, July 14, 2017**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement devices, and recording/reporting of annual water use conditions:
  - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The use of water for out-of-season irrigation allowed herein shall not establish priority of right against future appropriations for beneficial uses or storage for such beneficial uses, other than rights for irrigation during the allowed period of use.

This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. Be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of the application.

The water source identified in the application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at <http://www.oregon.gov/ODA/programs/NaturalResources/Pages/AgWaterQuality.aspx> to learn more about the plans and how they may affect the proposed water use.

If you have any questions:

Feel free to call me at 503-986-0899 if you have any questions regarding the contents of this letter or the application. Please have the application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Scott Grew, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Scott Grew  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-88299  
WAB 7-Columbia River  
POU 7-Columbia River  
GW

# APPLICATION FACT SHEET

Application File Number: S-88299

Applicant: RUPP RANCHES

County: UMATILLA

Watermaster: 5

Priority Date: OCTOBER 12, 2016

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: IRRIGATION OF 5021.2 ACRES

Quantity: 31.4 CUBIC FEET PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 3A COLUMBIA R & MISC

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

Place of Use:

NE ¼ NE ¼ 40.0 ACRES  
NW ¼ NE ¼ 40.0 ACRES  
SW ¼ NE ¼ 40.0 ACRES  
SE ¼ NE ¼ 40.0 ACRES  
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SECTION 11

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SECTION 12

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SECTION 14

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SECTION 15

TOWNSHIP 5 NORTH, RANGE 30 EAST, W.M.

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SECTION 5

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SECTION 7

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SECTION 8

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SECTION 17

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SECTION 18

TOWNSHIP 5 NORTH, RANGE 31 EAST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 14, 2017**

**PUBLIC NOTICE DATE: Tuesday, July 4, 2017**

**30 DAY COMMENT DEADLINE DATE: Thursday, August 3, 2017**

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

In order to take and use the waters of Oregon, a citizen must first obtain a permit from the Water Resources Department. The water must be used for beneficial purpose - without waste. To become well-informed about water right topics, weekly public notice, forms and fees please visit our web site at [www.wrd.state.or.us](http://www.wrd.state.or.us)

### 1. Pre-application considerations

- follow instructions in the application packet
- if you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Information Group (WRIG) at 503-986-0801

### 2. Application filing

- application with fee is received by the Department
- Department determines completeness of application
- if use is not allowed by statute (ORS 538), the application and fees are returned to the applicant
- incomplete application and fees are returned to the applicant
- only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing

### 3. Initial Review (IR)

- caseworker reviews application by considering basin plans, water availability, statutory restrictions and all other appropriate factors
- caseworker sends IR report to applicant
- contact the caseworker if you have questions about the IR
- seven days after date of the IR, it is included in Department's weekly Public Notice
- public comments must be submitted within 30 days after the Public Notice
- **administrative hold** may be requested in writing by applicant

### 4. Proposed Final Order (PFO)

- caseworker evaluates application against required criteria and develops draft permit, if appropriate
- PFO includes instructions for filing of protests
- caseworker considers public comments and mails PFO to applicant
- the PFO is included in Department's weekly Public Notice
- public protests to the PFO must be submitted within 45 days after the Public Notice

**Stop Processing deadline is within 14 days of Initial Review - use the form below**

- applicant may request no further action and fee refund of all but \$225

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

Applicant notification to withdraw Water Right Application # \_\_\_\_\_

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$225 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application

Signature \_\_\_\_\_ date \_\_\_\_\_

Signature \_\_\_\_\_ date \_\_\_\_\_

*Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$225 examination fee) be returned.*

This notice must be received at Water Resources Department by \_\_\_\_\_

Return the notice to: OWRD, Water Rights Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A  
Salem OR 97301-1271



**5. Final Order (FO)**

- if no protest is filed, Final Order is issued

***The protest process***

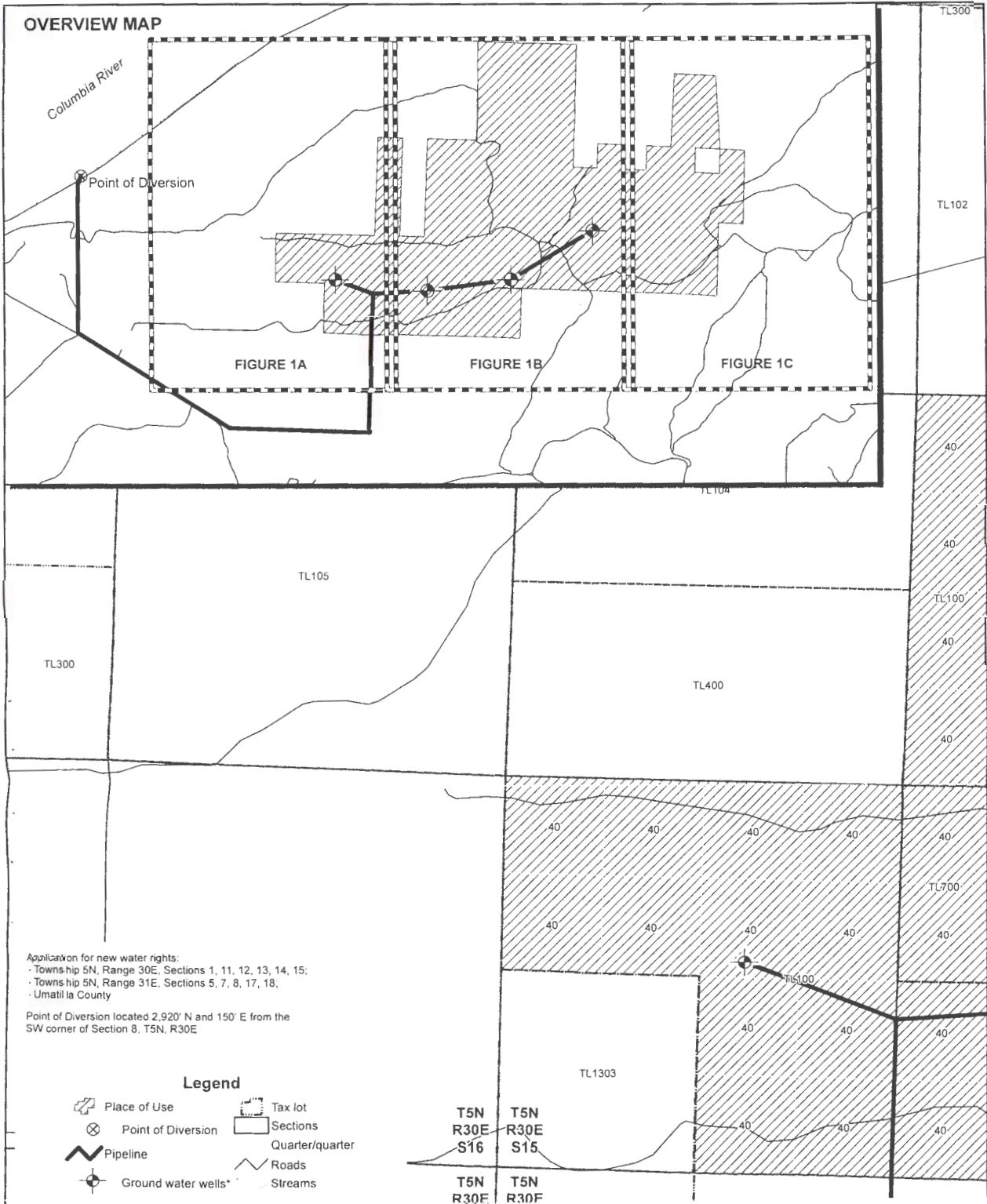
If one or more protests are filed, permit process consists of:

- settlement discussion
- contested case hearing
- proposed order
- period of time to file exceptions
- possible hearing by Water Resources Commission
- final order issued

***Permit holder responsibilities***

- comply with all water use conditions of the permit
- advise Department of address change or assignment to new permit holder
- if need arises, request extension of time or authorize cancellation of permit
- submit timely claim of beneficial use (COBU) to Department
- most permits require COBU to be prepared by a Certified Water Right Examiner
- permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions

**OVERVIEW MAP**



Application for new water rights:  
 · Township 5N, Range 30E, Sections 1, 11, 12, 13, 14, 15;  
 · Township 5N, Range 31E, Sections 5, 7, 8, 17, 18;  
 · Umatilla County

Point of Diversion located 2,920' N and 150' E from the SW corner of Section 8, T5N, R30E

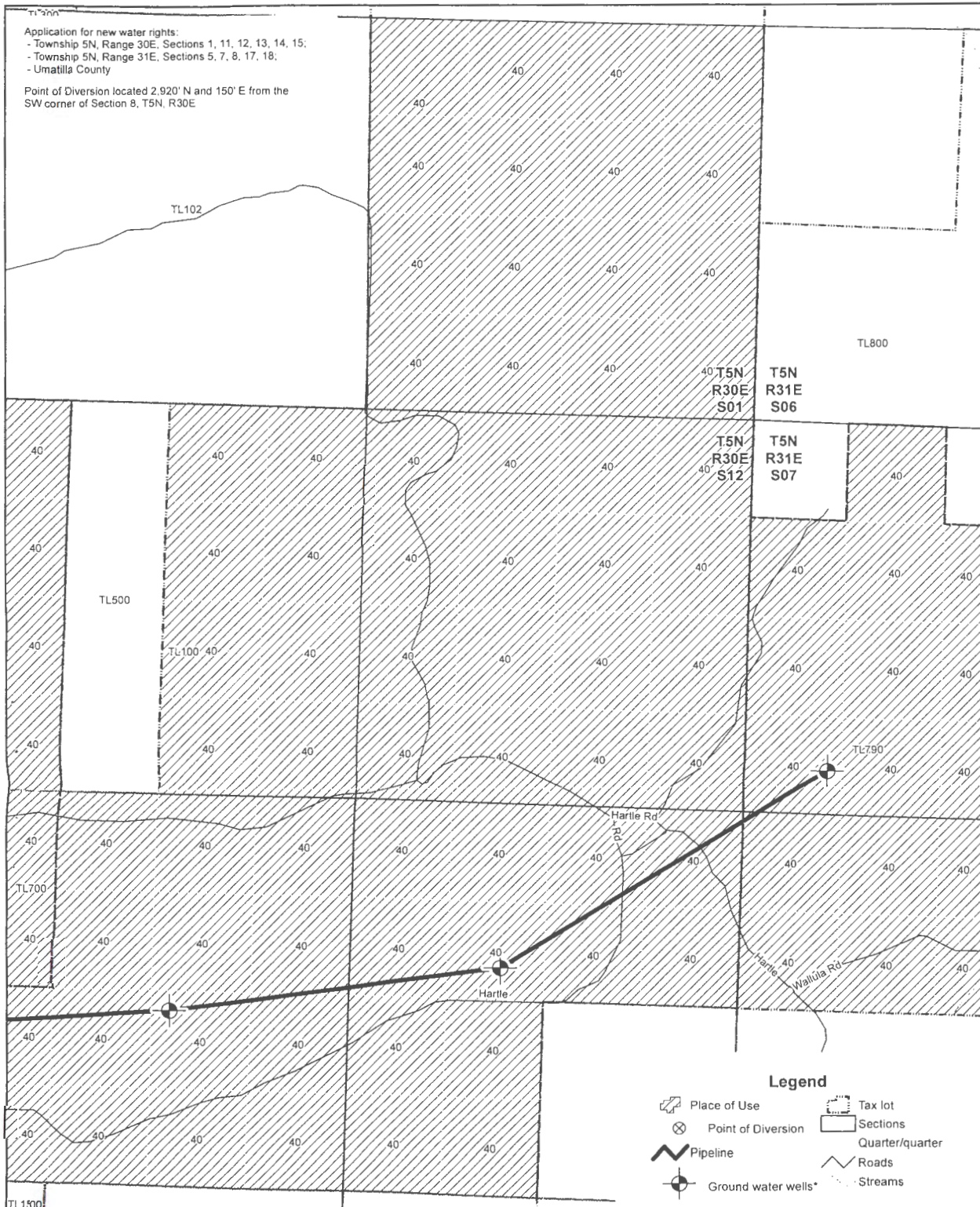
**Legend**

- Place of Use
- Point of Diversion
- Pipeline
- Ground water wells\*
- Tax lot
- Sections
- Quarter/quarter
- Roads
- Streams










T5N R30E S16  
 T5N R30E S15  
 T5N R30E  
 T5N R30F

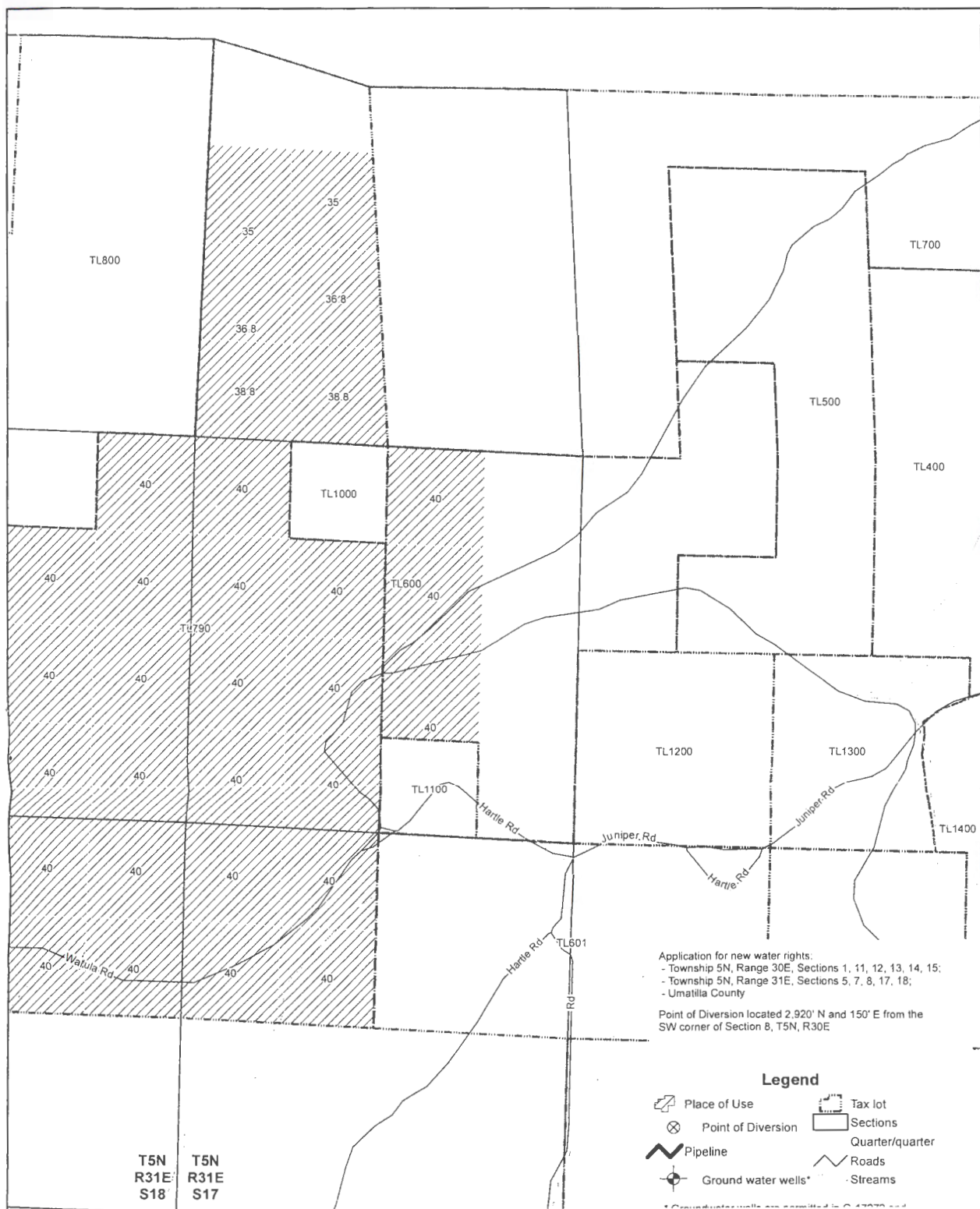
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**Legend**

-  Place of Use
-  Point of Diversion
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**Legend**

- Place of Use
- Point of Diversion
- Pipeline
- Ground water wells\*
- Tax lot
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- Streams

T5N  
R31E  
S18

T5N  
R31E  
S17

\* Ground water wells are permitted in C 47373 and

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# APPLICATION FACT SHEET

Application File Number: S-88299

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County: UMATILLA

Watermaster: 5

Priority Date: OCTOBER 12, 2016

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Use: IRRIGATION OF 5021.2 ACRES

Quantity: 31.4 CUBIC FEET PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 3A COLUMBIA R & MISC

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## SECTION 1

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If you have any questions:

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Sincerely,



Scott Grew  
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POU 7-Columbia River  
GW

**Please submit this information no later than Friday, August 3, 2017.** If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

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 the Application:

If you choose to proceed with the application, you do not have to notify the Department. The application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw the application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, July 14, 2017**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement devices, and recording/reporting of annual water use conditions:
  - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The use of water for out-of-season irrigation allowed herein shall not establish priority of right against future appropriations for beneficial uses or storage for such beneficial uses, other than rights for irrigation during the allowed period of use.

There is, however, provision for granting permits for the use of water outside the normal irrigation season if such use of water can be justified. Applications for specialty uses that require non-standard rates, duty of water, or season may be accepted by the Department. A permit thus granted would contain any special conditions or restrictions deemed proper by the Water Resources Director. Please see the **Additional Information Required** section below for more information.

### Summary of Initial Determinations

**The diversion of 31.4 CFS of water from Columbia River, a tributary of Pacific Ocean, for irrigation of 5021.2 acres, may be allowable during the full period requested, October 1 through April 15 of each year, contingent upon the submittal of conflict resolution and upon additional information.**

#### Conflict Resolution Information:

A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit G-17272, which conflicts with the application. The conflict occurs during the periods March 1 through April 14 and October 1 through October 31.

If you would like this application to be the primary right during the conflicting periods, the Department must receive:

- A completed form authorizing cancellation of the conflicting portions of the existing right, along with a map describing those portions; or
- A completed affidavit of diminution of the conflicting portions of the existing right to reduce them to supplemental use, along with a map describing those portions; or
- A transfer application addressing the conflicting portions of the existing right; or
- Another means of dealing with the conflict between the existing right and the use proposed under this application.

If you would like this application to be supplemental to the existing certificate during the conflicting periods, the Department must receive a revised map showing the place of use of both the primary and supplemental lands. Please note the supplemental lands will be limited and/or jeopardized as follows:

- If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be subject to cancellation.
- You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.
- The season of use for the supplemental irrigation will be limited to that of the primary right.

#### **Additional Information Required:**

Please submit justification and explanation of how water outside of the normal irrigation season will be of benefit.



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 30, 2017

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND, WA 99352

Reference: File S-88299

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of the water-use permit application and to describe the options. In determining whether an application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the diversion of 31.4 cubic feet per second (CFS) of water from the Columbia River, a tributary of Pacific Ocean, for irrigation of 5021.2 acres, October 1 to April 14 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The diversion of water from Columbia River, a tributary of Pacific Ocean, for irrigation is allowable under the Columbia River Basin Program (OAR 690-519).
4. Surface water is available in the amount and for the full period requested.
5. The application is subject to Section 4(d) of the Endangered Species Act and as such subject to review under OAR 690-033 by the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (DEQ).
6. A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit G-17272, which conflicts with the application. The conflict occurs during the periods March 1 through April 14 and October 1 through October 31. Please see the **Conflict Resolution Information** section below for more information.
7. Normally, no irrigation is permitted outside the established irrigation season since it cannot usually be demonstrated that such irrigation would be of any benefit, and beneficial use is a criterion which must be met under Oregon water law.

**Oregon Water Resources Department - Automated e-mail notice**

The Oregon Water Resources Department is pleased to announce that a step in processing Application S 88423 has occurred. We appreciate the opportunity to provide you with this information via email instead of more costly and time consuming regular mail.

The link below will take you to the documents pertaining to the application. We invite you to read the most recent document closely as it contains important instructions about the next phase of processing. Please contact the caseworker listed in the document if you have questions or concerns.

Most recent processing step completed: ==>> **Initial Review Issued : 09/22/2017** <<==

Use the link below to access all available documents:

[http://apps.wrd.state.or.us/apps/wr/wrinfo/wr\\_folder\\_image.aspx?snp\\_id=194163](http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_folder_image.aspx?snp_id=194163)

**This message has been generated automatically by an unmonitored email account.  
Please do not "reply" to this message. Thank you.**

## FRENCH Kim R \* WRD

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**From:** GREW Scott A \* WRD  
**Sent:** Monday, February 12, 2018 9:50 AM  
**To:** Said Amali  
**Cc:** GREW Scott A \* WRD  
**Subject:** RE: OWRD: Initial Review for Application S 88423 has been completed

Good morning Said,

I'm scanning my caseload and I noticed that I have not received a response to the IR. If you sent on please resend it. If you haven't yet please keep me posted.

Also the IR was returned by mail from the address on record for Rupp Ranch (176 Kranichwood St. Richland, WA 99352).

Hope you are doing well.

Scott Grew  
Natural Resource Specialist: Water Right Application Processor  
Oregon Water Resources Department  
503-986-0899

**From:** Said Amali [mailto:Said.Amali@akana.us]  
**Sent:** Monday, October 09, 2017 8:27 AM  
**To:** GREW Scott A \* WRD  
**Subject:** RE: OWRD: Initial Review for Application S 88423 has been completed

Hi Scott – We are in receipt of this IR and are developing a response to it. I should be able to send it to you before the end of this week. The deadline indicated in the letter was last Friday October 6<sup>th</sup>. Hope end of this week doesn't jeopardize the application status. Thanks.

**Said Amali, PhD, PE**  
*Portland Operations Manager*  
*Water Resources Practice Lead*

**Akana**  
O: (503) 652-9090 M: (503) 720-2116 D: (503) 205-9284  
[said.amali@akana.us](mailto:said.amali@akana.us)

AKANA is derived from the Arikara Indian concepts of akana'u (to build) and akaana' (lodge)

**From:** [wrd\\_automated\\_email@oregon.gov](mailto:wrd_automated_email@oregon.gov) [mailto:wrd\_automated\_email@oregon.gov]  
**Sent:** Monday, September 25, 2017 6:00 PM  
**To:** [randy@costlesscarpet.com](mailto:randy@costlesscarpet.com); Said Amali; [watermaster\\_district\\_5@wrd.state.or.us](mailto:watermaster_district_5@wrd.state.or.us); [scott.a.grew@wrd.state.or.us](mailto:scott.a.grew@wrd.state.or.us)  
**Subject:** OWRD: Initial Review for Application S 88423 has been completed  
**Importance:** High

Thanks for your help,  
Smita

Smita Mehta  
Integrated Water Resources Strategy  
Oregon Department of Environmental Quality  
Eastern Region - Pendleton Office  
800 SE Emigrant Ave, Suite 330  
Pendleton, Oregon 97801  
541-278-4609  
[Mehta.Smita@deq.state.or.us](mailto:Mehta.Smita@deq.state.or.us)

## FRENCH Kim R \* WRD

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**From:** MEHTA Smita  
**Sent:** Thursday, May 03, 2018 11:43 AM  
**To:** GREW Scott A \* WRD  
**Cc:** TUGAW Heather; KOHANEK Ron C \* WRD  
**Subject:** RE: S-88423

Hi Scott,

Thanks for the additional information, that was very helpful!

I do have another question. In the application, the applicant did not answer the Section 6 Resource Protection question for water quality. Given that the applicant is proposing to irrigate during the non-growing season, irrigate a place of use that is steep (>20% slopes in places), irrigate sandy soils, and irrigate land near the Columbia River, I'd like the applicant to provide more information to establish reasonable assurance that water quality will be protected from erosion and sediment consistent with OAR 603-095-0340 (ODA's ag water quality rules for the Umatilla Basin).

Is this something you can request from the applicant or their agent?

Thanks again,  
Smita

**From:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>  
**Sent:** Thursday, May 3, 2018 9:31 AM  
**To:** MEHTA Smita <Smita.Mehta@state.or.us>  
**Subject:** RE: S-88423

Good morning Smita!

- a) Here is the ODFW review.
- b) I have not yet received a response for S-88423 as of yet. *However*, here is their response from an identical application (S-88299). I would expect a response of the same ilk.

Thank you.

*Scott Grew* | [Natural Resource Specialist](#)

Oregon Water Resources Department  
Water Rights Division

**From:** MEHTA Smita [<mailto:Smita.Mehta@state.or.us>]  
**Sent:** Thursday, May 03, 2018 9:18 AM  
**To:** GREW Scott A \* WRD  
**Subject:** S-88423

Hi Scott,

I'm starting to work on DEQ's review of S-88423. I noticed in the IR that OWRD requested additional information from the applicant regarding the nature of the use because they were proposing irrigation use in the non-irrigation season. Did the applicant submit this information? If so can you share that with me? Also, can you send me ODFW's review?



Rupp Ranches  
176 Kranichwood St  
Richland, WA 99352

Thank you so much,

**Scott Grew** | Water Right Application Processor

Oregon Water Resources Department  
Water Rights Division

| Phone: 503-986-0899  
| Fax: 503-986-0901

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Please Note: under Oregon law, messages to and from this e-mail address may be available to the public

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OREGON  
WATER  
RESOURCES  
DEPARTMENT

## FRENCH Kim R \* WRD

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**From:** GREW Scott A \* WRD  
**Sent:** Thursday, May 03, 2018 3:26 PM  
**To:** Said Amali  
**Cc:** GREW Scott A \* WRD  
**Subject:** S-88423

Said,

I am waiting for DEQ to complete their review for application S-88423. They noted that the Water Quality protection question was unanswered in Section 6. Can you address that so I can pass that along to them?

Thank you.

**Scott**

**From:** Said Amali [mailto:Said.Amali@akana.us]  
**Sent:** Thursday, April 26, 2018 2:24 PM  
**To:** GREW Scott A \* WRD  
**Subject:** RE: S-88299

Hi Scott – Their address is correct. They say they have a new mailman and some mail has not been delivered correctly. Please re-send. Thanks.

**Said Amali, PhD, PE**

*Vice President*

**Akana**

O: (503) 652-9090 M: (503) 720-2116 D: (503) 205-9284  
[said.amali@akana.us](mailto:said.amali@akana.us)

AKANA is derived from the Arikara Indian concepts of akana'u (to build) and akaana' (lodge)

**From:** GREW Scott A \* WRD [mailto:Scott.A.Grew@oregon.gov]  
**Sent:** Wednesday, April 25, 2018 10:26 AM  
**To:** Said Amali  
**Cc:** GREW Scott A \* WRD  
**Subject:** S-88299

Said,

The PFO that was issued on January 23, 2018 was returned to the Department as undeliverable and no forwarding address.

Can you update their address so we can make sure they receive their Final Order and Permit? Do they have a mailing address to a PO box perhaps?

The address we have on file is:

## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

**The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:**

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgment the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

# WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the  
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: S 88299 Applicant's Name: Rupp Ranches

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1) Does the affected surface water source flow above ground in a defined channel into another water body?

YES  NO  SOMETIMES: between and

2) Does the affected surface water source ever go dry in the area of the proposed diversion?  YES  NO

3) To your knowledge, has the affected surface water source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?  YES  NO

If YES, please explain:

4) Do you agree with the specified water availability, and the recommended period of use?  YES  NO  I DON'T KNOW

If NO, please explain:

5) Did you discuss this application with staff from another agency?  YES  NO

Who: Agency: Date:

6) If the Initial Review is unfavorable, is mitigation an option?  YES  NO

If YES, please explain:

7) What conditions do you recommend? Flowmeters are required.

8) Your recommendation under OAR 690-033-0330 (2):  Approval with conditions  
 Approval without conditions  
 Denial

Watermaster Signature: Greg Silbernagel Date: 9/25/2017

WRD Contact: **Caseworker:** Scott Grew Water Rights Division, 503-986-0900 ; Fax 503-986-0901

**ODFW DIVISION 33 APPLICATION REVIEW SHEET**

Recommendations for Water Right Applications that may affect the  
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: S 88423 Applicant's Name: Rupp Ranches

A) Will the proposed use occur in an area that may affect the essential habitat of a **SENSITIVE** fish species?

NO  YES If YES, fill out **SECTION I** and the **RECOMMENDATION**.

B) Will the proposed use occur in an area that may affect the essential habitat of a **THREATENED OR ENDANGERED** fish species?

NO  YES Species: upper Columbia River spring Chinook Snake River spring/summer Chinook, lower Columbia River Chinook, upper Willamette Chinook, Snake River fall Chinook, Columbia River chum, lower Columbia River Chinook, Snake River sockeye, upper Columbia River steelhead, middle Columbia River steelhead, Snake River basin steelhead, lower Columbia River steelhead Status:  Threatened  Endangered

If YES, fill out **SECTION II** and the **RECOMMENDATION**.

If your answer is **NO** to both questions, you may comment by completing the public interest review sheet on the back of this page.

**SECTION I:**

1) Will the proposed use result in a **NET LOSS** in the habitat of a **SENSITIVE SPECIES**? [690-33-330(2)(a)]  NO  YES

2) What stage or value is at risk (check all that apply):  Spawning  Incubation  Rearing  Passage  Habitat Value

3) Can conditions be applied to mitigate the impact to the essential habitat of a **SENSITIVE** species?

NO  YES; recommend from Menu of Conditions and skip to Section II. **Fishself, b51a period of use limited to Oct.1 to April 14**

4) If conditions cannot be identified to offset impacts to the essential habitat of **SENSITIVE** species, would the proposed use harm the species?

NO  YES [690-33-330(4)] Please explain: Additional water withdrawals outside of this time period will effect habitat, rearing, and passage flows.

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated, what conditions do you recommend? (select from Menu of Conditions)

Fishself, b51a period of use limited to Oct.1 to April 14

**SECTION II:**

1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?  NO  YES [690-33-120(1)]

Explain: Additional water withdrawals outside of this time period will effect habitat, rearing, and passage flows.

If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?  NO  YES  
(select from Menu of Conditions)

**Fishself, b51a period of use limited to Oct.1 to April 14**

**RECOMMENDATION** under OAR 690-033-0330 (2):  Approval with conditions  
 Approval without conditions  
 Denial

ODFW Representative signature: 

Date: 10/3/17

WRD Contact: Caseworker: Scott Grew, Water Rights Division, 503-986-0900 / Fax 503-986-0901

## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

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- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgment the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
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- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

# WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the  
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: S 88423 Applicant's Name: Rupp Ranches

---

1) Does the affected surface water source flow above ground in a defined channel into another water body?

YES  NO  SOMETIMES: between \_\_\_\_\_ and \_\_\_\_\_

2) Does the affected surface water source ever go dry in the area of the proposed diversion?  YES  NO

3) To your knowledge, has the affected surface water source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?  YES  NO

If YES, please explain:

4) Do you agree with the specified water availability, and the recommended period of use?  YES  NO  I DON'T KNOW

If NO, please explain:

5) Did you discuss this application with staff from another agency?  YES  NO

Who: \_\_\_\_\_ Agency: \_\_\_\_\_ Date: \_\_\_\_\_

6) If the Initial Review is unfavorable, is mitigation an option?  YES  NO

If YES, please explain:

7) What conditions do you recommend? Totalizing flowmeter is required.

8) Your recommendation under OAR 690-033-0330 (2):  Approval with conditions  
 Approval without conditions  
 Denial

Watermaster Signature: Greg Silbernagel Date: 9/26/2017

WRD Contact: Caseworker: Scott Grew Water Rights Division, 503-986-0900 Fax 503-986-0901

## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

### The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain-enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgment the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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# WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the  
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: **S 88299** Applicant's Name: **Rupp Ranches**

---

1) Does the affected surface water source flow above ground in a defined channel into another water body?

YES      NO      SOMETIMES; between     and

2) Does the affected surface water source ever go dry in the area of the proposed diversion?      YES      NO

3) To your knowledge, has the affected surface water source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?      YES      NO

If YES, please explain:

4) Do you agree with the specified water availability, and the recommended period of use?      YES      NO      I DON'T KNOW

If NO, please explain:

5) Did you discuss this application with staff from another agency?      YES      NO

Who:     Agency:     Date:

6) If the Initial Review is unfavorable, is mitigation an option?      YES      NO

If YES, please explain:

7) What conditions do you recommend? Flowmeters are required.

8) Your recommendation under OAR 690-033-0330 (2):      Approval with conditions  
   Approval without conditions  
   Denial

Watermaster Signature: Greg Silbernagel     Date: 9/25/2017

WRD Contact:     **Caseworker:** Scott Grew     Water Rights Division, 503-986-0900 / Fax 503-986-0901

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# ODFW PUBLIC INTEREST REVIEW SHEET

Application #: G 88229 Applicant's Name: Rupp Ranches

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1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO (Sign form and return)

YES Species: Columbia river listed species, middle and upper columbia steelhead, snake river fall chinoo, sockeye  
Other:

What stage or value is at risk (check all that apply):  Spawning  Incubation  Rearing  Passage  Habitat Value

2) Will the proposed use result in a loss of habitat?  NO  YES

3) Can conditions be applied to mitigate the impact to the loss of habitat?

NO  
Oct.1 to April 14

YES: recommend from Menu of Conditions and skip to question 6. Fishself b51a period of use limited to

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?  NO  YES

If YES, please explain: Reduced flows will impact rearing habitat, reduce passage flows and low habitat values.

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions)

Fishself, b51a period of use limited to Oct.1 to April 14

6) Your recommendation:  Approval with conditions  
 Approval without conditions  
 Denial

ODFW Representative signature:

Date:

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

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# ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the  
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340

Application #: S 88299 Applicant's Name: Rupp ranches

A) Will the proposed use occur in an area that may affect the essential habitat of a **SENSITIVE** fish species?  
 NO  YES If YES, fill out **SECTION I** and the **RECOMMENDATION**.

B) Will the proposed use occur in an area that may affect the essential habitat of a **THREATENED OR ENDANGERED** fish species?  
 NO  YES Species: Middle & UPPER Columbia steelhead, snake river fall chinook, sockeye Status:  Threatened  Endangered  
If YES, fill out **SECTION II** and the **RECOMMENDATION**

If you answer NO to both questions you may exempt by completing the public information sheet on the back of this page.

### SECTION I:

- 1) Will the proposed use result in a **NET LOSS** in the habitat of a **SENSITIVE SPECIES**? [690-33-330(2)(a)]  NO  YES
- 2) What stage or value is at risk (check all that apply).  Spawning  Incubation  Rearing  Passage  Habitat Value
- 3) Can conditions be applied to mitigate the impact to the essential habitat of a **SENSITIVE** species?  
 NO  YES; recommend from Menu of Conditions and skip to Section II. **Fishself, B51a period of used limited to Oct.1 to April 14**
- 4) If conditions cannot be identified to offset impacts to the essential habitat of **SENSITIVE** species, would the proposed use harm the species?  
 NO  YES [690-33-330(4)] Please explain.
- 5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated, what conditions do you recommend? (select from Menu of Conditions)

### SECTION II:

- 1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?  NO  YES [690-33-120(1)]  
Explain: **No additional water withdrawals impacting fish**
- If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?  NO  YES  
(select from Menu of Conditions)  
**Fishself, b51a period of use limited to Oct.1 to April 14**

**RECOMMENDATION** under OAR 690-033-0330 (2).  Approval with conditions  
 Approval without conditions  
 Denial

ODFW Representative signature:

Date:

WRD Contact: **Caseworker:** Water Rights Division, 503-986-0900 / Fax 503-986-0901



# Mailing List for PFO Copies

Application S-88299

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PFO Date January 23, 2018

**Original mailed via CERTIFIED MAIL to applicant:**

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND WA 99352

Copies Mailed
By: <u>SP</u> (SUPPORT STAFF)
on: <u>1-23-18</u> (DATE)

**SENT VIA AUTO EMAIL:**

1. WRD - Greg Silbernagel - # 5

**Copies sent via email to:**

3. Agent Said Amali: [said.amali@akana.us](mailto:said.amali@akana.us)

Protest <b>3/10/2017</b>
Standing Dates checked
_____

**Copies sent to:**

4. WRD – Hydrographics
5. Commenter - James Palmer of Pacific Power: [james.palmer@pacificorp.com](mailto:james.palmer@pacificorp.com)
6. a.l.o. – Carl St. Hilaire, JSH Farms Inc, 84186 Hwy 37, Hermiston, OR 97838

**PFO and Map sheet Copies to:**

7. WRD – File # S-88299

SPECIALIST: Scott Grew



October 3, 2017

Scott Grew  
Water Right Application Caseworker  
Oregon Water Resources Department  
725 Sumner St. NE, Suite A  
Salem, OR 97301

**Re: Responses to Initial Review Comments for Application S-88299**  
**Akana Project No.: 15-196**

Dear Mr. Grew:

This letter includes responses to the comments provided by the Oregon Department of Water Resources (OWRD) in its Initial Review letter dated 30 June 2017 on the water right application S-88299. As agent for the applicant Rupp Ranches, Akana is providing this letter to facilitate continued processing of this application. The information presented herein is intended to address two comments in the OWRD letter. The comments and our responses are as follow:

*OWRD Comment: "A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Permit G-17272, which conflicts with the application. The conflict occurs during the periods March 1 through April 14 and October 1 through October 31."*

**RESPONSE:** The applicant requests that the right under this application be the primary and the existing right under permit G-17272 become supplemental for the periods March 1 through April 14, and October 1 through 31. An affidavit and accompanying information and maps are enclosed with this letter, as requested. Please note that the property deed was submitted as part of the application for G-17272 and is not provided again.

*OWRD Comment: "Normally, no irrigation is permitted outside the established irrigation season since it cannot usually be demonstrated that such irrigation would be of any benefit, and beneficial use is a criterion which must be met under Oregon water law."*

*There is, however, provision for granting permits for the use of water outside the normal irrigation season if such use of water can be justified. Applications for specialty uses that require non-standard rates, duty of water, or season may be accepted by the Department. A permit thus granted would contain any special conditions or restrictions deemed proper by the Water Resources Director."*

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**OWRD**

Akana  
6400 SE Lake Road, Suite 270  
Portland, OR 97222  
akana.us



RESPONSE: The water requested in this application increases the operational flexibility of the irrigation program for all of Rupp Ranches properties as described below:

A part of the area subject of this application is covered by the groundwater permit G-17272. However, the groundwater source is becoming more limited with time as pumping continues. Availability of "shoulder" season water from this application allows the groundwater aquifer to be pumped less to better maintain that resource for long term availability.

Additionally, Rupp Ranches is one of the parties, who as part of the activities of the Northeast Oregon Water Association, has leased a portion of the Port of Umatilla water right. The Port's water is used as mitigation water for several water right applications (such as application S-88206). A pipeline system is currently being designed for use of the mitigation water for constructed likely by end of 2018. In turn, Rupp Ranches is currently having an irrigation water conveyance system designed and constructed on a similar time frame to convey its portion of that water onto its property. Obtaining the water under this application will help more efficiently use the Port's mitigation water across Rupp Ranches.

Finally, the top soil covering Rupp Ranches varies across the property from fine sand to heavier loams. Use of water during "shoulder" season, especially in late winter and early spring allows growing early season crops and filling the soil profile to support the next crop before the main sources of irrigation water (groundwater or the Port's) are needed for better use of those sources of water.

We trust that the above information adequately addresses the OWRD comments. We are available to provide additional information that may be needed to facilitate processing of application S-88299. Please don't hesitate to contact me at 503-205-9284 or [said.amali@akana.us](mailto:said.amali@akana.us).

Sincerely,

Said Amali, PE  
Project Manager

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**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT PERMIT**

State of Oregon )  
 ) ss  
 County of UMATILLA )

I/We (or authorized agent), RUPP RANCHES (RANDY RUPP),  
 residing at 176 KRANICHWOOD ST, RICHLAND, WA 99352,  
 being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 0100 & 0700,  
 within the        1/4        1/4, Section       , Township        N/S, Range         
 E/W, of the Willamette Meridian, in        SEE ATTACHED LIST        County,  
 Oregon, as shown on the attached map and described in the attached deed and legal description  
 and made part of this affidavit;

2. A portion of water right permit number G-17272 issued to RUPP RANCHES,  
 with a date of priority of 16 JUNE 2008 for use of 12.5 CFS CFS / AF of water from  
FOUR WELLS (WELL 1, 2, 3, 4) (sources) for  
 the purpose of IRRIGATION DURING PERIODS OF MARCH 1 - APRIL 14 AND OCTOBER 1 -31 ONLY (uses) is  
 appurtenant to my/our property;

3 The appurtenant water right is/is not located within the boundaries of an irrigation,  
 drainage, water improvement, or water control district, or federal reclamation project (if the right  
 is located within a district or reclamation project, name it here:  
       IS NOT       );

4. If the water right is issued in the name of an irrigation district, then the affiant must have  
 the concurrence of the district to the diminishment of the portion of the water right. (Signature of  
 district manager on the line below documents concurrence of the district.)

\_\_\_\_\_  
 Signature of District Manager Printed Name Date

5. I/We have obtained a MORE AVAILABLE, CERTAIN, AND SUSTAINABLE (e.g., better, more  
 economical) source of water for the primary irrigation of the portion of this water right shown on  
 the attached map and described as follows: The right to the use of 12.5 CFS CFS / AF from  
GROUNDWATER for the irrigation of 1.000 acres located:

       1/4        1/4        SEE ATTACHED Acres  
       1/4        1/4        Acres  
       1/4        1/4        Acres  
       1/4        1/4        Acres  
       1/4        1/4        Acres

Section         
 Township        N/S, Range        E/W, WM;

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**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT PERMIT  
(CONTINUED)**

6. I/we request the water right be diminished from a right for supplemental irrigation of the lands described above in item #5;

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from GROUNDWATER WELLS 1, 2, 3, 4 (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from WELLS 1, 2, 3, 4 (source) for primary irrigation of these lands.

[Signature] \_\_\_\_\_ Date 9-27-17  
Signature of legal owner as listed on deed, or authorized agent

\_\_\_\_\_  
Signature of legal co-owner as listed on deed (if applicable) Date

Subscribed and Sworn to Before Me this 27 day of September, 2017.



[Signature]  
Notary Public for ~~Oregon~~ Washington

My Commission Expires May 9, 2020

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

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The place of use is located as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	11	SW SE	10.00
5 N	30 E	WM	11	SE SE	10.00
5 N	30 E	WM	12	SW SW	5.00
5 N	30 E	WM	13	NW NW	10.00
5 N	30 E	WM	13	SW NW	10.00
5 N	30 E	WM	13	NW SW	10.00
5 N	30 E	WM	13	SW SW	5.00
5 N	30 E	WM	14	NE NE	40.00
5 N	30 E	WM	14	NW NE	40.00
5 N	30 E	WM	14	SW NE	40.00
5 N	30 E	WM	14	SE NE	40.00
5 N	30 E	WM	14	NE NW	40.00
5 N	30 E	WM	14	NW NW	40.00
5 N	30 E	WM	14	SW NW	40.00
5 N	30 E	WM	14	SE NW	40.00
5 N	30 E	WM	14	NE SW	40.00
5 N	30 E	WM	14	NW SW	40.00
5 N	30 E	WM	14	SW SW	20.00
5 N	30 E	WM	14	SE SW	20.00
5 N	30 E	WM	14	NE SE	40.00
5 N	30 E	WM	14	NW SE	40.00
5 N	30 E	WM	14	SW SE	20.00
5 N	30 E	WM	14	SE SE	20.00
5 N	30 E	WM	15	NE NE	40.00
5 N	30 E	WM	15	NW NE	40.00
5 N	30 E	WM	15	SW NE	40.00
5 N	30 E	WM	15	SE NE	40.00
5 N	30 E	WM	15	NE NW	40.00
5 N	30 E	WM	15	NW NW	10.00
5 N	30 E	WM	15	SW NW	10.00
5 N	30 E	WM	15	SE NW	40.00
5 N	30 E	WM	15	NE SE	40.00
5 N	30 E	WM	15	NW SE	40.00
5 N	30 E	WM	15	SW SE	20.00
5 N	30 E	WM	15	SE SE	20.00
Total					1000.00

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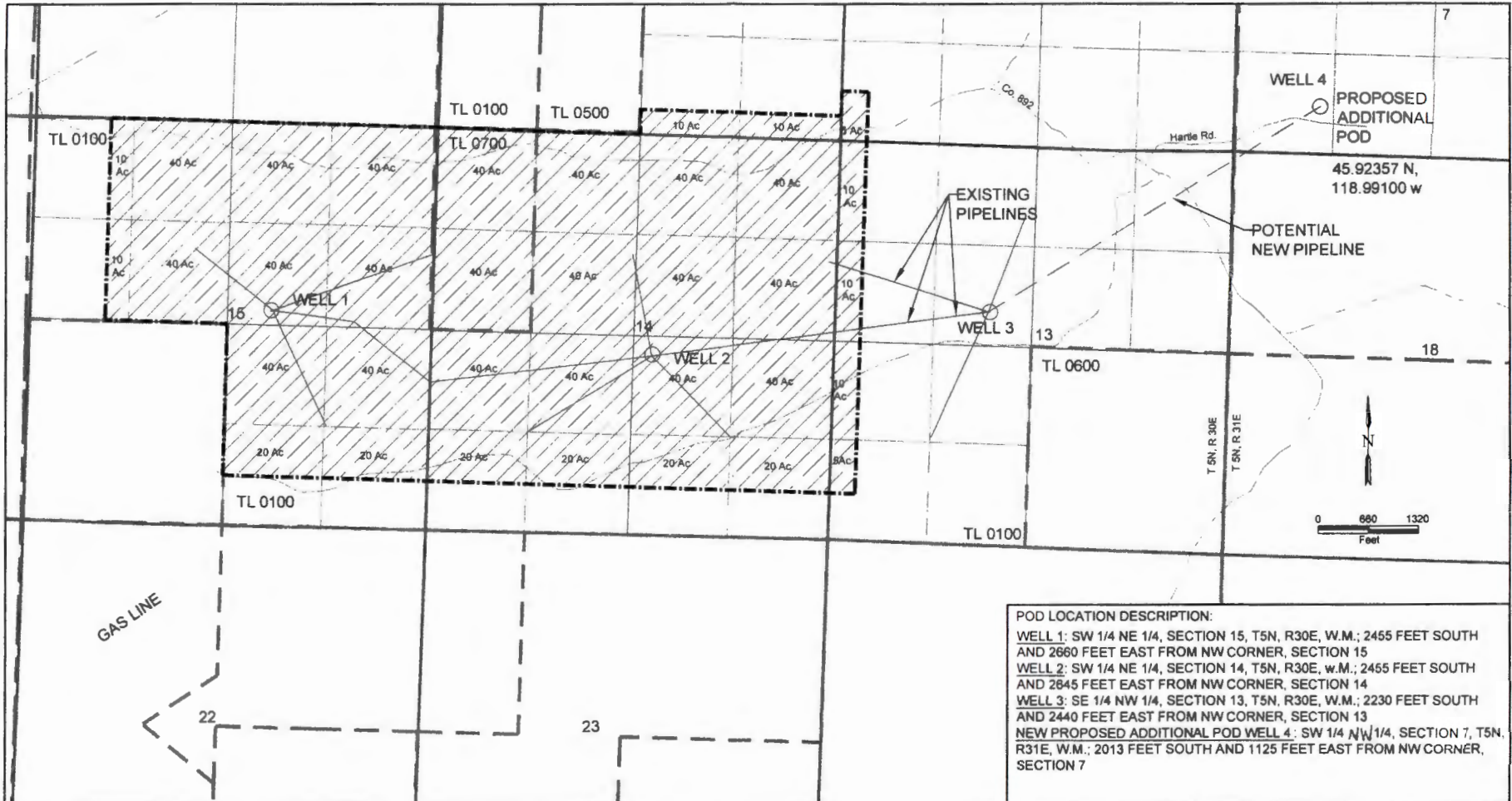
Permit Amendment T-11586 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.









**POD LOCATION DESCRIPTION:**  
 WELL 1: SW 1/4 NE 1/4, SECTION 15, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2660 FEET EAST FROM NW CORNER, SECTION 15  
 WELL 2: SW 1/4 NE 1/4, SECTION 14, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2845 FEET EAST FROM NW CORNER, SECTION 14  
 WELL 3: SE 1/4 NW 1/4, SECTION 13, T5N, R30E, W.M.; 2230 FEET SOUTH AND 2440 FEET EAST FROM NW CORNER, SECTION 13  
 NEW PROPOSED ADDITIONAL POD WELL 4: SW 1/4 NW 1/4, SECTION 7, T5N, R31E, W.M.; 2013 FEET SOUTH AND 1125 FEET EAST FROM NW CORNER, SECTION 7

*Dr. email dated 8-25-11*

Township 5North, Range 30 East,  
 W.M. Sections 11,12, 13,14,15

UMATILLA COUNTY

-  EXISTING PLACE OF USE (POU); PERMIT G-16671, DATE OF PRIORITY: JUNE 16, 2008
-  POINT OF DIVERSIONS (POD)
-  TAX LOT BOUNDARY
-  SECTION BOUNDARY
-  Q SECTION BOUNDARY
-  QQ SECTION BOUNDARY

**RUPP RANCHES**  
 WATER RIGHTS APPLICATION  
 ADDITIONAL POINT OF APPROPRIATION

**IRZ**  
 Consulting, LLC  
 500 N 1ST, HERMISTON, OREGON 97838  
 OFFICE (541) 567-0252 FAX (541) 567-4239

DESIGNED	PAUL WATTENBURGER
DRAWN	S. SHAKYA
SCALE	1 IN = 1320 FT
DATE	
DRAWING NO	536-13-026
SHEET	

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APR 25 2013

SALEM, OR

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OCT 11 2017  
 OWRD

1011586

# Oregon Water Resources Department

## Water Right Services Division

Water Right Application S-88299 in the )  
name of RUPP RANCHES ) PROPOSED FINAL ORDER  
)

**Summary:** The Department proposes to issue an order approving Application S-88299, as amended, and a permit consistent with the attached draft permit.

### ***Authority***

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and Umatilla Basin Program OAR 690-507. These statutes and rules can be viewed on the Oregon Water Resources website: <http://www.oregon.gov/owrd/pages/law/index.aspx>

The Department's main page is <http://www.oregon.gov/OWRD/pages/index.aspx>

The Department shall presume that a proposed use will not impair or be detrimental to the public interest if:

- a) 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);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission. ORS 537.153(2); OAR 690-310-0110(1)

All four criteria must be met for a proposed use to be presumed to not impair or be detrimental to the public interest. When the criteria are met and the presumption is established, or if the proposed use can be modified or conditioned to meet the presumption criteria, the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies and any other available information to determine whether the presumption is overcome. OAR 690-310-0120(3).

If the Department determines that the presumption is established and not overcome, the Department shall issue a proposed final order recommending issuance of the permit subject to any appropriate modifications or conditions.

### **FINDINGS OF FACT**

#### **Application History**

1. On October 12, 2016, Rupp Ranches filed a complete application for the following water use:  
Amount of Water: 31.4 cubic feet per second (CFS)  
Use of Water: IRRIGATION OF 5021.2 ACRES  
County: Umatilla County

Location: within Section 8, Township 5 North, Range 30 East, W.M  
Source of Water: Columbia River, tributary to Pacific Ocean

2. On June 30, 2017, the Department mailed the applicant notice of its Initial Review, determining that "... The diversion of 31.4 CFS of water from Columbia River, a tributary of Pacific Ocean, for irrigation of 5021.2 acres, may be allowable during the full period requested, October 1 through April 14 of each year..." The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On July 4, 2017, 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 obtaining future notices and a copy of the Proposed Final Order.
4. A written comment was received during the comment period. In summary, the commenter wished to be on list of interested parties.
5. On October 11, 2017, the applicant sent the justification for out of season irrigation along with a diminution to resolve the water right conflict.

**Presumption Criteria (a) Consistency with Basin Program**

6. The proposed use is allowed under the Umatilla Basin Program (OAR 690-507). ORS 537.153(2); OAR 690-310-0110(1)(a)

**Presumption Criteria (b) Water Availability**

7. An assessment of water availability at 80% exceedance for the proposed use was completed. A copy of this assessment is in the application file. For this application, and for most surface water applications, the Department uses an 80% exceedance for determining water availability to provide a consistent method of avoiding periods of the year when flows are low and seldom exceed the needs of water rights and when additional flows are needed to support public uses. This review is done consistent with OAR 690-410-0070(2)(c). The assessment established that surface water is available at an 80% exceedance year-round. ORS 537.153(3)(c); OAR 690-310-0150(2)(c)

**Presumption Criteria (c) Injury Determination**

8. The proposed use will not injure other water rights. ORS 537.153(2); OAR 690-310-0110(1)(c)

**Presumption Criteria (d) Whether the Use Complies with Rules of the Commission**

9. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright. ORS 537.621(3)(b); OAR 690-310-0150(2)(b) ORS 537.153(2)(b); OAR 690-310-0110(2)(d)
10. The proposed use is in an area of the state in which OAR 690-033-0115 thru -0140, and OAR 690-033-0310 thru -00340 applies. These rules establish definitions, additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species.

**OAR 690-033-0115 Upper Columbia Rules (Above Bonneville Dam)**

11. The proposed use is located in the Umatilla Basin, therefore the Upper Columbia Rules apply.
12. The proposed use is consistent with the Fish and Wildlife Program (Program).

13. The proposed use can be conditioned to be consistent with the Program.
14. The application is not presumed to impair or be detrimental to the public interest. OAR 690-003-0120(1)
15. The applicant has not provided information to show compliance with the following standards:  
OAR 690-033-0120(2)(a)
  - (a) The proposed use does not involve appropriation of direct streamflow during the time period of April 15 to September 30, except as provided in OAR 690-033-0140;
  - (b) The proposed use does not involve hydraulically connected groundwater with potential for substantial interference as listed in OAR 690-009 (division 9 of this Chapter) during the time period of April 15 to September 30, except that which is artificially recharged or as otherwise provided in OAR 690-033-0140;
  - (c) The proposed use complies with screen design, installation, operation specifications and passage requirements as listed in ORS 498.301 through 498.346 and 509.580 through 509.910;
  - (d) The proposed use complies with existing state and federal water quality standards; and
  - (e) The proposed use complies with water use measurement, recording and reporting required by the Director.

**OAR 690-033-0310 to -0340 Statewide Rules**

16. The proposed use occurs in an area that may affect the habitat of sensitive fish species, and or outside the Columbia Basin, where, threatened or endangered fish species are located. OAR 690-033-0310
17. The applicant has been notified that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied. OAR 690-033-0330(1)(a)
18. The interagency review team (Team) has been notified that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0330(1)(b)
19. The Team reviewed the application and did recommend conditions as necessary to achieve the standards listed in 690-033-0330(2)(a) and (b). The draft permit has been conditioned accordingly.
20. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

**Determination of Presumption that a Proposed Surface Water Use will not Impair or be Detrimental to the Public Interest**

21. Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.153(2); OAR 690-310-0110(1)(a)-(d)

**Further Evaluation of the Proposed Use**

22. A comment was received by the close of the comment period. OAR 690-310-0120(3).

23. Information available in department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the proposed use would not impair or be detrimental to the public interest under ORS 537.153. OAR 690-310-0120(3)

**Other Criteria and Requirements**

24. The proposed use is not located within or above a Scenic Waterway, as designated under ORS 390.826.

25. The applicant did not propose any measures to measure the amount of water diverted, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream and to prevent damage to public uses of any affected surface waters. Measures addressing these requirements will be conditions on water use in the permit. OAR 690-310-0120(3)(b)(A)

**CONCLUSION OF LAW**

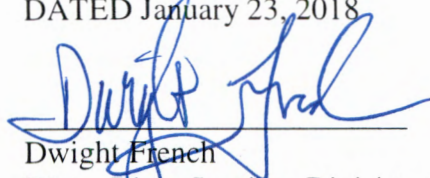
The proposed use would not impair or be detrimental to the public interest.

When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of water to be appropriated for the project. The attached draft permit is conditioned accordingly.

**PROPOSED ORDER**

The Department recommends approval of Application S-88299 and issuance of a permit consistent with the attached draft permit.

DATED January 23, 2018



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director

## **Protests**

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **March 9, 2018**. Protests 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 the 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;
- To affect the department's determination that the proposed use in this application will, or will not, impair or be detrimental to the public interest ORS 537.153(6) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.170(8) that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.170 (8) would be impaired or be adversely affected;
- If you are the applicant, the protest fee of \$410 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$810 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.

## **Requests for Standing**

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **March 9, 2018**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and

- A standing fee of \$230. If a hearing is scheduled, an additional fee of \$580 must be submitted along with a petition for party status.

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 either:

- 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.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a prima facie case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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- If you have any questions about statements contained in this document, please contact Scott Grew at 503-986-0899 or [Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov).
  - 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 Patricia McCarty 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 Right Services Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
Fax: 503-986-0901
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DRAFT This is not a permit. DRAFT

STATE OF OREGON

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND WA 99352

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

APPLICATION FILE NUMBER: S-88299

SOURCE OF WATER: COLUMBIA RIVER, TRIBUTARY TO PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 5021.2 ACRES

MAXIMUM RATE: 31.4 CUBIC FEET PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH APRIL 14

DATE OF PRIORITY: OCTOBER 12, 2016

POINT OF DIVERSION:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	5 N	30 E	WM	8	SW NW	2920 FEET NORTH AND 150 FEET EAST FROM SW CORNER, SECTION 8

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	1	NE NE	40.0
5 N	30 E	WM	1	NW NE	40.0
5 N	30 E	WM	1	SW NE	40.0
5 N	30 E	WM	1	SE NE	40.0
5 N	30 E	WM	1	NE NW	40.0
5 N	30 E	WM	1	NW NW	40.0
5 N	30 E	WM	1	SW NW	40.0
5 N	30 E	WM	1	SE NW	40.0
5 N	30 E	WM	1	NE SW	40.0
5 N	30 E	WM	1	NW SW	40.0
5 N	30 E	WM	1	SW SW	40.0
5 N	30 E	WM	1	SE SW	40.0
5 N	30 E	WM	1	NE SE	40.0

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	1	NW SE	40.0
5 N	30 E	WM	1	SW SE	40.0
5 N	30 E	WM	1	SE SE	40.0
5 N	30 E	WM	11	NE NE	40.0
5 N	30 E	WM	11	NW NE	40.0
5 N	30 E	WM	11	SW NE	40.0
5 N	30 E	WM	11	SE NE	40.0
5 N	30 E	WM	11	NW NW	40.0
5 N	30 E	WM	11	SW NW	40.0
5 N	30 E	WM	11	NW SW	40.0
5 N	30 E	WM	11	SW SW	40.0
5 N	30 E	WM	11	NE SE	40.0
5 N	30 E	WM	11	NW SE	40.0
5 N	30 E	WM	11	SW SE	40.0
5 N	30 E	WM	11	SE SE	40.0
5 N	30 E	WM	12	NE NE	40.0
5 N	30 E	WM	12	NW NE	40.0
5 N	30 E	WM	12	SW NE	40.0
5 N	30 E	WM	12	SE NE	40.0
5 N	30 E	WM	12	NE NW	40.0
5 N	30 E	WM	12	NW NW	40.0
5 N	30 E	WM	12	SW NW	40.0
5 N	30 E	WM	12	SE NW	40.0
5 N	30 E	WM	12	NE SW	40.0
5 N	30 E	WM	12	NW SW	40.0
5 N	30 E	WM	12	SW SW	40.0
5 N	30 E	WM	12	SE SW	40.0
5 N	30 E	WM	12	NE SE	40.0
5 N	30 E	WM	12	NW SE	40.0
5 N	30 E	WM	12	SW SE	40.0
5 N	30 E	WM	12	SE SE	40.0
5 N	30 E	WM	13	NE NE	40.0
5 N	30 E	WM	13	NW NE	40.0
5 N	30 E	WM	13	SW NE	40.0
5 N	30 E	WM	13	SE NE	40.0
5 N	30 E	WM	13	NE NW	40.0
5 N	30 E	WM	13	NW NW	40.0
5 N	30 E	WM	13	SW NW	40.0
5 N	30 E	WM	13	SE NW	40.0
5 N	30 E	WM	13	NE SW	40.0
5 N	30 E	WM	13	NW SW	40.0
5 N	30 E	WM	13	SW SW	40.0
5 N	30 E	WM	13	SE SW	40.0
5 N	30 E	WM	14	NE NE	40.0
5 N	30 E	WM	14	NW NE	40.0
5 N	30 E	WM	14	SW NE	40.0
5 N	30 E	WM	14	SE NE	40.0
5 N	30 E	WM	14	NE NW	40.0
5 N	30 E	WM	14	NW NW	40.0
5 N	30 E	WM	14	SW NW	40.0
5 N	30 E	WM	14	SE NW	40.0
5 N	30 E	WM	14	NE SW	40.0
5 N	30 E	WM	14	NW SW	40.0
5 N	30 E	WM	14	SW SW	40.0
5 N	30 E	WM	14	SE SW	40.0
5 N	30 E	WM	14	NE SE	40.0

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	14	NW SE	40.0
5 N	30 E	WM	14	SW SE	40.0
5 N	30 E	WM	14	SE SE	40.0
5 N	30 E	WM	15	NE NE	40.0
5 N	30 E	WM	15	NW NE	40.0
5 N	30 E	WM	15	SW NE	40.0
5 N	30 E	WM	15	SE NE	40.0
5 N	30 E	WM	15	NE NW	40.0
5 N	30 E	WM	15	NW NW	40.0
5 N	30 E	WM	15	SW NW	40.0
5 N	30 E	WM	15	SE NW	40.0
5 N	30 E	WM	15	NE SE	40.0
5 N	30 E	WM	15	NW SE	40.0
5 N	30 E	WM	15	SW SE	40.0
5 N	30 E	WM	15	SE SE	40.0
5 N	31 E	WM	5	SW NW	35.0
5 N	31 E	WM	5	SE NW	35.0
5 N	31 E	WM	5	NE SW	36.8
5 N	31 E	WM	5	NW SW	36.8
5 N	31 E	WM	5	SW SW	38.8
5 N	31 E	WM	5	SE SW	38.8
5 N	31 E	WM	7	NE NE	40.0
5 N	31 E	WM	7	SW NE	40.0
5 N	31 E	WM	7	SE NE	40.0
5 N	31 E	WM	7	NE NW	40.0
5 N	31 E	WM	7	SW NW	40.0
5 N	31 E	WM	7	SE NW	40.0
5 N	31 E	WM	7	NE SW	40.0
5 N	31 E	WM	7	NW SW	40.0
5 N	31 E	WM	7	SW SW	40.0
5 N	31 E	WM	7	SE SW	40.0
5 N	31 E	WM	7	NE SE	40.0
5 N	31 E	WM	7	NW SE	40.0
5 N	31 E	WM	7	SW SE	40.0
5 N	31 E	WM	7	SE SE	40.0
5 N	31 E	WM	8	NW NE	40.0
5 N	31 E	WM	8	SW NE	40.0
5 N	31 E	WM	8	NW NW	40.0
5 N	31 E	WM	8	SW NW	40.0
5 N	31 E	WM	8	SE NW	40.0
5 N	31 E	WM	8	NE SW	40.0
5 N	31 E	WM	8	NW SW	40.0
5 N	31 E	WM	8	SW SW	40.0
5 N	31 E	WM	8	SE SW	40.0
5 N	31 E	WM	8	NW SE	40.0
5 N	31 E	WM	17	NE NW	40.0
5 N	31 E	WM	17	NW NW	40.0
5 N	31 E	WM	17	SW NW	40.0
5 N	31 E	WM	17	SE NW	40.0
5 N	31 E	WM	18	NE NE	40.0
5 N	31 E	WM	18	NW NE	40.0
5 N	31 E	WM	18	SW NE	40.0
5 N	31 E	WM	18	SE NE	40.0
5 N	31 E	WM	18	NE NW	40.0
5 N	31 E	WM	18	NW NW	40.0
5 N	31 E	WM	18	SW NW	40.0

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	31 E	WM	18	SE NW	40.0

**Measurement Devices and Recording/Reporting of Annual Water Usage:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

A fishway to ensure adequate upstream and downstream passage for fish is required for any in-channel obstruction, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state’s criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

**STANDARD CONDITIONS**

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW’s Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

**DRAFT - THIS IS NOT A PERMIT**

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Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director

The place of use is located as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	11	SW SE	10.00
5 N	30 E	WM	11	SE SE	10.00
5 N	30 E	WM	12	SW SW	5.00
5 N	30 E	WM	13	NW NW	10.00
5 N	30 E	WM	13	SW NW	10.00
5 N	30 E	WM	13	NW SW	10.00
5 N	30 E	WM	13	SW SW	5.00
5 N	30 E	WM	14	NE NE	40.00
5 N	30 E	WM	14	NW NE	40.00
5 N	30 E	WM	14	SW NE	40.00
5 N	30 E	WM	14	SE NE	40.00
5 N	30 E	WM	14	NE NW	40.00
5 N	30 E	WM	14	NW NW	40.00
5 N	30 E	WM	14	SW NW	40.00
5 N	30 E	WM	14	SE NW	40.00
5 N	30 E	WM	14	NE SW	40.00
5 N	30 E	WM	14	NW SW	40.00
5 N	30 E	WM	14	SW SW	20.00
5 N	30 E	WM	14	SE SW	20.00
5 N	30 E	WM	14	NE SE	40.00
5 N	30 E	WM	14	NW SE	40.00
5 N	30 E	WM	14	SW SE	20.00
5 N	30 E	WM	14	SE SE	20.00
5 N	30 E	WM	15	NE NE	40.00
5 N	30 E	WM	15	NW NE	40.00
5 N	30 E	WM	15	SW NE	40.00
5 N	30 E	WM	15	SE NE	40.00
5 N	30 E	WM	15	NE NW	40.00
5 N	30 E	WM	15	NW NW	10.00
5 N	30 E	WM	15	SW NW	10.00
5 N	30 E	WM	15	SE NW	40.00
5 N	30 E	WM	15	NE SE	40.00
5 N	30 E	WM	15	NW SE	40.00
5 N	30 E	WM	15	SW SE	20.00
5 N	30 E	WM	15	SE SE	20.00
Total					1000.00

**Permit Amendment T-11586 Conditions:**

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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

**Measurement, recording and reporting conditions:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.

STATE OF OREGON  
COUNTY OF UMATILLA  
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND, WA 99352

**This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11586 and approved by Special Order Vol. 95, Page 93-94, entered February 18, 2015. This permit supersedes Permit G-16671.**

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

APPLICATION FILE NUMBER: G-17068

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, AND WELL 4 IN COLUMBIA RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 1,000 ACRES

MAXIMUM RATE: 12.5 CUBIC FEET PER SECOND, FURTHER LIMITED TO 2,000 ACRE FEET PER YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 16, 2008

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
5 N	30 E	WM	15	SW NE	WELL 1: 2455 FEET SOUTH AND 2660 FEET EAST FROM THE NW CORNER OF SECTION 15
5 N	30 E	WM	14	SW NE	WELL 2: 2455 FEET SOUTH AND 2645 FEET EAST FROM THE NW CORNER OF SECTION 14
5 N	30 E	WM	13	SE NW	WELL 3: 2230 FEET SOUTH AND 2440 FEET EAST FROM THE NW CORNER OF SECTION 13
5 N	31 E	WM	7	SW NW	WELL 4: 2013 FEET SOUTH AND 1125 FEET EAST FROM THE NW CORNER OF SECTION 7

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

**3) Well Testing**

At least one long-term aquifer test shall be conducted to determine continuity between production wells. The test shall be conducted at a constant rate for a minimum of 72 hours, and water levels shall be monitored at the pumped well and at least one other production well or test hole. Production wells drilled subsequently to the aquifer test will require additional aquifer testing. The data collection plan for each aquifer test shall identify offsite wells, including wells in State Gulch Critical Groundwater Area that have a reasonable potential for hydraulic continuity. This shall be based upon stratigraphic correlation, geologic structure, water-level and water well report data.

**4) Groundwater Resource Characterization Report**

The permittee shall submit a report that characterizes the groundwater resource contained within the Columbia River Basalt Group developed under this permit. The report at a minimum shall address: 1) basalt stratigraphy and structure, including cross sections; 2) constant rate well testing and aquifer testing results and analyses; 3) groundwater chemistry and groundwater dating results; 4) mechanism and potential for natural recharge and discharge; 5) potential for sustainability of the groundwater resource; 6) water-level comparisons and analysis of potential for interference with senior wells and wells in Stage Gulch Critical Groundwater Area; and 7) potential for additional sustainable groundwater development in the area. Additional reports may be submitted if data are collected after submittal of the characterization report. This body of work shall serve as the technical foundation for review of subsequent applications for local groundwater development.

All hydrologic and geologic data collected shall be provided to OWRD in report and in electronic format specified by the Department.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of February. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial February static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and



- B. The permittee 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.
- C. The permittee shall allow Department staff access to the meter(s) and the wells; provided however, where any meter or well is located within a private structure, staff shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The wells shall be regulated if any interference is observed or demonstrated with wells in the Stage Gulch Critical Ground Water Area.

This water right is not eligible for the allocation of conserved water authorized under ORS 537.455 – 537.500.

Groundwater production in each well shall be limited to a single aquifer in the Columbia River Basalt Group. Each well shall be continuously cased and continuously sealed to within 100 feet of the bottom of the open borehole. A larger open interval may be approved by the Department if the permittee can demonstrate to the Department's satisfaction, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent or that the open interval is part of a continuous zone of interconnected porous materials.

Each well with a pump shall be equipped with a dedicated 3/4-inch diameter (minimum) water-level measurement tube, separate from other methods of measuring the water level such as airlines or transducers. The annual water-level measurement required in the permit shall be measured through the measuring tube.

#### **Data Collection Plan**

For each of the following numbered conditions, data collection shall be supervised by an Oregon registered geologist. Prior to data collection, the geologist shall submit a data collection and analysis plan (or plans) for Department approval for each numbered item below.

##### **1) Drill Cuttings**

Drill cuttings shall be collected at the permitted wells and any test holes. Samples shall be collected at ten-foot intervals and at changes in lithology. A reference set of clean cuttings, in plastic sample trays, shall be submitted to the Department for each well. Select drill cuttings shall be analyzed for a comprehensive suite of major, minor, and trace elements that are appropriate for characterizing Columbia River Basalt Group stratigraphy. The data shall be compiled and the basalt stratigraphy at each well location shall be interpreted by an Oregon registered geologist.

##### **2) Water Chemistry**

Groundwater samples shall be collected from water-bearing zones developed from each well. Samples shall be analyzed by a state certified laboratory for general chemistry (common ions, including fluoride), standard water-quality parameters (pH, dissolved solids, specific conductance) and for dating of groundwater (radiocarbon, stable isotopes, tritium and CFCs).

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

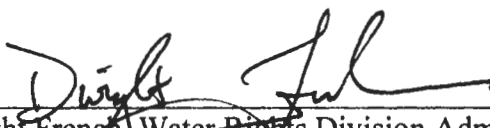
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Completion of construction and application of the water shall be made by April 13, 2015. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued February 12, 2015

  
\_\_\_\_\_  
Dwight French, Water Rights Division Administrator for  
Thomas M. Byler, Director  
Oregon Water Resources Department

- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee'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 causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

#### STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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 airline and pressure gauge adequate to determine water level elevation in the well at all times.



Exhibit "B" (continued)

16. Deed of Deed, including the terms and provisions thereof, given to secure performance of each agreement of grantor herein contained, and payment of the sum of all amounts loaned or advanced, with interest in accordance with the terms of a Loan Agreement and Promissory Note dated June 8, 2007
- Grantor : NWA Development I, Inc., a Washington corporation  
Trustee : Hansen Neiffer P.S.  
Beneficiary : Randy F. Rupp  
Dated : June 8, 2007  
Recorded : June 15, 2007 in Instrument No. 2007-5210114, Office of Umatilla County Records.

The above listed Mortgage has been subordinated to the Lien of the Trust Deed shown at Exc No. 14 hereinabove, by Subordination Agreement  
Recorded : August 8, 2007 in Instrument No. 2007-5230752, Office of Umatilla County Records.



Exhibit "B" (continued)

- 10. Easement for Access Road, including the terms and provisions thereof  
Grantee : United States of America, Bureau of Land Management  
Recorded : April 26, 1991 in Microfilm R-205, Page 177, Office of Umatilla County Records.
- 11. Easement Appurtenant and Road Agreement, including the terms and provisions thereof, between  
Servient Estate Owners : Robert T. Mautz, etal  
Dominant Estate Owners : Glenn Thorne, etal  
Recorded : February 18, 1999 in Instrument No. 1999-3450709, Office of Umatilla County Records.
- 12. Lack of Access: We are unable to ascertain from the records if the premises herein described has a physical means of ingress and egress to and from a legally dedicated road or highway, and for this reason such rights cannot be insured.  
  
Affects SW-1/4 of SW-1/4 of Sec. 35 in 6N-30 and W-1/2 of W-1/2 of Sec. 11 in 5N-30.
- 13. The insured property described herein consists of multiple tracts that are contiguous. Access to such tracts are through one or more adjoining tracts included within the insured property. No representation is made that each tract and/or the individual parts thereof have direct access to a public road or right-of-way.
- 14. Trust Deed, Security Agreement, Assignment of Rents and Fixture Filing, including the terms and provisions thereof, given to secure a note for \$990,000.00, with interest thereon,  
Grantor : NWA Development I, Inc., a Washington corporation  
Trustee : Pioneer Title Company  
Beneficiary : Hartford Accident and Indemnity Company, a Connecticut corp  
Dated : August 3, 2007  
Recorded : August 8, 2007 in Instrument No. 2007-5230750, Office of Umatilla County Records.
- 15. Mortgage, including the terms and provisions thereof, given to secure a note for \$1,200,000.00, with interest thereon  
Mortgagor : NWA DEVELOPMENT I, INC., a Washington corporation  
Mortgagee : BANK REALE  
Dated : June 7, 2007  
Recorded : June 15, 2007 in Instrument No. 2007-5210105, Office of Umatilla County Records.

Assignment of Rents  
Assignee : BANK REALE  
Recorded : June 15, 2007 in Instrument No. 2007-5210106, Office of Umatilla County Records.

The above listed Mortgage has been subordinated to the Lien of the Trust Deed shown at Exc. No. 14 hereinabove, by Subordination Agreement  
Recorded : August 8, 2007 in Instrument No. 2007-5230751, Office of Umatilla County Records.

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OCT 12 2016  
SALEM, OR

S-88299

**Exhibit "B"**Permitted Exceptions

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
2. Rights of the public in and to any portion of the described lands lying within the boundaries of roads and highways.
3. Reservations for coal and iron rights, including the terms and provisions thereof, contained in deed from  
Grantor : Northern Pacific Railway Company  
Recorded : August 22, 1941 in Book 161, Page 461, Deed Records  
  
Conveyance of Grantors Interest  
Grantee : Meridian Minerals Company  
Recorded : September 6, 1988 in Microfilm R-170, Page 695, Office of Umatilla County Records.
4. Easement, including the terms and provisions thereof  
Grantee : Pacific Telephone & Telegraph Company  
Recorded : February 10, 1932 in Book 141, Page 585, Deed Records.
5. Easement, including the terms and provisions thereof  
Grantee : Pacific Telephone & Telegraph Company  
Recorded : March 27, 1950 in Book 192, Page 104, Deed Records.
6. Easement, including the terms and provisions thereof  
Grantee : Pacific Gas Transmission Company  
Recorded : January 6, 1960 in Book 257, Page 67, Deed Records.  
Amended : February 11, 1961 in Book 262, Page 188, Deed Records.  
Amended : November 28, 1961 in Book 265, Page 583, Deed Records.  
Amended : January 15, 1979 in Microfilm R-44, Page 1313, Office of Umatilla County Records.
7. Easement, including the terms and provisions thereof  
Grantee : United States of America, BPA  
Recorded : September 9, 1966 in Book 286, Page 111, Deed Records.
8. Easement, including the terms and provisions thereof  
Grantee : Pacific Power & Light Company  
Recorded : February 3, 1969 in Book 298, Page 282, Deed Records.
9. Terms and provisions contained under Easement for farm type access road, granted by  
Grantor : United States of America, Dept. of the Army  
Recorded : August 23, 1982 in Microfilm R-94, Page 956, Office of Umatilla County Records.



Exhibit "A" (continued)

Tract I (continued)

Township 5 North, Range 31, E.W.M.

- Section 5: Lots 3 and 4.  
South Half of the Northwest Quarter.  
Southwest Quarter.
- Section 6: Lots 3, 4 and 5.  
1 Southeast Quarter of the Northwest Quarter.
- Section 7: Northeast Quarter of the Northeast Quarter.  
South Half of the Northeast Quarter.  
East Half of the Northwest Quarter.  
Lots 2, 3 and 4.  
East Half of the Southwest Quarter.  
Southeast Quarter.
- Section 8: West Half of the Northwest Quarter.  
Southeast Quarter of the Northwest Quarter.  
Southwest Quarter.
- Section 17: Northwest Quarter.
- Section 18: Northeast Quarter.  
East Half of the Northwest Quarter.  
Lots 1 and 2.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract II

An Easement for ingress and egress, together with the terms and provisions thereof, established by Easement Appurtenant and Road Agreement, between Robert T. Mautz, etal, Servient Estate Owners and Glenn Thorne, etal, Dominant Estate Owners, recorded February 18, 1999 in Instrument No. 1999-3450709, Office of Umatilla County Records.

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S-88299



**Exhibit "A"**

Descriptions

Tract I

Township 5 North, Range 30, E.W.M.

- Section 1: ALL.
- Section 11: West Half of the West Half.  
East Half.
- Section 12: ALL.
- Section 13: North Half.  
Southwest Quarter.
- Section 14: Northeast Quarter.  
East Half of the Northwest Quarter.  
South Half.
- Section 15: North Half.  
Southeast Quarter.

Township 6 North, Range 30, E.W.M.

- Section 25: Lots 5 and 8.  
Southwest Quarter of the Southeast Quarter.
- Section 25: All that portion of Lots 1 and 4, lying Southeasterly of the  
Southeasterly right-of-way line of U.S. Highway No. 730.
- Section 34: All that portion of Lot 1 lying Southeasterly of the Southeasterly  
right-of-way line of U.S. Highway No. 730.  
  
Excepting therefrom the Easterly 660 feet.
- Section 35: All that portion of Lot 1 and that portion of the Northeast  
Quarter of the Northeast Quarter and of the Southeast Quarter of  
the Northwest Quarter lying Southeasterly of the Southeasterly  
right-of-way line of U.S. Highway No. 730.
- Section 35: Southwest Quarter of the Southwest Quarter.
- Section 36: All that portion of the Northwest Quarter of the Northwest Quarter  
lying Southeasterly of the Southeasterly right-of-way line of U.S.  
Highway No. 730.
- Section 36: North Half of the Northeast Quarter.  
Northeast Quarter of the Northwest Quarter.  
South Half of the North Half.  
South Half.



51  
6

2007 5290604



2007-5290604 1 of 6

After recording return to grantee herein.  
Until a change is requested send all tax  
statements to grantee herein.

RECEIVED

GRANTEE'S NAME AND ADDRESS:

RANDY F. RUPP  
176 KRANICHWOOD STREET  
RICHLAND, WA 99352

DEC. 12 2007

UMATILLA COUNTY  
RECORDS

WARRANTY DEED -- STATUTORY FORM

(INDIVIDUAL or CORPORATION)

NWA DEVELOPMENT I, INC Grantor,

conveys and warrants to:

RANDY F. RUPP, Grantee,

the following described real property free of encumbrances except as  
specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Encumbrances: see attached Exhibit 'B' for permitted exceptions

The true consideration for this conveyance is \$2,187,700.00 \*\*\* However, if the  
actual consideration consists of or includes other property or other value  
given or promised, such other property or value is the whole/parce of the  
consideration. \*\*\*this transfer is for and in consideration of an IRC 1031  
Exchange on behalf of the Grantee

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE  
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO  
22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)). THIS INSTRUMENT DOES  
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 THAT THE UNIT OF  
LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN  
ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO  
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED  
IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS,  
IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007  
(MEASURE 49 (2007)).

If grantor is a corporation, this has been signed by authority of the Board of  
Directors.

Dated this 11<sup>th</sup> day of December, 2007.

GRANTOR(S):

*Scot T. Hansen*  
NWA DEVELOPMENT I, INC  
BY SCOT T. HANSEN, PRESIDENT

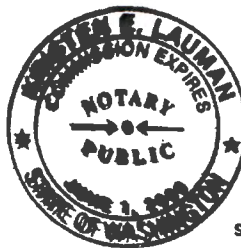
WASHINGTON  
STATE OF ~~OREGON~~ County of Benton ss.

This instrument was acknowledged before me on DECEMBER 11<sup>th</sup>, 2007,  
by NWA DEVELOPMENT I, INC BY SCOT T. HANSEN, PRESIDENT

*Kristen E. Lauman*  
Notary Public for Oregon  
Washington

My commission expires: 6-1-2009

GRANTOR'S NAME AND ADDRESS:  
NWA DEVELOPMENT I, INC  
1020 N CENTER PARKWAY, SUITE A  
KENNEWICK, WA 99336



RECEIVED BY OWRD

OCT 12 2016

State of Oregon )  
County of Umatilla SALEM, OR

This instrument was received  
and recorded on

12-12-07 at 3:00

In the record of instrument  
code type DE-UD

Instrument Number 2007-5290604  
Fee 51.00

Office of County Records

*Deann Thompson*  
Records Officer

PIONEER TITLE CO. 82514-2  
126 SE Court, Pend. OR, 97801

S-88279

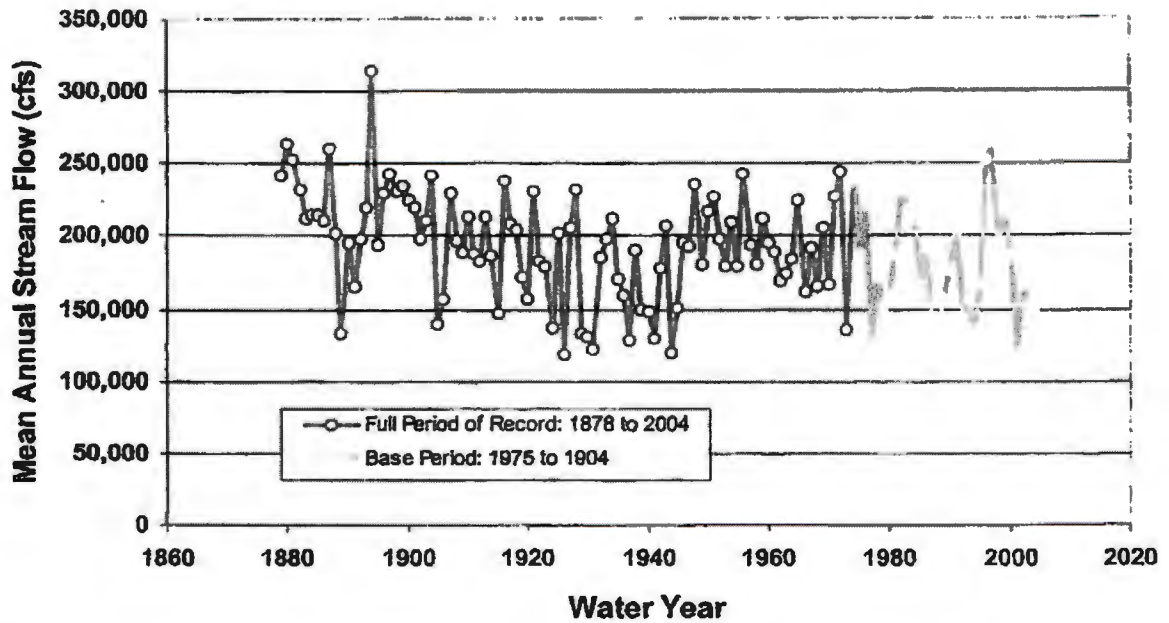


Figure 3. Observed mean annual stream flows for the Columbia River at The Dalles, OR (145105700) comparing the base period 1975 to 2004 to the entire period of record.

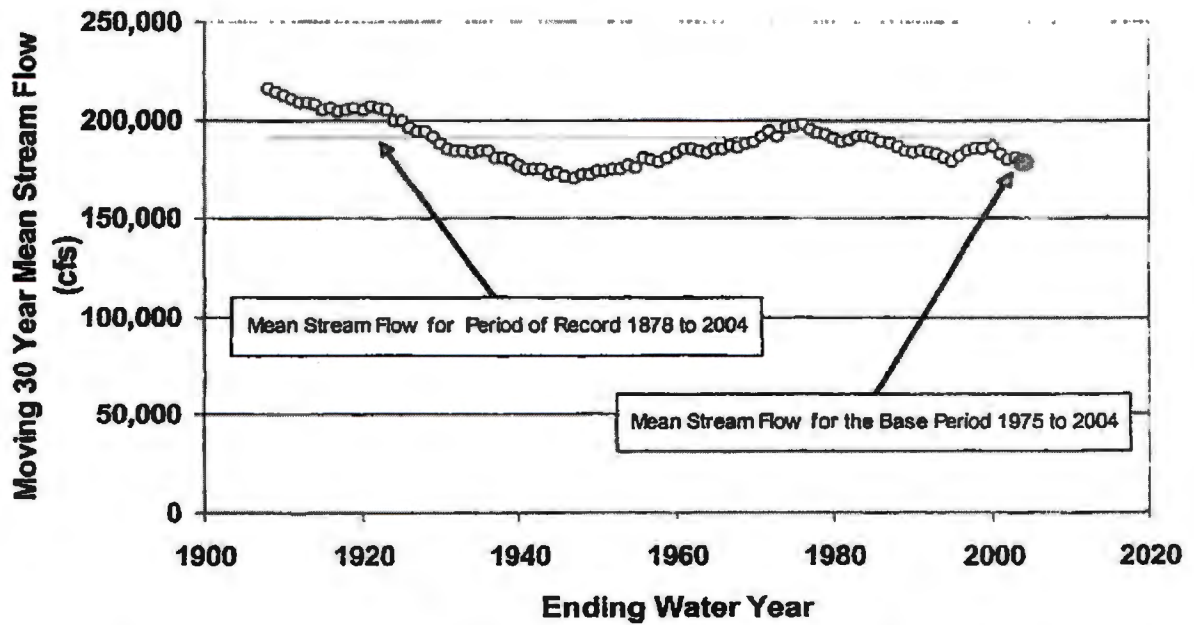


Figure 4. The 30 year moving average of the mean annual stream flow for the Columbia River at the Dalles, OR (14105700). Highlighted is the 30 year average for the base period ending in 2004. Also shown is the mean flow for the entire period of record.

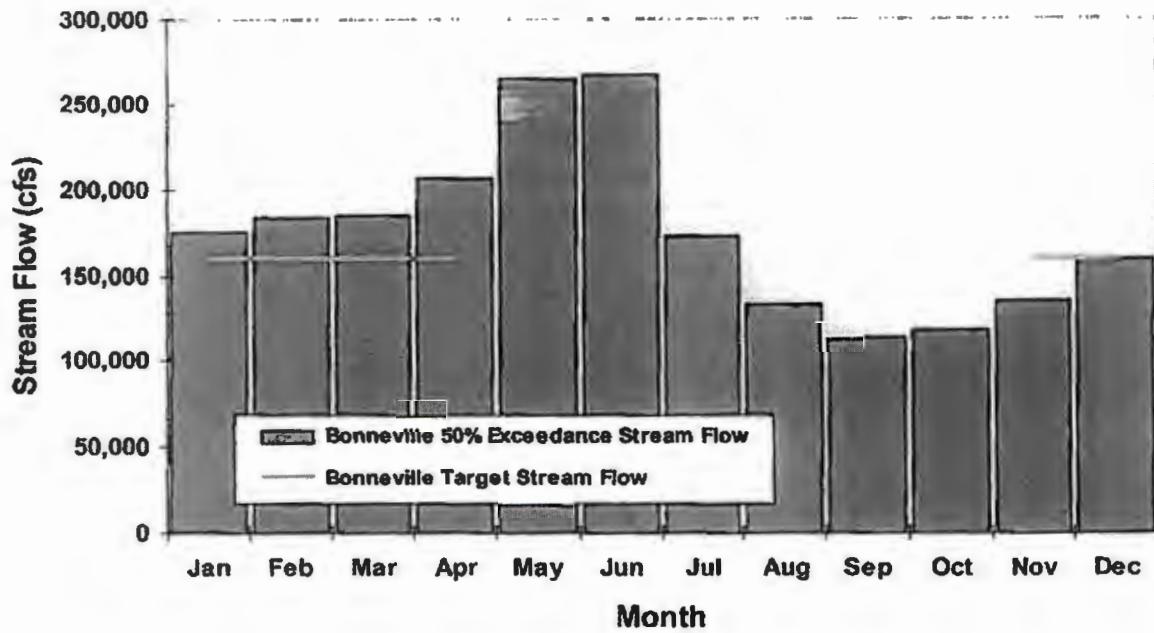


Figure 1. Observed 50% exceedance and target stream flows at Bonneville dam.

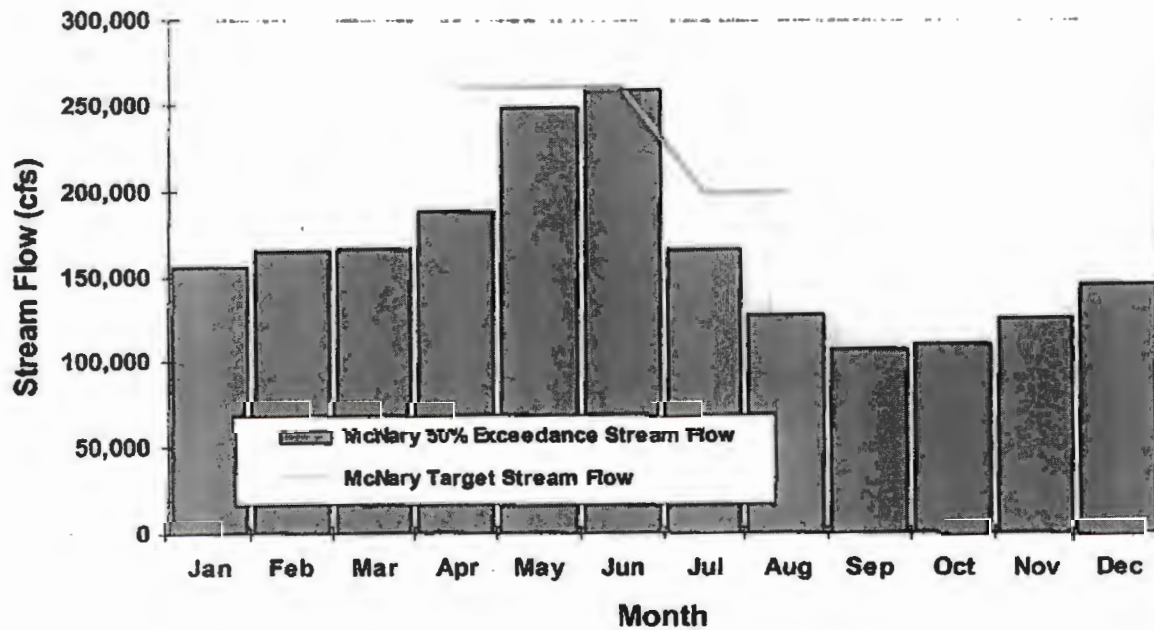


Figure 2. Observed 50% exceedance and target stream flows at McNary dam.

**Table 3.** Columbia River 50% exceedance stream flows at Bonneville and McNary dams. Based on the period 1975 to 2004, these values represent stream flows affected by regulation from numerous dams upstream and numerous depletions due to diversion.

	Jan	Feb	Mar	Apr	May	Jun	Jui	Aug	Sep	Oct	Nov	Dec
	----- cfs -----											
<b>Bonneville</b>	175,015	184,030	184,744	206,681	264,345	286,440	172,464	133,581	114,365	118,532	135,269	160,090
<b>McNary</b>	156,000	165,000	167,000	189,000	249,000	259,000	167,000	128,000	108,000	111,000	126,000	146,000

**Table 4.** Columbia River target stream flows at Bonneville and McNary dams. These values were taken from the National Oceanic and Atmospheric Administration, National Marine Fisheries FCRPS Biological Opinion of December 2000.

	Jan	Feb	Mar	Apr	May	Jun	Jui	Aug	Sep	Oct	Nov	Dec
	----- cfs -----											
<b>Bonneville</b>	160,000	160,000	160,000	160,000							160,000	160,000
<b>McNary</b>				260,000	260,000	260,000	200,000	200,000				

# Columbia River Water Availability

**Table 1.** Columbia River 'water available' at Bonneville and McNary dams

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	----- cfs -----											
<b>Bonneville</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
<b>McNary</b>	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	No	Yes

**Table 2.** Columbia River 'water available' at Bonneville and McNary dams. These values are the result of subtracting the target stream flows (Table 4) from the 50% exceedance stream flow (Table 3). Nesting of watersheds is considered. The smallest downstream value is carried upstream.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	----- cfs -----											
<b>Bonneville</b>	15,015	24,030	24,744	46,681	264,345	266,440	172,464	133,581	114,365	118,532	-24,731	90
<b>McNary</b>	15,015	24,030	24,744	-71,000	-11,000	-1,000	-33,000	-72,000	108,000	111,000	-24,731	90

## **Memorandum**

---

**To:** Barry Norris, Administrator, Technical Services  
**From:** Rick Cooper, Hydrologist, Technical Services  
**Date:** September 30, 2005  
**Subject:** Columbia River water availability

I have completed an analysis of the water available on the Columbia River at Bonneville and McNary dams. The months 'on' and 'off' are shown in Table 1. The results of the water availability calculation showing the monthly stream flow available for appropriation in cubic feet per second are shown in Table 2. The observed stream flows at Bonneville and McNary dams are shown in Table 3. Based on the period 1975 to 2004, these values represent stream flows affected by regulation from numerous dams upstream and numerous depletions due to diversion. Finally, the target flows at the two sites are shown in Table 4. These values were taken from the National Oceanic and Atmospheric Administration, National Marine Fisheries FCRPS Biological Opinion of December 2000. They are used in the analysis as stream flow required to be left in-stream.

In this analysis, water available is simply the 50% exceedance stream flow less the target flow for each month. Nesting of watersheds is considered. The smallest downstream value is carried upstream. Comparisons of the 50% exceedance stream flows and the target flows at Bonneville and McNary dams are shown in Figures 1 and 2, respectively,

This analysis departs from the usual water availability analysis in that the natural stream flows for the two watersheds are not determined and subtractions for expected consumptive demands are not made. Nor is a correction made for the effects of stream flow regulation by the numerous dams upstream. Natural stream flows for these watersheds cannot be determined because realistic estimates of the depletions made by diversions upstream cannot be made.

It is assumed that the expected consumptive demands are included in the observed stream flows. For that reason, the most recent 30 year period (1975 to 2004) is used as a base period since it best represents the current consumptive uses made of the Columbia River. However, if use has increased significantly during the period, the exceedance statistics based on the observed stream flows are overestimated.

Another concern is whether stream flow during the base period fairly represents stream flow for the longer term. Figures 3 and 4 compare mean annual stream flows during the period 1975 to 2004 to the period of observed stream flows 1878 to 2004 for the Columbia River at The Dalles (14105700). On average, stream flow during the base period was less than for the longer period. It is unknown whether this reduction in stream flow is due to normal climate cycles or to increasing consumptive uses or some combination of the two.

Finally, this analysis represents a static picture of water availability on the Columbia River. While we could debit the amount of water available for uses allocated in Oregon, allocations in other states and in Canada can not easily be accounted for. Stream flow estimates based on the last 30 years of record do not adequately account for new allocations.

## GREW Scott A \* WRD

---

**From:** Kimberley Priestley <kjp@waterwatch.org>  
**Sent:** Monday, August 07, 2017 1:47 PM  
**To:** GREW Scott A \* WRD; WALLIN Timothy \* WRD  
**Subject:** S-88299 Columbia River  
**Attachments:** columbia water availability.pdf

Hi Scott and Tim,

Just fyi, when you factor in the federal Target Flows set for listed fish in the Columbia River, there is in fact not water available in all months outside of the Div. 33 restrictions (i.e. November). See attached. Also, in numerous discussion WW has been involved in over the past few years with the Gov's office/ODFW/WRD, regarding new Columbia River water rights the state has also repeatedly noted concerns with stage height in March.

I did not see either of these points noted in the IR. Hopefully they will be addressed via Div. 33 review, but just thought I would note in advance of PFO issuance.

Thanks, Kimberley

Kimberley Priestley, Senior Policy Analyst  
WaterWatch of Oregon  
213 SW Ash, Suite 208  
Portland, OR 97204  
503-295-4039, x 3  
[www.waterwatch.org](http://www.waterwatch.org)

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Div. 33 - Mar on WW



## Application: S 88299

**Name First, Mi, Last** James Palmer **Received Date** 7/27/2017 **Time** 3:56 PM  
**Company** Pacific Power  
**Name Other**  
**Street** 825 NE Multnomah St  
Ste 1700  
**City** Portland **State** Oregon **Zip** 97232  
**Home Phone** **Cell Phone**  
**Company Phone** 5038135238 **Fax Phone**  
**Email Address** James.Palmer@pacificorp.com

**Comments**

This comment is in response to App # S-88299, an application by Rupp Ranches for winter water rights to divert from the Columbia River for the purposes of irrigation. Pacific Power requests to be added to any public notification list for this approval process as the utility owns and operates a transmission line in the vicinity of the Place of Use. Thank you for including Pacific Power on future communications regarding the status of these water rights.





**Oregon Water Resources Department  
Water Rights Platcard Report**

- [Main](#)   [Help](#)
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**Search Criteria**

Meridian: Willamette   Township: 5   North   Range: 31   East   Section: 18   Records per Page: 8   Search   [Platcards Maps!](#)  
[Learn about](#)   [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	ac(40): a(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select <b>App: S 88150 DN</b> Additional Info: RANDY RUPP App: S88150		11/17/2015	IRRIGATION	DN				-40	-40	-40	-40	-40	-40	-40	-40									
Select <b>App: S 88286 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88286		9/12/2016	IRRIGATION					39.68	39.52	39.79	39.74	39.36	39.1	40.1	39.87	39.96	40.39	40.65	39.95	39.94	39.93	39.9	39.91	
Select <b>App: S 88287 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88287		9/12/2016	IRRIGATION					39.68	39.52	39.79	39.74	39.36	39.1	40.1	39.87	39.96	40.39	40.65	39.95	39.94	39.93	39.9	39.91	
Select <b>App: S 88290 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88290		9/12/2016	IRRIGATION					39.68	39.52	39.79	39.74	39.36	39.1	40.1	39.87	39.96	40.39	40.65	39.95	39.94	39.93	39.9	39.91	
Select <b>App: S 88299 *</b> Additional Info: RUPP RANCHES App: S88299		10/12/2016	IRRIGATION					40	40	40	40	40	40	40	40									
Select <b>Permit: S 55114 *</b> Additional Info: NORTHEAST OREGON WATER ASSOCIATION App: S88206 Permit: S55114		4/8/2016	IRRIGATION					39.68	39.52	39.79	39.74	39.36	39.1	40.1	39.87	39.96	40.39	40.65	39.95	39.94	39.93	39.9	39.91	

*1R 10/1-4/14*  
*1R 3/1-10/31*

Acreage Legend: 12.25 Regular acreage   -12.25- Acreage is on a canceled right   (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)   [12.25] Acreage has been suspended   \* Acreage is not specified



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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	ac(40): q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ		
Select Permit: S 54926 *	T12206, T12207	4/4/2013	IRRIGATION					40			40												40		40	
Additional Info: RANDY RUPP App: S87886 Permit: S54926																										
Select App: S 88150 DN		11/17/2015	IRRIGATION DN											-40	-40	-40	-40	-40	-40							
Additional Info: RANDY RUPP App: S88150																										
Select App: S 88299 *		10/12/2016	IRRIGATION						40	40			40	40	40	40	40	40	40	40			40			
Additional Info: RUPP RANCHES App: S88299																										

Acreage Legend:   12.25 Regular acreage   -12-25- Acreage is on a canceled right   (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)   [12.25] Acreage has been suspended   \* Acreage is not specified

*No CONFLICT*



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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	aa(40): q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ	
Select App: <b>S 88150 DN</b> Additional Info: RANDY RUPP App: S88150		11/17/2015	IRRIGATION	DN										-40	-40	-40	-40								
Select App: <b>S 88286 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88286		9/12/2016	IRRIGATION											0.13			0.21	0.29							
Select App: <b>S 88287 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88287		9/12/2016	IRRIGATION											0.13			0.21	0.29							
Select App: <b>S 88290 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88290		9/12/2016	IRRIGATION											0.13			0.21	0.29							
Select App: <b>S 88299 *</b> Additional Info: RUPP RANCHES App: S88299		10/12/2016	IRRIGATION											40	40	40	40								
Select Permit: <b>S 55114 *</b> Additional Info: NORTHEAST OREGON WATER ASSOCIATION App: S88206 Permit: S55114		4/8/2016	IRRIGATION											0.13	1		0.21	0.29							

Acreage Legend: 12.25 Regular acreage   ~~12.25~~ Acreage is on a canceled right   (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)   [12.25] Acreage has been suspended   \* Acreage is not specified

*NO CONFLICT?*



**Oregon Water Resources Department  
Water Rights Information Query**

App: S 88299 \*

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**Contact Information**      (Click to Collapse...)

▼ **Current contact information**

APPLICANT:  
 ▷ RUPP RANCHES  
 176 KRANICHWOOD ST  
 RICHLAND, WA 99352

▼ **Prior contact information**

AGENT:  
 AKANA  
 ▷ SAID AMALI  
 6400 SE LAKE RD SUITE 270  
 PORTLAND, OR 97222

AGENT:  
 AKANA  
 ▷ 6400 SE LAKE RD SUITE 270  
 PORTLAND, OR 97222

**Processing History**      (Click to Collapse...)

▼ **Application: S 88299**

- ▷ Staff Person Responsible: [KIM FRENCH](#)
- ▷ Received: 10/12/2016

Process Step	Date Completed
Application Filed	10/12/2016
Initial Review	6/30/2017
IR Comment Period	8/3/2017
▷ ODFW Review	9/20/2017
Watermaster Review	9/25/2017
Data Technician Review-PFO	1/17/2018
Proposed Final Order	1/23/2018
PFO Protest Period	3/9/2018

▶ **Related Documents**

- ▶ Unable to view right in new web mapping I
- ▶ [View Places of Use from Water Rights](#)

**Water Right Information**      (Click to Collapse...)

**Status:** Non-Cancelled  
**County:** Umatilla  
**File Folder Location:** Salem  
Watermaster District: 5

**Scanned Documents**      (Click to Expand...)

**Point(s) of Diversion**      (Click to Collapse...)

▶ **POD 1 - COLUMBIA RIVER > PACIFIC OCEAN**

**Place(s) of Use**      (Click to Collapse...)

*10/1-4/14*  
*3/1-4/14*

▼ **Use - IRRIGATION**

(Primary) - 5021.2 acres; Priority Date: 10/12/2016

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks
5.00N-30.00E-1	NE NE				40.0	NC	OK		
▷ 5.00N-30.00E-1	NW NE				40.0	NC	OK		
5.00N-30.00E-1	SW NE				40.0	NC	OK		

D = WILL BE DIMINISHED

5.00N-30.00E-1	SE NE			40.0	NC	OK		
5.00N-30.00E-1	NE NW			40.0	NC			
5.00N-30.00E-1	NW NW			40.0	NC			
5.00N-30.00E-1	SW NW			40.0	NC			
5.00N-30.00E-1	SE NW			40.0	NC			
5.00N-30.00E-1	NE SW			40.0	NC			
5.00N-30.00E-1	NW SW			40.0	NC			
5.00N-30.00E-1	SW SW			40.0	NC			
5.00N-30.00E-1	SE SW			40.0	NC			
5.00N-30.00E-1	NE SE			40.0	NC			
5.00N-30.00E-1	NW SE			40.0	NC			
5.00N-30.00E-1	SW SE			40.0	NC			
5.00N-30.00E-1	SE SE			40.0	NC	OK		
5.00N-30.00E-11	NE NE			40.0	NC	OK		
5.00N-30.00E-11	NW NE			40.0	NC			
5.00N-30.00E-11	SW NE			40.0	NC			
5.00N-30.00E-11	SE NE			40.0	NC			
5.00N-30.00E-11	NW NW			40.0	NC			
5.00N-30.00E-11	SW NW			40.0	NC			
5.00N-30.00E-11	NW SW			40.0	NC			
5.00N-30.00E-11	SW SW			40.0	NC			
5.00N-30.00E-11	NE SE			40.0	NC			
5.00N-30.00E-11	NW SE			40.0	NC			
5.00N-30.00E-11	SW SE			40.0	NC			
5.00N-30.00E-11	SE SE			40.0	NC			
5.00N-30.00E-11	SW SE			40.0	NC			
5.00N-30.00E-11	SE SE			40.0	NC			
5.00N-30.00E-12	NE NE			40.0	NC	OK		
5.00N-30.00E-12	NW NE			40.0	NC			
5.00N-30.00E-12	SW NE			40.0	NC			
5.00N-30.00E-12	SE NE			40.0	NC			
5.00N-30.00E-12	NE NW			40.0	NC			
5.00N-30.00E-12	NW NW			40.0	NC			
5.00N-30.00E-12	SW NW			40.0	NC			
5.00N-30.00E-12	SE NW			40.0	NC			
5.00N-30.00E-12	NE SW			40.0	NC			
5.00N-30.00E-12	NW SW			40.0	NC			
5.00N-30.00E-12	SW SW			40.0	NC			
5.00N-30.00E-12	SE SW			40.0	NC			
5.00N-30.00E-12	NE SE			40.0	NC			
5.00N-30.00E-12	NW SE			40.0	NC			
5.00N-30.00E-12	SW SE			40.0	NC			
5.00N-30.00E-12	SE SE			40.0	NC			
5.00N-30.00E-13	NE NE			40.0	NC			
5.00N-30.00E-13	NW NE			40.0	NC			
5.00N-30.00E-13	SW NE			40.0	NC			
5.00N-30.00E-13	SE NE			40.0	NC			
5.00N-30.00E-13	NE NW			40.0	NC			

IOAC 3/1-10/31 G-1706B-D  
 IOAC 3/1-10/31 G-1706B-D

5AC 3/1-10/31 G-17066

S-88206 38.58  
 S-88286 38.37  
 S-88287 39.48  
 S-88290 39.52  
 38.76

5.00N-30.00E-13	NW NW			40.0	NC	10AC 3/1-10/31 G-17068 <sup>D</sup> 4588206	37.94
5.00N-30.00E-13	SW NW			40.0	NC	10AC 3/1-10/31 G-17068 <sup>D</sup>	39.41
5.00N-30.00E-13	SE NW			40.0	NC	DK	39.45
5.00N-30.00E-13	NE SW			40.0	NC	DK	39.44
5.00N-30.00E-13	NW SW			40.0	NC	10AC 3/1-10/31 G-17068 <sup>D</sup> + 588206	39.45
5.00N-30.00E-13	SW SW			40.0	NC	5AC 3/1-10/31 G-17068 <sup>D</sup>	39.41
5.00N-30.00E-13	SE SW			40.0	NC	DK	39.41
5.00N-30.00E-14	NE NE			40.0	NC	40AC 3/1-10/31 G-17068 -D	38.90
5.00N-30.00E-14	NW NE			40.0	NC		37.16
5.00N-30.00E-14	SW NE			40.0	NC		40.36
5.00N-30.00E-14	SE NE			40.0	NC		40.34
5.00N-30.00E-14	NE NW			40.0	NC		39.43
5.00N-30.00E-14	NW NW			40.0	NC		39.61
5.00N-30.00E-14	SW NW			40.0	NC		40.39
5.00N-30.00E-14	SE NW			40.0	NC		40.31
5.00N-30.00E-14	NE SW			40.0	NC		40.35
5.00N-30.00E-14	NW SW			40.0	NC		40.36
5.00N-30.00E-14	SW SW			40.0	NC	20AC 3/1-10/31 G-17068 -D	40.34
5.00N-30.00E-14	SE SW			40.0	NC	20AC 3/1-10/31 G-17068 -D	40.32
5.00N-30.00E-14	NE SE			40.0	NC	40AC 3/1-10/31 G-17068 -D	40.32
5.00N-30.00E-14	NW SE			40.0	NC	40AC 3/1-10/31 G-17068 -D	40.33
5.00N-30.00E-14	SW SE			40.0	NC	20AC 3/1-10/31 G-17068 -D	46.81
5.00N-30.00E-14	SE SE			40.0	NC	20AC 3/1-10/31 G-17068 -D	40.28
5.00N-30.00E-15	NE NE			40.0	NC	40AC	39.94
5.00N-30.00E-15	NW NE			40.0	NC		40.12
5.00N-30.00E-15	SW NE			40.0	NC		40.37
5.00N-30.00E-15	SE NE			40.0	NC		40.37
5.00N-30.00E-15	NE NW			40.0	NC		40.3
5.00N-30.00E-15	NW NW			40.0	NC	10AC	46.42
5.00N-30.00E-15	SW NW			40.0	NC	10AC	40.35
5.00N-30.00E-15	SE NW			40.0	NC	40AC	40.36
5.00N-30.00E-15	NE SE			40.0	NC		40.31
5.00N-30.00E-15	NW SE			40.0	NC		40.3
5.00N-30.00E-15	SW SE			40.0	NC	20AC	40.22
5.00N-30.00E-15	SE SE			40.0	NC	20AC	40.23
5.00N-31.00E-5	SW NW			35.0	NC	DK	
5.00N-31.00E-5	SE NW			35.0	NC		
5.00N-31.00E-5	NE SW			36.8	NC		
5.00N-31.00E-5	NW SW			36.8	NC		
5.00N-31.00E-5	SW SW			38.8	NC		
5.00N-31.00E-5	SE SW			38.8	NC		
5.00N-31.00E-7	NE NE			40.0	NC	DK	
5.00N-31.00E-7	SW NE			40.0	NC		
5.00N-31.00E-7	SE NE			40.0	NC		
5.00N-31.00E-7	NE NW			40.0	NC		
5.00N-31.00E-7	SW NW			40.0	NC		

5.00N-31.00E-7	SE NW			40.0	NC	OK		
5.00N-31.00E-7	NE SW			40.0	NC			
5.00N-31.00E-7	NW SW			40.0	NC			
5.00N-31.00E-7	SW SW			40.0	NC			
5.00N-31.00E-7	SE SW			40.0	NC			
5.00N-31.00E-7	NE SE			40.0	NC			
5.00N-31.00E-7	NW SE			40.0	NC			
5.00N-31.00E-7	SW SE			40.0	NC			
5.00N-31.00E-7	SE SE			40.0	NC			
5.00N-31.00E-8	NW NE			40.0	NC	OK		
5.00N-31.00E-8	SW NE			40.0	NC			
5.00N-31.00E-8	NW NW			40.0	NC			
5.00N-31.00E-8	SW NW			40.0	NC			
5.00N-31.00E-8	SE NW			40.0	NC			
5.00N-31.00E-8	NE SW			40.0	NC			
5.00N-31.00E-8	NW SW			40.0	NC			
5.00N-31.00E-8	SW SW			40.0	NC			
5.00N-31.00E-8	SE SW			40.0	NC			
5.00N-31.00E-8	NW SE			40.0	NC			
5.00N-31.00E-17	NE NW			40.0	NC	OK		
5.00N-31.00E-17	NW NW			40.0	NC			
5.00N-31.00E-17	SW NW			40.0	NC		S-88206	D.13
5.00N-31.00E-17	SE NW			40.0	NC			
5.00N-31.00E-18	NE NE			40.0	NC		S-88206	39.68
5.00N-31.00E-18	NW NE			40.0	NC			39.52
5.00N-31.00E-18	SW NE			40.0	NC			39.79
5.00N-31.00E-18	SE NE			40.0	NC			39.74
5.00N-31.00E-18	NE NW			40.0	NC			39.36
5.00N-31.00E-18	NW NW			40.0	NC			39.1
5.00N-31.00E-18	SW NW			40.0	NC			40.1
5.00N-31.00E-18	SE NW			40.0	NC			39.87

Sum of Acres: 5021.2

**Water Right Genealogy** (Click to Collapse...)

No genealogy records available for this water right, try the family link below instead.

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40)	Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
									NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ				
<b>Select</b> App: S 88299 *		10/12/2016	IRRIGATION						40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
Additional Info: RUPP RANCHES App: S88299																									
<b>Select</b> App: LL 1763 EX			OTHER	EX																					*
Additional Info: STURGEON ELECTRIC COMPANY INC App: LL1763																									

Acreage Legend:    12.25 Regular acreage    -12.25- Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified

*NO CONFLICT*





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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Permit: G 16671 CN  Additional Info: RUPP RANCHES App: G17068 Permit: G16671	T11586	6/16/2008	IRRIGATION	CN																			-40 -40
<a href="#">Select</a> Permit: G 17272 *  Additional Info: RUPP RANCHES App: G17068 Permit: G17272		6/16/2008	IRRIGATION																				10 10
<a href="#">Select</a> App: S 88150 DN  Additional Info: RANDY RUPP App: S88150		11/17/2015	IRRIGATION	DN					-40 -40									-40 -40	-40 -40				
<a href="#">Select</a> App: S 88299 *  Additional Info: RUPP RANCHES App: S88299		10/12/2016	IRRIGATION				40 40	40 40			40 40				40 40			40 40	40 40	40 40			
<a href="#">Select</a> App: LL 1763 EX  Additional Info: STURGEON ELECTRIC COMPANY INC App: LL1763				OTHER	EX																		*

*12 3/1-10/31  
-1/80*

*12 10/1-4/14*

*CONFLICT*

Acreage Legend: 12.25 Regular acreage    -12.25 Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
								NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	SE
<a href="#">Select</a> Permit: G 16671 CN	T11586	6/16/2008	IRRIGATION	CN																				-5
Additional Info: RUPP RANCHES App: G17068 Permit: G16671																								
<a href="#">Select</a> Permit: G 17272 *		6/16/2008	IRRIGATION																					5
Additional Info: RUPP RANCHES App: G17068 Permit: G17272																								
<a href="#">Select</a> App: S 88150 DN		11/17/2015	IRRIGATION	DN						-40	-40	-40	-40			-40	-40	-40	-40	-40	-40	-40	-40	
Additional Info: RANDY RUPP App: S88150																								
<a href="#">Select</a> App: S 88299 *		10/12/2016	IRRIGATION					40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
Additional Info: RUPP RANCHES App: S88299																								

CONFLICT

Acreage Legend: 12.25 Regular acreage    -12.25 Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



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Meridian: Willamette      Township: 5      North      Range: 30      East      Section: 13      Records per Page: 8      Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	
Select App: S 81070 *		4/12/1996	FISH CULTURE																	
Additional Info: HERMISTON DEVELOPMENT CORP.;IRZ CONSULTING C/O App: S81070																				
Select App: LL 1631 EX		2/26/2016	GROUNDWATER EX AQUIFER STORAGE & RECOVERY												*					
Additional Info: RUPP RANCHES App: LL1631																				
Select Permit: G 16671 CN	T11586	6/16/2008	IRRIGATION	CN								-10	-10				-10	-5		
Additional Info: RUPP RANCHES App: G17068 Permit: G16671																				
Select Permit: G 17272 *		6/16/2008	IRRIGATION									10	10				10	5		
Additional Info: RUPP RANCHES App: G17068 Permit: G17272																				
Select App: S 88150 DN		11/17/2015	IRRIGATION	DN				-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40
Additional Info: RANDY RUPP App: S88150																				
Select App: S 88286		9/12/2016	IRRIGATION					38.58	38.37	39.48	39.52	38.16	37.94	39.42	39.45	39.46	39.43	39.44	39.47	3'
Additional Info: EAST IMPROVEMENT DISTRICT App: S88286																				
Select App: S 88287 *		9/12/2016	IRRIGATION					38.58	38.37	39.48	39.52	38.16	37.94	39.42	39.45	39.46	39.43	39.44	39.47	3'
Additional Info: EAST IMPROVEMENT DISTRICT App: S88287																				
Select App: S 88290 *		9/12/2016	IRRIGATION					38.58	38.37	39.48	39.52	38.16	37.94	39.42	39.45	39.46	39.43	39.44	39.47	3'
Additional Info: EAST IMPROVEMENT DISTRICT App: S88290																				

CONFLICT

IR 3/1-10/31

IR 3/1-10/31

IR 3/1-10/31



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**Search Criteria**

Meridian: Willamette      Township: 5      North      Range: 30      East      Section: 13      Records per Page: 8      Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	
<b>Select App: S 88299 *</b>  Additional Info: RUPP RANCHES App: S88299		10/12/2016	IRRIGATION					40	40	40	40	40	40	40	40	40	40	40	40	40
<b>Select Permit: S 55114 *</b>  Additional Info: NORTHEAST OREGON WATER ASSOCIATION App: S88206 Permit: S55114		4/8/2016	IRRIGATION					38.58	38.37	39.48	39.52	38.16	37.94	39.42	39.45	39.46	39.43	39.44	39.47	3
<b>Select App: S 81070 *</b>  Additional Info: HERMISTON DEVELOPMENT CORP.; IRZ CONSULTING C/O App: S81070		4/12/1996	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									31.3	31.3	31.2	31.2	31.3	31.3	31.2	31.2	

*IR  
3/1-10/31*

1 2

Acreage Legend:    12.25 Regular acreage    ~~12.25~~ Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended



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**Search Criteria**

Meridian: Willamette   Township: 5   North   Range: 30   East   Section: 14   Records per Page: 8   Search   Platcards Maps! [Learn about](#) \* [View Map](#)

Water Right	*Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	00(40): 0(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select <b>App: S 81070 *</b> Additional Info: HERMISTON DEVELOPMENT CORP.; IRZ CONSULTING C/O App: S81070		4/12/1996	FISH CULTURE																					
Select <b>App: LL 1631 EX</b> Additional Info: RUPP RANCHES App: LL1631		2/26/2016	GROUNDWATER EX AQUIFER STORAGE & RECOVERY																					
Select <b>Permit: G 16671 CN</b> Additional Info: RUPP RANCHES App: G17068 Permit: G16671	T11586	6/16/2008	IRRIGATION	CN				-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-20	-20	-40	-40	-20	-20
Select <b>Permit: G 17272 *</b> Additional Info: RUPP RANCHES App: G17068 Permit: G17272		6/16/2008	IRRIGATION					40	40	40	40	40	40	40	40	40	40	40	20	20	40	40	20	20
Select <b>App: S 88150 DN</b> Additional Info: RANDY RUPP App: S88150		11/17/2015	IRRIGATION	DN				-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	-40
Select <b>App: S 88286 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88286		9/12/2016	IRRIGATION					38.9	39.16	40.36	40.34	39.43	39.69	40.39	40.37	40.35	40.36	40.34	40.32	40.32	40.33	40.31	40.29	
Select <b>App: S 88287 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88287		9/12/2016	IRRIGATION					38.9	39.16	40.36	40.34	39.43	39.69	40.39	40.37	40.35	40.36	40.34	40.32	40.32	40.33	40.31	40.29	
Select <b>App: S 88290 *</b> Additional Info: EAST IMPROVEMENT DISTRICT App: S88290		9/12/2016	IRRIGATION					38.9	39.16	40.36	40.34	39.43	39.69	40.39	40.37	40.35	40.36	40.34	40.32	40.32	40.33	40.31	40.29	

Acreage Legend: 12.25 Regular acreage   -12.25 Acreage is on a canceled right   (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)   [12.25] Acreage has been suspended   \* Acreage is not specified

*CONFLICT*



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**Search Criteria**

Meridian: Willamette   Township: 5 North   Range: 30 East   Section: 14   Records per Page: 8   Search   [Platcards Maps!](#) [Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	ac(40): q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> <b>App: S 88299 *</b> <small>Additional Info: RUPP RANCHES App: S88299</small>		10/12/2016	IRRIGATION					40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
<a href="#">Select</a> <b>Permit: S 55114 *</b> <small>Additional Info: NORTHEAST OREGON WATER ASSOCIATION App: S88206 Permit: S55114</small>		4/8/2016	IRRIGATION					38.9	39.16	40.36	40.34	39.43	39.69	40.39	40.37	40.35	40.36	40.34	40.32	40.32	40.33	40.31	40.29	
<a href="#">Select</a> <b>App: S 81070 *</b> <small>Additional Info: HERMISTON DEVELOPMENT CORP.; IRZ CONSULTING C/O App: S81070</small>		4/12/1996	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					31.3	31.3	31.2	31.2	32.3			32.2	31.3	31.3	31.2	31.2	31.3	31.3	31.2	31.2	

Acreage Legend:   12.25 Regular acreage   ~~42.25~~ Acreage is on a canceled right   (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)   [12.25] Acreage has been suspended   \* Acreage is not specified



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**Search Criteria**

Meridian: Willamette Township: 5 North Range: 30 East Section: 15 Records per Page: 8 Search Platcards Maps! Learn about \* View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	ac(40): q(180):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select App: S 81070 * <i>Additional Info:</i> HERMISTON DEVELOPMENT CORP.;IRZ CONSULTING C/O App: S81070		4/12/1996	FISH CULTURE																					*
Select App: LL 1631 EX <i>Additional Info:</i> RUPP RANCHES App: LL1631		2/26/2016	GROUNDWATER EX AQUIFER STORAGE & RECOVERY																					
Select Cert:53118 OR CN <i>Additional Info:</i> MUTUAL LIFE INSURANCE COMPANY App: S49593 Permit: S36418 Cert: 53118	CW62	8/17/1972	IRRIGATION	CN												-33.7	-34.6	-34.5	-32.4					
Select Permit: G 16671 CN <i>Additional Info:</i> RUPP RANCHES App: G17068 Permit: G16671	T11586	6/16/2008	IRRIGATION	CN				-40	-40	-40	-40	-40	-10	-10	-40						-40	-40	-20	-20
Select Cert:88069 ( RR) * <i>Additional Info:</i> ST HILAIRE BROTHERS HERMISTON FARM LLC App: S49593 Permit: S36418 Cert: 88069	T12657	8/17/1972	IRRIGATION													33.7	31.6	34.5	32.4					
Select Permit: G 17272 * <i>Additional Info:</i> RUPP RANCHES App: G17068 Permit: G17272		6/16/2008	IRRIGATION					40	40	40	40	40	10	10	40						40	40	20	20
Select App: S 88150 DN <i>Additional Info:</i> RANDY RUPP App: S88150		11/17/2015	IRRIGATION	DN				-40	-40	-40	-40	-40	-40	-40	-40						-40	-40	-40	-40
Select App: S 88286 * <i>Additional Info:</i> EAST IMPROVEMENT DISTRICT App: S88286		9/12/2016	IRRIGATION					39.94	40.12	40.37	40.37	40.3	40.42	40.35	40.36	40.29	40.28	40.21	40.21		40.3	40.3	40.22	40.23

Acreage Legend: 12.25 Regular acreage -42.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended \* Acreage is not specified



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**Search Criteria**

Meridian: Willamette Township: 5 North Range: 30 East Section: 15 Records per Page: 8 Search Platcards Maps!  
[Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): qq(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select <b>App: S 88287 *</b> <small>Additional Info: EAST IMPROVEMENT DISTRICT App: S88287</small>		9/12/2016	IRRIGATION					39.94	40.12	40.37	40.37	40.3	40.42	40.35	40.36	40.29	40.28	40.21	40.21	40.3	40.3	40.22	40.23	
Select <b>App: S 88290 *</b> <small>Additional Info: EAST IMPROVEMENT DISTRICT App: S88290</small>		9/12/2016	IRRIGATION					39.94	40.12	40.37	40.37	40.3	40.42	40.35	40.36	40.29	40.28	40.21	40.21	40.3	40.3	40.22	40.23	
Select <b>App: S 88299 *</b> <small>Additional Info: RUPP RANCHES App: S88299</small>		10/12/2016	IRRIGATION					40	40	40	40	40	40	40	40					40	40	40	40	
Select <b>Inchoate: CW 63 CF (ACW) *</b> <small>Additional Info: MIKE HAWMAN App: S40223 Permit: S30000</small>		8/28/1964	IRRIGATION									8.7	25.8				1.8							
Select <b>Permit: S 55114 *</b> <small>Additional Info: NORTHEAST OREGON WATER ASSOCIATION App: S88206 Permit: S55114</small>		4/8/2016	IRRIGATION					39.94	40.12	40.37	40.37	40.3	40.42	40.35	40.36	40.29	40.28	40.21	40.21	40.3	40.3	40.22	40.23	
Select <b>App: S 81070 *</b> <small>Additional Info: HERMISTON DEVELOPMENT CORP.; IRZ CONSULTING C/O App: S81070</small>		4/12/1996	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					<del>31.3</del>	<del>31.3</del>	<del>31.2</del>	<del>31.2</del>	<del>40</del>	<del>40</del>	<del>40</del>	<del>40</del>	<del>6.3</del>	<del>8.4</del>	<del>5.5</del>	<del>7.6</del>	<del>31.3</del>	<del>31.3</del>	<del>31.2</del>	<del>31.2</del>	
Select <b>App: S 88458 *</b> <small>Additional Info: CARL ST HILAIRE App: S88458</small>		9/8/2017	SUPPLEMENTAL IRRIGATION (Suppl'mtl)													<del>33.7</del>	<del>31.6</del>	<del>34.5</del>	<del>32.4</del>					

Acreage Legend: 12.25 Regular acreage -42-25- Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended \* Acreage is not specified





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Meridian: Willamette Township: 5 North Range: 31 East Section: 5 Records per Page: 8 Search Platcards Maps!  
[Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	00(40): 01(100):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ	
Select App: S 88299 *		10/12/2016	IRRIGATION											35	35	36.8	36.8	38.8	38.8						
Additional Info: RUPP RANCHES App: S88299																									

Acreage Legend: 12.25 Regular acreage    ~~12.25~~ Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified

*NO CONFLICT*



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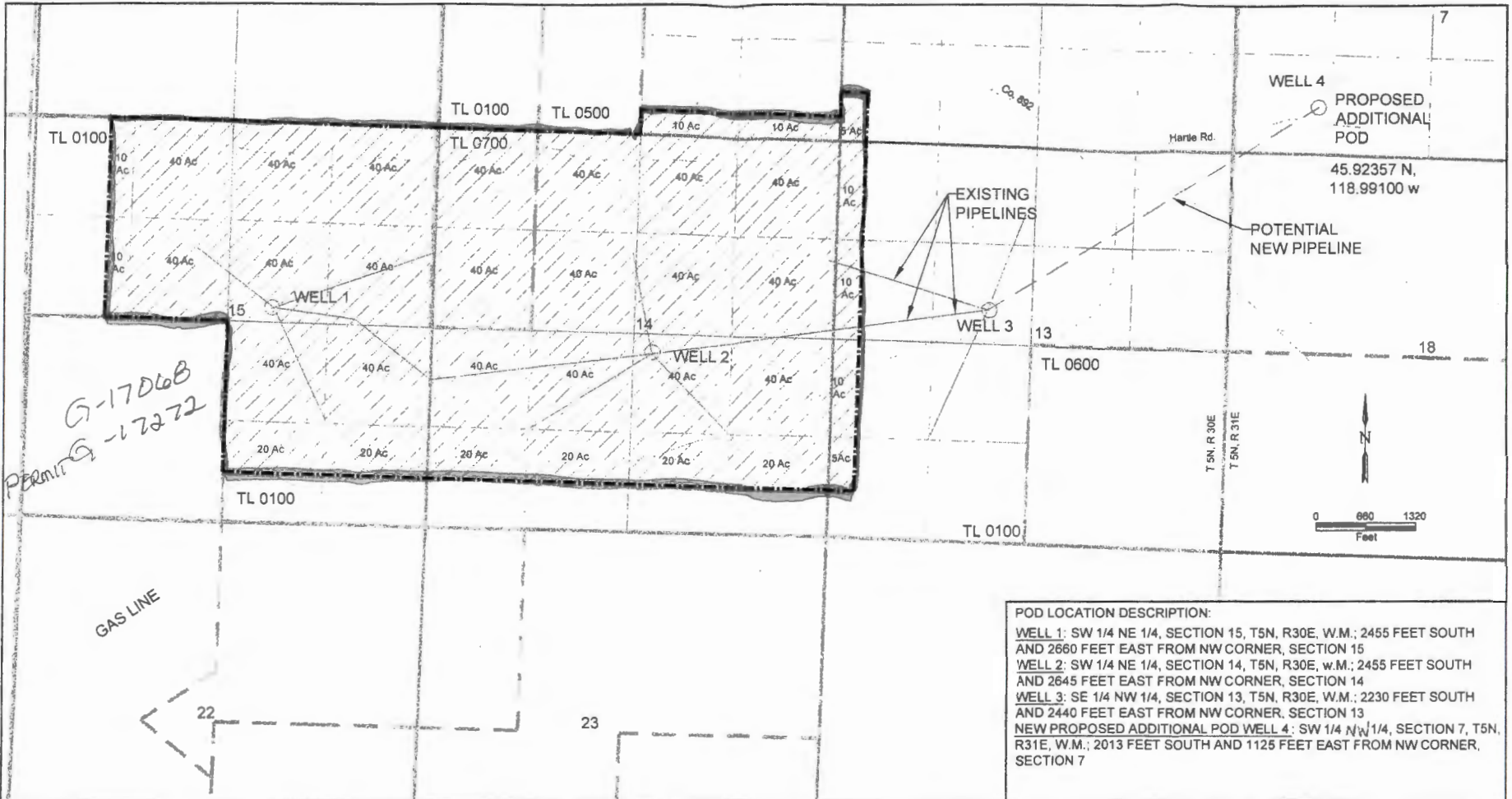
**Search Criteria**

Meridian: Willamette   Township: 5   North   Range: 31   East   Section: 7   Records per Page: 8   Search   [Platcards Maps!](#)  
[Learn about](#)   \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	ac(40): a(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select App: <b>LL 1631 EX</b>		2/26/2016	GROUNDWATER EX AQUIFER STORAGE & RECOVERY	EX										*										
Additional Info: RUPP RANCHES App: LL1631																								
Select App: <b>S 88150 DN</b>		11/17/2015	IRRIGATION	DN					-40	-40				-40	-40	-40	-40	-40	-40	-40	-40	-40	-40	
Additional Info: RANDY RUPP App: S88150																								
Select App: <b>S 88299 *</b>		10/12/2016	IRRIGATION					40	40	40	40			40	40	40	40	40	40	40	40	40	40	
Additional Info: RUPP RANCHES App: S88299																								

Acreage Legend:   12.25 Regular acreage   ~~12.25~~ Acreage is on a canceled right   (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)   [12.25] Acreage has been suspended   \* Acreage is not specified

*NO CONFLICT*









*G-17068  
Permitting -17272*

**POD LOCATION DESCRIPTION:**  
**WELL 1:** SW 1/4 NE 1/4, SECTION 15, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2660 FEET EAST FROM NW CORNER, SECTION 15  
**WELL 2:** SW 1/4 NE 1/4, SECTION 14, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2645 FEET EAST FROM NW CORNER, SECTION 14  
**WELL 3:** SE 1/4 NW 1/4, SECTION 13, T5N, R30E, W.M.; 2230 FEET SOUTH AND 2440 FEET EAST FROM NW CORNER, SECTION 13  
**NEW PROPOSED ADDITIONAL POD WELL 4:** SW 1/4 NW 1/4, SECTION 7, T5N, R31E, W.M.; 2013 FEET SOUTH AND 1125 FEET EAST FROM NW CORNER, SECTION 7

*J. Small dated 8-20-11*

Township 5North, Range 30 East,  
W.M. Sections 11,12,13,14,15

UMATILLA COUNTY

-  EXISTING PLACE OF USE (POU); PERMIT G-16671, DATE OF PRIORITY: JUNE 16, 2008
-  POINT OF DIVERSIONS (POD)
-  TAX LOT BOUNDARY
-  SECTION BOUNDARY
-  Q SECTION BOUNDARY
-  QQ SECTION BOUNDARY

**RUPP RANCHES**  
WATER RIGHTS APPLICATION  
ADDITIONAL POINT OF APPROPRIATION

 <b>IRZ</b> Consulting, LLC 500 N 1ST, HERMISTON, OREGON 97838 OFFICE (541) 567-0252 FAX (541) 567-4239	DESIGNED	PAUL WATTENBURGER
	DRAWN	S SHAKYA
SCALE	1 IN = 1320 FT	SHEET
DATE		
DRAWING NO	536-13-026	

RECEIVED BY OWRD  
APR 2 2011  
SALE

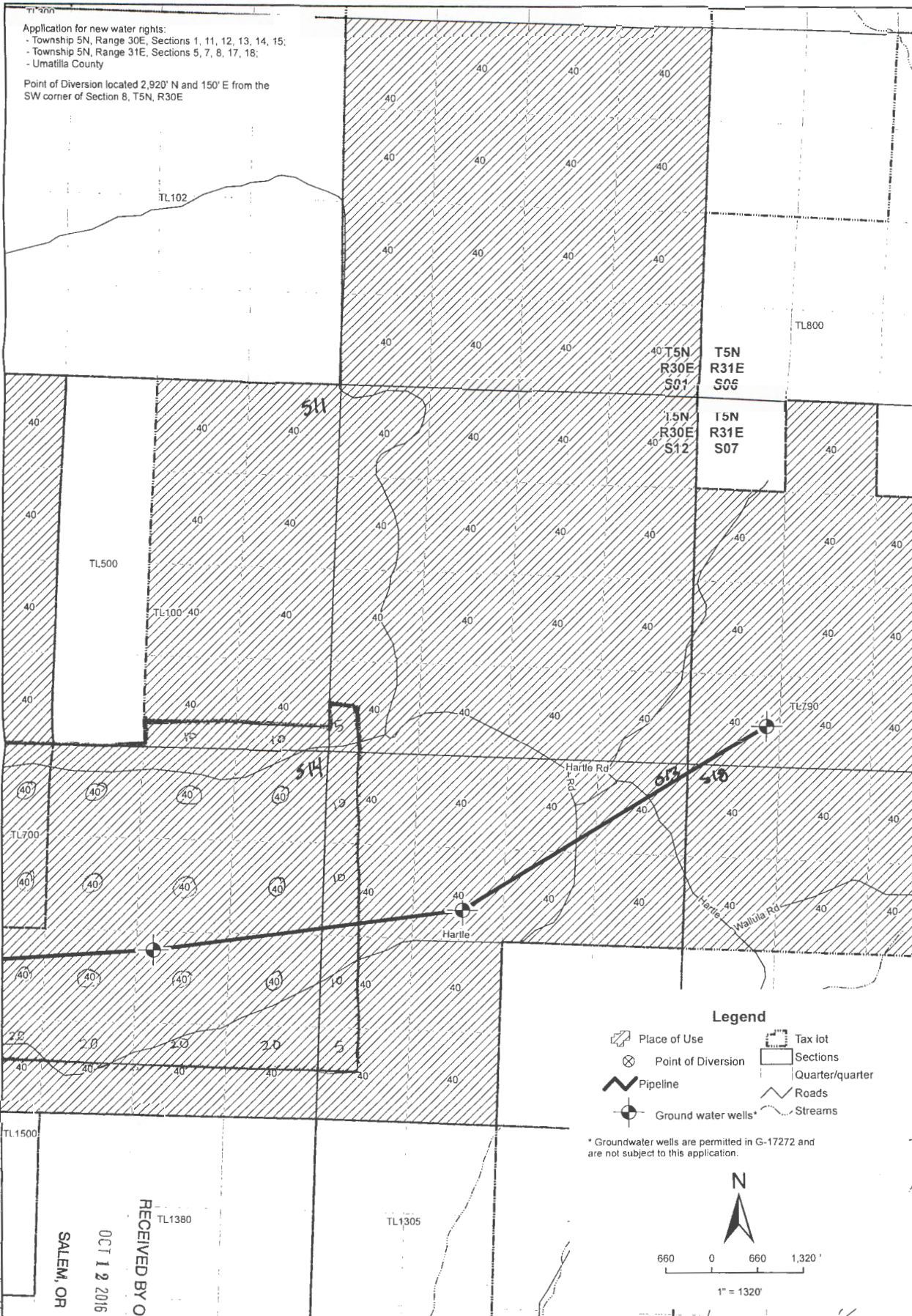
1011586

5.00N-30.00E-11	SW SE	10	
5.00N-30.00E-11	SE SE	10	
5.00N-30.00E-12	SW SW	5	
5.00N-30.00E-13	NW NW	10	
5.00N-30.00E-13	SW NW	10	
5.00N-30.00E-13	NW SW	10	
5.00N-30.00E-13	SW SW	5	
5.00N-30.00E-14	NE NE	40	
5.00N-30.00E-14	NW NE	40	
5.00N-30.00E-14	SW NE	40	
5.00N-30.00E-14	SE NE	40	
5.00N-30.00E-14	NE NW	40	
5.00N-30.00E-14	NW NW	40	
5.00N-30.00E-14	SW NW	40	
5.00N-30.00E-14	SE NW	40	
5.00N-30.00E-14	NE SW	40	
5.00N-30.00E-14	NW SW	40	
5.00N-30.00E-14	SW SW	20	
5.00N-30.00E-14	SE SW	20	
5.00N-30.00E-14	NE SE	40	
5.00N-30.00E-14	NW SE	40	
5.00N-30.00E-14	SW SE	20	
5.00N-30.00E-14	SE SE	20	
5.00N-30.00E-15	NE NE	40	
5.00N-30.00E-15	NW NE	40	
5.00N-30.00E-15	SW NE	40	
5.00N-30.00E-15	SE NE	40	
5.00N-30.00E-15	NE NW	40	
5.00N-30.00E-15	NW NW	10	
5.00N-30.00E-15	SW NW	10	
5.00N-30.00E-15	SE NW	40	
5.00N-30.00E-15	NE SE	40	
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5.00N-30.00E-15	SE SE	20	

1000

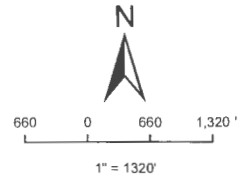
Application for new water rights:  
 - Township 5N, Range 30E, Sections 1, 11, 12, 13, 14, 15;  
 - Township 5N, Range 31E, Sections 5, 7, 8, 17, 18;  
 - Umatilla County

Point of Diversion located 2,920' N and 150' E from the SW corner of Section 8, T5N, R30E



- Legend**
- Place of Use
  - Point of Diversion
  - Pipeline
  - Ground water wells\*
  - Tax lot
  - Sections
  - Quarter/quarter
  - Roads
  - Streams

\* Groundwater wells are permitted in G-17272 and are not subject to this application.



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 SALEM, OR



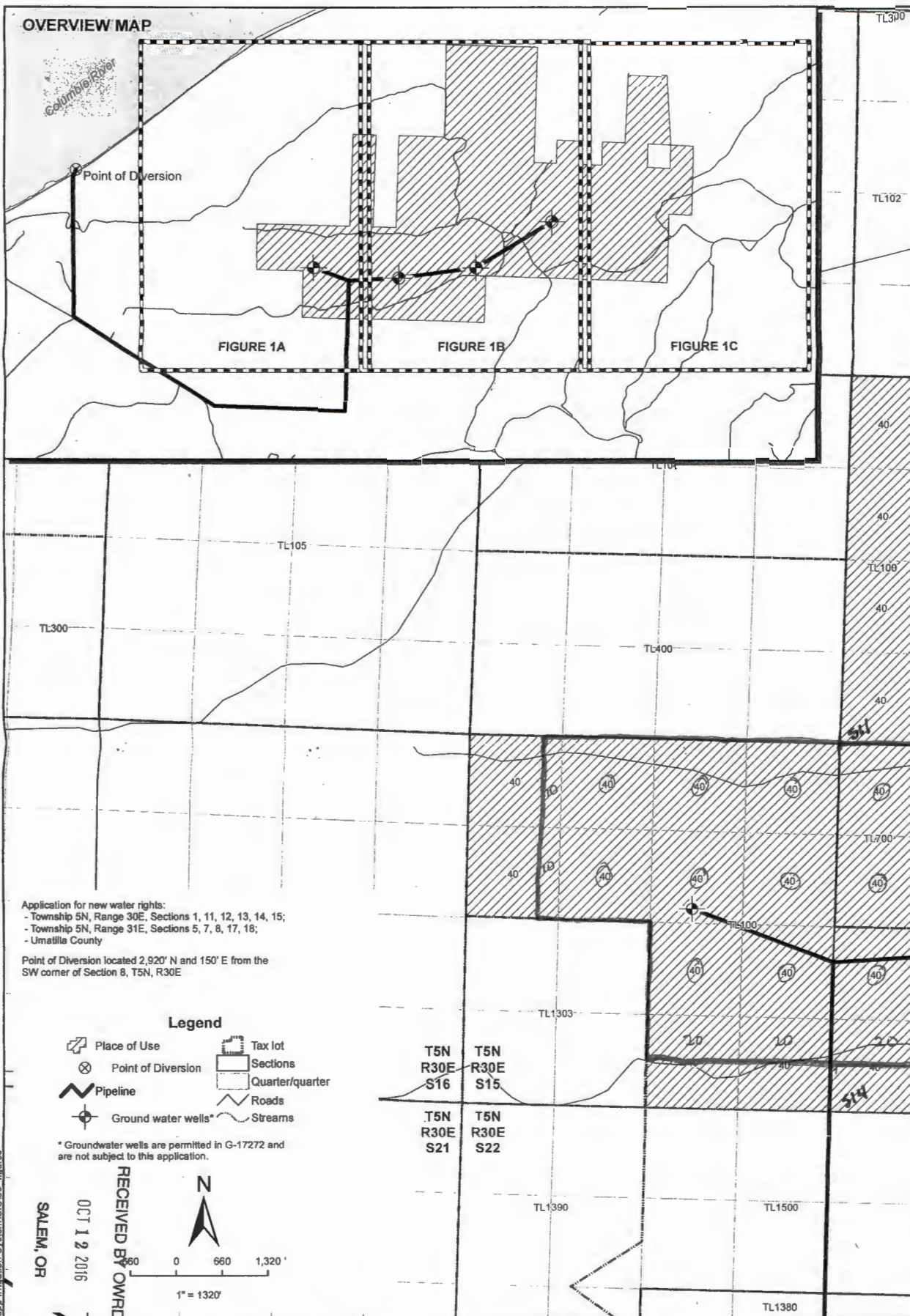
6400 SE Lake Road, Ste 270  
 Portland, Oregon 97222  
 (503) 652-9090

FIGURE 1B Application for New Water Right			
1	06/17/16	RMS	DRAFT
No.	Date	By	Revisions

Rupp Ranches  
 176 Kranichwood Street  
 Richland, WA 99352  
 509-737-0547

Disclaimer: This map is not intended to provide legal dimension or locations of property ownership lines.

**OVERVIEW MAP**



Application for new water rights:  
 - Township 5N, Range 30E, Sections 1, 11, 12, 13, 14, 15;  
 - Township 5N, Range 31E, Sections 5, 7, 8, 17, 18;  
 - Umatilla County

Point of Diversion located 2,920' N and 150' E from the SW corner of Section 8, T5N, R30E

**Legend**

- Place of Use
- Point of Diversion
- Pipeline
- Ground water wells\*
- Tax lot
- Sections
- Quarter/quarter
- Roads
- Streams

\* Groundwater wells are permitted in G-17272 and are not subject to this application.



0 660 1,320'  
 1" = 1320'

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 OCT 12 2016  
 SALEM, OR

T5N R30E S16  
 T5N R30E S21

T5N R30E S15  
 T5N R30E S22

**FIGURE 1A**  
 Application for New Water Right

1	06/17/16	RMS	DRAFT
No.	Date	By	Revisions

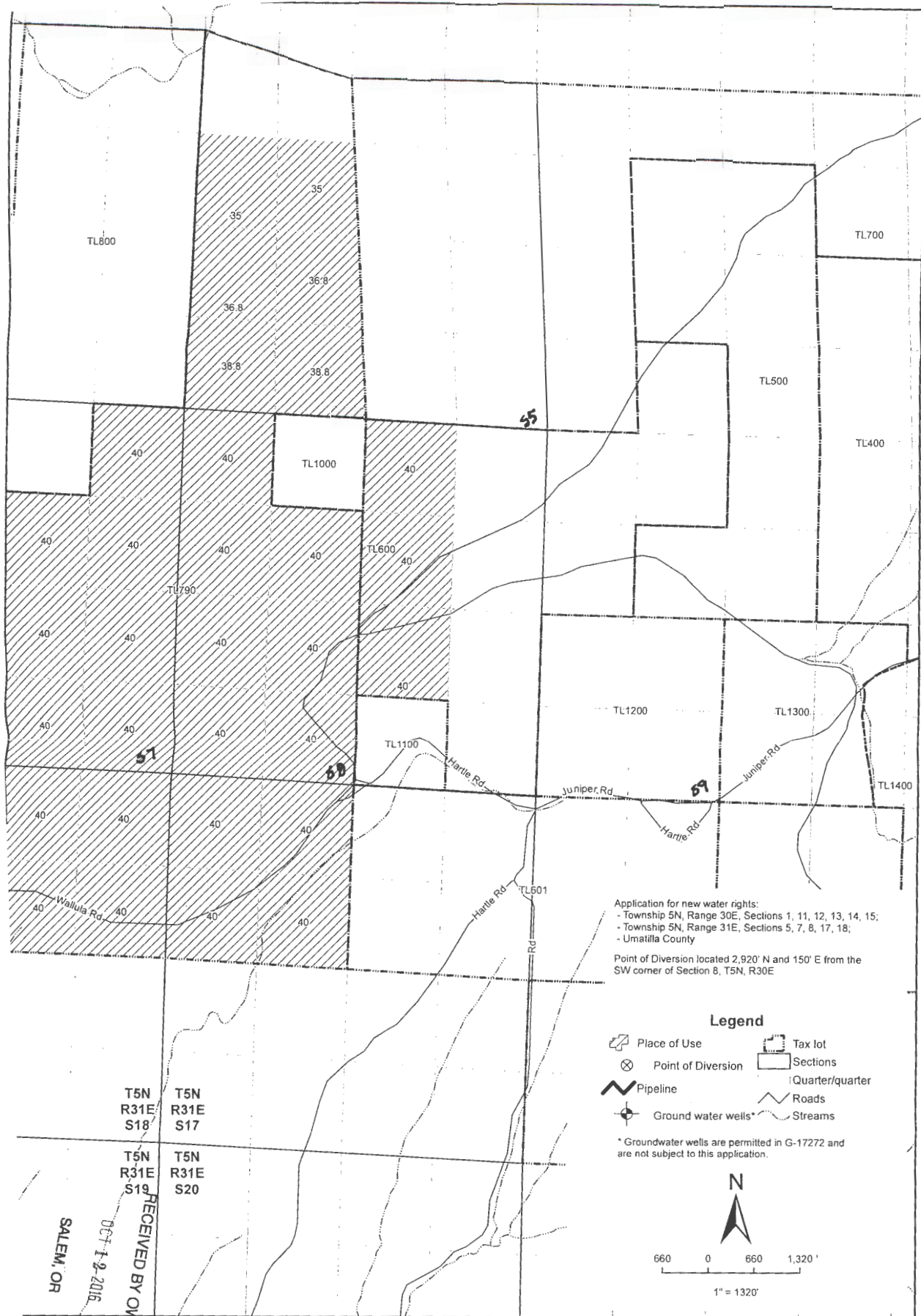
Rupp Ranches  
 176 Kranichwood Street  
 Richland, WA 99352  
 509-737-0547

Disclaimer: This map is not intended to provide legal dimension or locations of property ownership lines.

**AKANA**  
 Plan + Design + Engineer + Manage

6410 SE Lake Road, Ste. 270  
 Portland, Oregon 97222  
 (503) 652-9090

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T5N R31E S18  
 T5N R31E S17  
 T5N R31E S19  
 T5N R31E S20

RECEIVED BY OWRD  
 OCT 19 2016  
 SALEM, OR

**FIGURE 1C**  
**Application for**  
**New Water Right**

1	06/17/16	RMS	DRAFT
No.	Date	By	Revisions

Rupp Ranches  
 176 Kranichwood Street  
 Richland, WA 99352  
 509-737-0547

Disclaimer: This map is not intended to provide legal dimension or locations of property ownership lines.



6400 SE Lake Road, Ste 270  
 Portland, Oregon 97222  
 (503) 552-9000



**Oregon Water Resources Department  
Point of Diversion Characteristics**

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## Point of Diversion Characteristics

Right:	App: S 88299 *
Name:	RUPP RANCHES

**TRSQQ: 05.00N-30.00E-08-SWNW**

County: Umatilla  
Basin: Umatilla  
WM District: 5  
WM Region: NC  
Withdrawn Area:  
WAB:  
Priority WAB:  
Rule 4D: Rules apply  
Groundwater Restricted Area:  
Scenic Water Way:  
Division 33: UPPER COLUMBIA  
Water Quality Limited:





### Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: S 88299 \*





























Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
<a href="#">PERMIT: G 17272 *</a>	RUPP RANCHES	G-17068	G-17272			6/16/2008	NC	IR	05.00N-30.00E-11-SWSE			10.0000
								IR	05.00N-30.00E-11-SESE			10.0000
								IR	05.00N-30.00E-12-SWSW			5.0000
								IR	05.00N-30.00E-13-NWNW			10.0000
								IR	05.00N-30.00E-13-SWNW			10.0000
								IR	05.00N-30.00E-13-NWSW			10.0000
								IR	05.00N-30.00E-13-SWSW			5.0000
								IR	05.00N-30.00E-14-NENE			40.0000
								IR	05.00N-30.00E-14-NWNE			40.0000
								IR	05.00N-30.00E-14-SENE			40.0000
								IR	05.00N-30.00E-14-SWNE			40.0000
								IR	05.00N-30.00E-14-NENW			40.0000
								IR	05.00N-30.00E-14-NWNW			40.0000
								IR	05.00N-30.00E-14-SENW			40.0000
								IR	05.00N-30.00E-14-SWNW			40.0000
								IR	05.00N-30.00E-14-NESE			40.0000
								IR	05.00N-30.00E-14-NWSE			40.0000
								IR	05.00N-30.00E-14-SESE			20.0000
								IR	05.00N-30.00E-14-SWSE			20.0000
								IR	05.00N-30.00E-14-NESW			40.0000
IR	05.00N-30.00E-14-NWSW			40.0000								
IR	05.00N-30.00E-14-SESW			20.0000								

IR	05.00N-30.00E-14-SWSW		20.0000
IR	05.00N-30.00E-15-NENC		40.0000
IR	05.00N-30.00E-15-NWNE		40.0000
IR	05.00N-30.00E-15-SENE		40.0000
IR	05.00N-30.00E-15-SWNE		40.0000
IR	05.00N-30.00E-15-NENW		40.0000
IR	05.00N-30.00E-15-NWNW		10.0000
IR	05.00N-30.00E-15-SENW		40.0000
IR	05.00N-30.00E-15-SWNW		10.0000
IR	05.00N-30.00E-15-NESW		40.0000
IR	05.00N-30.00E-15-NWSE		40.0000
IR	05.00N-30.00E-15-SESE		20.0000
IR	05.00N-30.00E-15-SWSE		20.0000

APP: S 81070 HERMISTON DEVELOPMENT CORP.;IRZ CONSULTING C/O S-81070 4/12/1996 NC

FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-15-	
FI	05.00N-30.00E-14-	
FI	05.00N-30.00E-14-	
FI	05.00N-30.00E-14-	

FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-14-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
FI	05.00N-30.00E-13-		
IS	05.00N-30.00E-13-NWNW		31.3000
IS	05.00N-30.00E-13-NENW		31.3000
IS	05.00N-30.00E-13-SENW		31.2000





























IS	05.00N-30.00E-13-NESW		31.3000
IS	05.00N-30.00E-13-SWNW		31.2000
IS	05.00N-30.00E-13-NWSW		31.3000
IS	05.00N-30.00E-13-SESW		31.2000
IS	05.00N-30.00E-13-SWSW		31.2000
IS	05.00N-30.00E-14-NENE		31.3000
IS	05.00N-30.00E-14-NWNE		31.3000
IS	05.00N-30.00E-14-SENE		31.2000
IS	05.00N-30.00E-14-SWNE		31.2000
IS	05.00N-30.00E-14-NENW		32.3000
IS	05.00N-30.00E-14-SENW		32.2000
IS	05.00N-30.00E-14-NESE		31.3000
IS	05.00N-30.00E-14-NWSE		31.3000
IS	05.00N-30.00E-14-SESE		31.2000
IS	05.00N-30.00E-14-SWSE		31.2000
IS	05.00N-30.00E-14-NESW		31.3000
IS	05.00N-30.00E-14-NWSW		31.3000
IS	05.00N-30.00E-14-SESW		31.2000
IS	05.00N-30.00E-14-SWSW		31.2000
IS	05.00N-30.00E-15-NENE		31.3000
IS	05.00N-30.00E-15-NWNE		31.3000
IS	05.00N-30.00E-15-SENE		31.2000
IS	05.00N-30.00E-15-SWNE		31.2000
IS	05.00N-30.00E-15-NENW		40.0000
IS	05.00N-30.00E-15-NWNW		40.0000
IS	05.00N-30.00E-15-SENW		40.0000
IS	05.00N-30.00E-15-SWNW		40.0000
IS	05.00N-30.00E-15-NESE		31.3000





























APP S 88150 \* RANDY RUPP

S-88150

11/17/2015 NC

IS	05.00N-30.00E-15-NWSE		31.3000
IS	05.00N-30.00E-15-SESE		31.2000
IS	05.00N-30.00E-15-SWSE		31.2000
IR	05.00N-30.00E-15-SESE		40.0000
IR	05.00N-30.00E-15-SWSE		40.0000
IR	05.00N-31.00E-18-NENE		40.0000
IR	05.00N-31.00E-18-NWNE		40.0000
IR	05.00N-31.00E-18-SENE		40.0000
IR	05.00N-31.00E-18-SWNE		40.0000
IR	05.00N-31.00E-18-NENW		40.0000
IR	05.00N-31.00E-18-NWNW		40.0000
IR	05.00N-31.00E-18-SENW		40.0000
IR	05.00N-31.00E-18-SWNW		40.0000
IR	05.00N-30.00E-15-NWSE		40.0000
IR	05.00N-30.00E-15-NESE		40.0000
IR	05.00N-31.00E-07-SENE		40.0000
IR	05.00N-31.00E-07-SWNE		40.0000
IR	05.00N-31.00E-07-SENW		40.0000
IR	05.00N-31.00E-07-SWNW		40.0000
IR	05.00N-31.00E-07-NESE		40.0000
IR	05.00N-31.00E-07-NWSE		40.0000
IR	05.00N-31.00E-07-SESE		40.0000
IR	05.00N-31.00E-07-SWSE		40.0000
IR	05.00N-31.00E-07-NESW		40.0000
IR	05.00N-31.00E-07-NWSW		40.0000
IR	05.00N-31.00E-07-SESW		40.0000
IR	05.00N-31.00E-07-SWSW		40.0000
IR	05.00N-31.00E-08-SENW		40.0000

IR	05.00N-31.00E-08-SWNW		40.0000
IR	05.00N-31.00E-08-NESW		40.0000
IR	05.00N-31.00E-08-NWSW		40.0000
IR	05.00N-31.00E-08-SESW		40.0000
IR	05.00N-31.00E-08-SWSW		40.0000
IR	05.00N-31.00E-17-NENW		40.0000
IR	05.00N-31.00E-17-NWNW		40.0000
IR	05.00N-31.00E-17-SENW		40.0000
IR	05.00N-31.00E-17-SWNW		40.0000
IR	05.00N-30.00E-15-SWNW		40.0000
IR	05.00N-30.00E-15-SENW		40.0000
IR	05.00N-30.00E-15-NWNW		40.0000
IR	05.00N-30.00E-15-NENW		40.0000
IR	05.00N-30.00E-15-SWNE		40.0000
IR	05.00N-30.00E-15-SENE		40.0000
IR	05.00N-30.00E-15-NWNE		40.0000
IR	05.00N-30.00E-15-NENE		40.0000
IR	05.00N-30.00E-14-SWSW		40.0000
IR	05.00N-30.00E-14-SESW		40.0000
IR	05.00N-30.00E-14-NWSW		40.0000
IR	05.00N-30.00E-14-NESW		40.0000
IR	05.00N-30.00E-14-SWSE		40.0000
IR	05.00N-30.00E-14-SESE		40.0000
IR	05.00N-30.00E-14-NWSE		40.0000
IR	05.00N-30.00E-14-NESE		40.0000
IR	05.00N-30.00E-14-SWNW		40.0000
IR	05.00N-30.00E-14-SENW		40.0000
IR	05.00N-30.00E-14-NWNW		40.0000

IR	05.00N-30.00E-14-NENW		40.0000
IR	05.00N-30.00E-14-SWNE		40.0000
IR	05.00N-30.00E-14-SENE		40.0000
IR	05.00N-30.00E-14-NWNE		40.0000
IR	05.00N-30.00E-14-NENE		40.0000
IR	05.00N-30.00E-13-SWSW		40.0000
IR	05.00N-30.00E-13-SESW		40.0000
IR	05.00N-30.00E-13-NWSW		40.0000
IR	05.00N-30.00E-13-NESE		40.0000
IR	05.00N-30.00E-13-SENE		40.0000
IR	05.00N-30.00E-13-NWNW		40.0000
IR	05.00N-30.00E-13-SWNW		40.0000
IR	05.00N-30.00E-13-NENW		40.0000
IR	05.00N-30.00E-13-SWNE		40.0000
IR	05.00N-30.00E-13-SENE		40.0000
IR	05.00N-30.00E-13-NWNE		40.0000
IR	05.00N-30.00E-13-NENE		40.0000
IR	05.00N-30.00E-12-SWSW		40.0000
IR	05.00N-30.00E-11-SESE		40.0000
IR	05.00N-30.00E-11-SENE		40.0000
IR	05.00N-30.00E-11-SWNE		40.0000
IR	05.00N-30.00E-11-NESE		40.0000
IR	05.00N-30.00E-11-NWSE		40.0000
IR	05.00N-30.00E-11-SWSE		40.0000
IR	05.00N-30.00E-12-SENE		40.0000
IR	05.00N-30.00E-12-SWNE		40.0000
IR	05.00N-30.00E-12-NENW		40.0000
IR	05.00N-30.00E-12-NWNW		40.0000

APP: S 88206 \*      NORTHEAST OREGON WATER ASSOCIATION





























S-88206

4/8/2016

NC

IR	05.00N-30.00E-12-NESE		40.0000
IR	05.00N-30.00E-12-NWSE		40.0000
IR	05.00N-30.00E-12-SESE		40.0000
IR	05.00N-30.00E-12-SWSE		40.0000
IR	05.00N-30.00E-12-NESW		40.0000
IR	05.00N-30.00E-12-NWSW		40.0000
IR	05.00N-30.00E-12-SFSW		40.0000
IR	05.00N-30.00E-13-NENE		38.5800
IR	05.00N-30.00E-13-NWNE		38.3700
IR	05.00N-30.00E-13-SENE		39.5200
IR	05.00N-30.00E-13-SWNE		39.4800
IR	05.00N-30.00E-13-NENW		38.1600
IR	05.00N-30.00E-13-SWNW		39.4200
IR	05.00N-30.00E-13-NWNW		37.9400
IR	05.00N-30.00E-13-SENW		39.4500
IR	05.00N-30.00E-13-NESW		39.4600
IR	05.00N-30.00E-13-NWSW		39.4300
IR	05.00N-30.00E-13-SESW		39.4700
IR	05.00N-30.00E-13-SWSW		39.4400
IR	05.00N-30.00E-14-NENE		38.9000
IR	05.00N-30.00E-14-NWNE		39.1600
IR	05.00N-30.00E-14-SENE		40.3400
IR	05.00N-30.00E-14-SWNE		40.3600
IR	05.00N-30.00E-14-NENW		39.4300
IR	05.00N-30.00E-14-NWNW		39.6900
IR	05.00N-30.00E-14-SENW		40.3700
IR	05.00N-30.00E-14-SWNW		40.3900
IR	05.00N-30.00E-14-NESE		40.3200































IR	05.00N-30.00E-14-NWSE		40.3300
IR	05.00N-30.00E-14-SESE		40.2900
IR	05.00N-30.00E-14-SWSE		40.3100
IR	05.00N-30.00E-14-NESW		40.3500
IR	05.00N-30.00E-14-NWSW		40.3600
IR	05.00N-30.00E-14-SESW		40.3200
IR	05.00N-30.00E-14-SWSW		40.3400
IR	05.00N-30.00E-15-NENE		39.9400
IR	05.00N-30.00E-15-NWNE		40.1200
IR	05.00N-30.00E-15-SENE		40.3700
IR	05.00N-30.00E-15-SWNE		40.3700
IR	05.00N-30.00E-15-NENW		40.3000
IR	05.00N-30.00E-15-NWNW		40.4200
IR	05.00N-30.00E-15-SENW		40.3600
IR	05.00N-30.00E-15-SWNW		40.3500
IR	05.00N-31.00E-17-SWNW		0.1300
IR	05.00N-30.00E-15-NESE		40.3000
IR	05.00N-30.00E-15-NWSE		40.3000
IR	05.00N-31.00E-18-SWNW		40.1000
IR	05.00N-31.00E-18-SENW		39.8700
IR	05.00N-31.00E-18-NWNW		39.1000
IR	05.00N-31.00E-18-NENW		39.3600
IR	05.00N-31.00E-18-SWNE		39.7900
IR	05.00N-31.00E-18-SENE		39.7400
IR	05.00N-31.00E-18-NWNE		39.5200
IR	05.00N-31.00E-18-NENE		39.6800
IR	05.00N-30.00E-15-SWSE		40.2200
IR	05.00N-30.00E-15-SESE		40.2300

APP: S 88286 EAST IMPROVEMENT DISTRICT

S-88286

9/12/2016 NC





























IR	05.00N-30.00E-15-SESE		40.2300
IR	05.00N-30.00E-15-SWSE		40.2200
IR	05.00N-31.00E-17-SWNW		0.1300
IR	05.00N-31.00E-18-NENE		39.6800
IR	05.00N-31.00E-18-NWNE		39.5200
IR	05.00N-31.00E-18-SENE		39.7400
IR	05.00N-31.00E-18-SWNE		39.7900
IR	05.00N-31.00E-18-NENW		39.3600
IR	05.00N-31.00E-18-NWNW		39.1000
IR	05.00N-31.00E-18-SENE		39.8700
IR	05.00N-31.00E-18-SWNW		40.1000
IR	05.00N-30.00E-15-NWSE		40.3000
IR	05.00N-30.00E-15-NENE		40.3000
IR	05.00N-30.00E-15-SWNW		40.3500
IR	05.00N-30.00E-15-SENE		40.3600
IR	05.00N-30.00E-15-NWNW		40.4200
IR	05.00N-30.00E-15-NENW		40.3000
IR	05.00N-30.00E-15-SWNE		40.3700
IR	05.00N-30.00E-15-SENE		40.3700
IR	05.00N-30.00E-15-NWNE		40.1200
IR	05.00N-30.00E-15-NENE		39.9400
IR	05.00N-30.00E-14-SWSW		40.3400
IR	05.00N-30.00E-14-SESW		40.3200
IR	05.00N-30.00E-14-NWSW		40.3600
IR	05.00N-30.00E-14-NESW		40.3500
IR	05.00N-30.00E-14-SWSE		40.3100
IR	05.00N-30.00E-14-SESE		40.2900
IR	05.00N-30.00E-14-NWSE		40.3300





























IR	05.00N-30.00E-14-NESE		40.3200
IR	05.00N-30.00E-14-SWNW		40.3900
IR	05.00N-30.00E-14-SFNW		40.3700
IR	05.00N-30.00E-14-NWNW		39.6900
IR	05.00N-30.00E-14-NENW		39.4300
IR	05.00N-30.00E-14-SWNE		40.3600
IR	05.00N-30.00E-14-SENF		40.3400
IR	05.00N-30.00E-14-NWNE		39.1600
IR	05.00N-30.00E-14-NENE		38.9000
IR	05.00N-30.00E-13-SWSW		39.4400
IR	05.00N-30.00E-13-NWSW		39.4300
IR	05.00N-30.00E-13-SESW		39.4700
IR	05.00N-30.00E-13-NESW		39.4600
IR	05.00N-30.00E-13-SWNW		39.4200
IR	05.00N-30.00E-13-NWNW		37.9400
IR	05.00N-30.00E-13-SENW		39.4500
IR	05.00N-30.00E-13-NENW		38.1600
IR	05.00N-30.00E-13-SENE		39.5200
IR	05.00N-30.00E-13-SWNE		39.4800
IR	05.00N-30.00E-13-NENE		38.5800
IR	05.00N-30.00E-13-NWNE		38.3700
IR	05.00N-30.00E-13-SENE		39.5200
IR	05.00N-30.00E-13-NWNE		38.3700
IR	05.00N-30.00E-13-NENE		38.5800
IR	05.00N-30.00E-13-SWNE		39.4800
IR	05.00N-30.00E-13-NENW		38.1600
IR	05.00N-30.00E-13-SWNW		39.4200
IR	05.00N-30.00E-13-SENW		39.4500

APP: S 88287 EAST IMPROVEMENT DISTRICT

S-88287

9/12/2016 NC

IR	05.00N-30.00E-13-NWNW		37.9400
IR	05.00N-30.00E-13-NESW		39.4600
IR	05.00N-30.00E-13-NWSW		39.4300
IR	05.00N-30.00E-13-SESW		39.4700
IR	05.00N-30.00E-13-SWSW		39.4400
IR	05.00N-30.00E-14-NENE		38.9000
IR	05.00N-30.00E-14-NWNE		39.1600
IR	05.00N-30.00E-14-SENE		40.3400
IR	05.00N-30.00E-14-SWNE		40.3600
IR	05.00N-30.00E-14-NENW		39.4300
IR	05.00N-30.00E-14-NWNW		39.6900
IR	05.00N-30.00E-14-SENW		40.3700
IR	05.00N-30.00E-14-SWNW		40.3900
IR	05.00N-30.00E-14-NESE		40.3200
IR	05.00N-30.00E-14-NWSE		40.3300
IR	05.00N-30.00E-14-SESE		40.2900
IR	05.00N-30.00E-14-SWSE		40.3100
IR	05.00N-30.00E-14-NESW		40.3500
IR	05.00N-30.00E-14-NWSW		40.3600
IR	05.00N-30.00E-14-SESW		40.3200
IR	05.00N-30.00E-14-SWSW		40.3400
IR	05.00N-30.00E-15-NENE		39.9400
IR	05.00N-30.00E-15-NWNE		40.1200
IR	05.00N-30.00E-15-SENE		40.3700
IR	05.00N-30.00E-15-SWNE		40.3700
IR	05.00N-30.00E-15-NENW		40.3000
IR	05.00N-30.00E-15-NWNW		40.4200
IR	05.00N-30.00E-15-SENW		40.3600

IR	05.00N-30.00E-15-SWNW		40.3500
IR	05.00N-30.00E-15-NESE		40.3000
IR	05.00N-30.00E-15-NWSE		40.3000
IR	05.00N-31.00E-17-SWNW		0.1300
IR	05.00N-31.00E-18-SWNW		40.1000
IR	05.00N-31.00E-18-SEW		39.8700
IR	05.00N-31.00E-18-NWNW		39.1000
IR	05.00N-31.00E-18-NENW		39.3600
IR	05.00N-31.00E-18-SWNE		39.7900
IR	05.00N-31.00E-18-SENE		39.7400
IR	05.00N-31.00E-18-NWNE		39.5200
IR	05.00N-31.00E-18-NENE		39.6800
IR	05.00N-30.00E-15-SWSE		40.2200
IR	05.00N-30.00E-15-SESE		40.2300
IR	05.00N-30.00E-15-SESE		40.2300
IR	05.00N-31.00E-17-SWNW		0.1300
IR	05.00N-30.00E-15-SWSE		40.2200
IR	05.00N-31.00E-18-NENE		39.6800
IR	05.00N-31.00E-18-NWNE		39.5200
IR	05.00N-31.00E-18-SENE		39.7400
IR	05.00N-31.00E-18-SWNE		39.7900
IR	05.00N-31.00E-18-NENW		39.3600
IR	05.00N-31.00E-18-NWNW		39.1000
IR	05.00N-31.00E-18-SEW		39.8700
IR	05.00N-31.00E-18-SWNW		40.1000
IR	05.00N-30.00E-15-NWSE		40.3000
IR	05.00N-30.00E-15-NESE		40.3000
IR	05.00N-30.00E-15-SWNW		40.3500

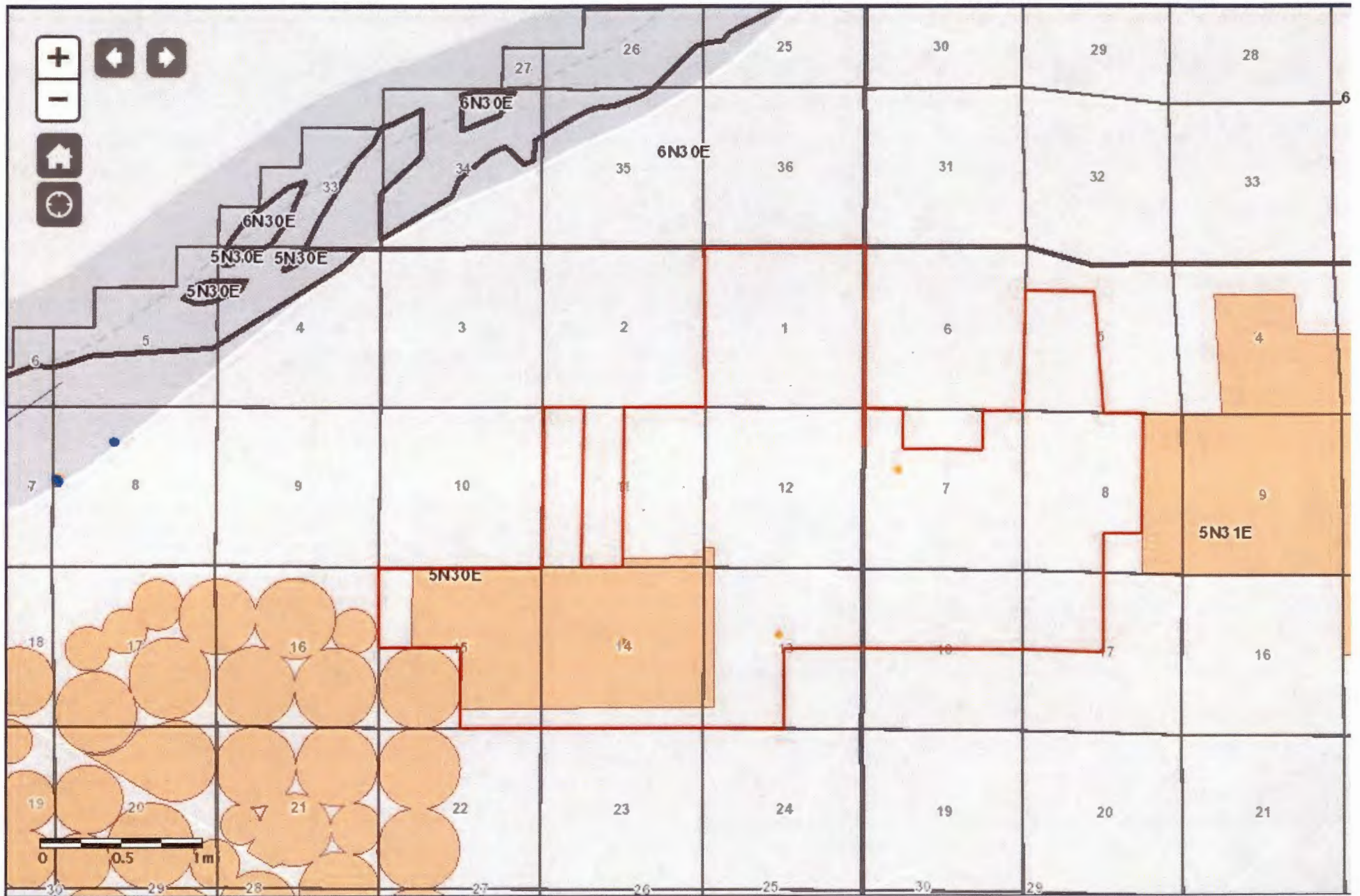
APP: S 88299 \* EAST IMPROVEMENT DISTRICT

S-88290

9/12/2016 NC

IR	05.00N-30.00E-15-SENW		40.3600
IR	05.00N-30.00E-15-NWNW		40.4200
IR	05.00N-30.00E-15-NENW		40.3000
IR	05.00N-30.00E-15-SWNE		40.3700
IR	05.00N-30.00E-15-SENE		40.3700
IR	05.00N-30.00E-15-NWNE		40.1200
IR	05.00N-30.00E-15-NENE		39.9400
IR	05.00N-30.00E-14-SWSW		40.3400
IR	05.00N-30.00E-14-SESW		40.3200
IR	05.00N-30.00E-14-NWSW		40.3600
IR	05.00N-30.00E-14-NESW		40.3500
IR	05.00N-30.00E-14-SWSE		40.3100
IR	05.00N-30.00E-14-SESE		40.2900
IR	05.00N-30.00E-14-NWSE		40.3300
IR	05.00N-30.00E-14-NESE		40.3200
IR	05.00N-30.00E-14-SWNW		40.3900
IR	05.00N-30.00E-14-SENW		40.3700
IR	05.00N-30.00E-14-NWNW		39.6900
IR	05.00N-30.00E-14-NENW		39.4300
IR	05.00N-30.00E-14-SWNE		40.3600
IR	05.00N-30.00E-14-SENE		40.3400
IR	05.00N-30.00E-14-NWNE		39.1600
IR	05.00N-30.00E-14-NENE		38.9000
IR	05.00N-30.00E-13-SWSW		39.4400
IR	05.00N-30.00E-13-SESW		39.4700
IR	05.00N-30.00E-13-NWSW		39.4300
IR	05.00N-30.00E-13-NESW		39.4600
IR	05.00N-30.00E-13-SWNW		39.4200

IR	05.00N-30.00E-13-SENW		39.4500
IR	05.00N-30.00E-13-NWNW		37.9400
IR	05.00N-30.00E-13-NENW		38.1600
IR	05.00N-30.00E-13-SWNE		39.4800
IR	05.00N-30.00E-13-SENE		39.5200
IR	05.00N-30.00E-13-NWNE		38.3700
IR	05.00N-30.00E-13-NENE		38.5800





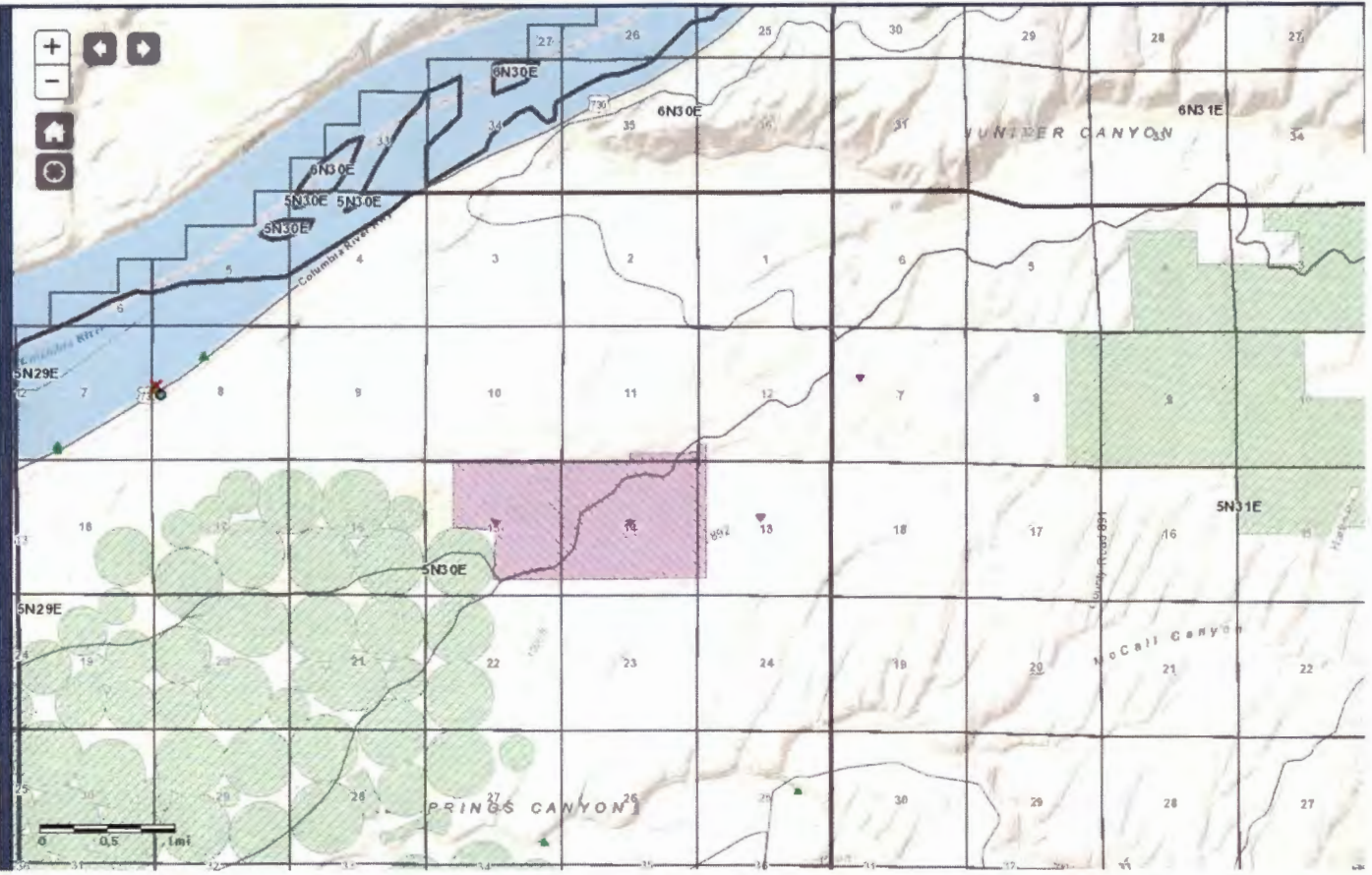
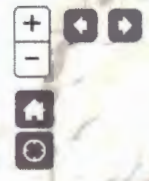
Search

Identify Non-Water Right Features

Distance: 1 Feet

General Rules Hydrography

OWRD  
Streamcode: -  
Waterbody Name: -  
HUC 10: 1707010102  
HUC Watershed: Lower Lake Wallula  
WAB Whsed: -  
Order: -  
WAB Analysis: -  
Streamflow: -  
Gaging Station Data: -



Tax Lots

Tools

Layers

Print

# Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Yes  No

Application S-88299 County Umatilla Priority Date 12-Oct-16

Township 5N Range 30&31 E Section many

Amount 31.4 cfs Use Irrigation (Out of Season) WM Dist. # 5

Applicant Name Rupp Ranches

Receipt No. 121576- Caseworker Assigned:  Barbe  Kim  Lisa

Contact info: Applicant/Organization Name and Mailing Address

Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).

Property ownership: Does the applicant own all the land for the proposed project? Y /  N

If No:

The affected landowner's name and mailing address must be listed

A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

For a SW Application: Source of water must be indicated.

~~N/A~~ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

*NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2).*

~~N/A~~ If for stored water not under contract, is the source authorized under a permit, certificate, or decree?

Permit or Certificate issued? Y / N Permit or Certificate # \_\_\_\_\_

For a GW Application: Well Development Tables completed and/or a well log report included (if existing)

Proposed water use

Amount of water from each source in GPM, CFS, or AF

Period of use indicated

If for supplemental irrigation, primary acreage or underlying permit or certificate number listed (Primary and Supplemental Irrigation counts as 2 uses)

Water Management Section (Estimates if the water system has not been designed)

Resource Protection Section (N/A for Groundwater)

~~N/A~~ For all standard reservoir applications: Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir.

Project schedule (If system is already completed, indicate "existing.")

- Supplemental data sheets enclosed (if needed)
  - Form M (Municipal or Quasi-Municipal)
  - Spring Description Sheet (if source is a spring)
- A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*
- A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.
- The proposed source **IS / IS NOT** (circle one) restricted or withdrawn from further appropriation. **NOTE: If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.**

- The **map** must meet all the minimum requirements of OAR 690-310-0050.
  - Township, Range, Section
  - Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
  - Place of use, 1/4-1/4's and tax lot clearly identified
  - Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
  - Location of *each* diversion point, well or dam by reference to a recognized public land survey corner. **Multiple wells shall be uniquely labeled, and identified on well logs if existing.**
  - Reference corner on map
  - North Directional Symbol
  - Number of acres per 1/4-1/4 if for irrigation, nursery, or agriculture
  - For a standard reservoir application to store  $\geq 9.2$  acre feet AND having a dam height  $\geq 10$  feet, map must be prepared by a CWRE

<input type="checkbox"/> <b>Fees:</b>			
Base Fee	\$ <u>1150</u>	Permit Recording Fees	\$ <u>450</u>
1" CFS @ \$300	\$ <u>300</u>	Mitigation Fee	\$ _____
<u>31</u> add'l CFS @ \$300 ea	\$ <u>9300</u>		
_____ AF up to 20 AF @ \$30 ea	\$ _____	Rec Fee Total	\$ <u>450</u>
_____ add'l AF @ \$1 ea	\$ _____	Rec Fee Paid	\$ <u>100</u>
_____ add'l <input type="checkbox"/> pod/poa <input type="checkbox"/> use @ _____ ea	\$ _____		
_____ add'l res @ \$125 ea	\$ _____		
Exam Fee Total	\$ <u>10,750</u>	Total Fees	\$ <u>11,200</u>
Exam Fee Paid	\$ <u>10,750</u>	Paid	\$ <u>10,850</u>
		Amount Due	\$ <u>350</u>

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

690-320-0070

## Primary and Supplemental Rights

### (1) Cancellation of primary rights:

(a) A notice given pursuant to ORS 540.631 for the proposed cancellation of a primary water right for irrigation of certain lands shall include notice of the proposed cancellation of any supplemental water right for irrigation of the same lands;

(b) If the primary right is determined to have been forfeited by non-use and the supplemental right is not determined also to have been forfeited by non-use, the owner of the land to which the right is appurtenant may apply to transfer the supplemental right, without loss of priority, to become the primary right.

(2) Diminution of a water right: A primary right may, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right application from a more dependable source of water.

(3) Supplemental rights: Where more than one right exists, water shall be used from the primary source so long as there is sufficient quantity to satisfy the terms of the permit or certificate. Nevertheless, if requested by the applicant, a permit may be issued which describes a surface water source as supplemental to a groundwater right and shall provide that, in the interest of conserving the groundwater supplies, the supplemental right may be exercised at time when water is available from the surface water supply.

Final Order Checklist for Standard Applications

Reminder: use a different colored pen for changes and Date and Initial changes.

Application #: S-88299 Applicant: RUPP RANCHES

Basin # 19

Name and/or address changed or assignment received?  No  Yes

PFO Date 1/23/18 Protest Period Ended 3/9/18

Well construction meets minimum standards?  NA  Yes  No (deny)

PFO conclusions require modification due to typos, errors or omission of conditions:  No  Yes

If so: CONFLICTING ACRES WILL BE SUPP W/OPTION TO PROVE UP AS PRIMARY

If PFO requires modification; include FO MOD hearing rights  NA  Yes

Municipal Use?  NA  for MU - **change construction finding to 20 years in Permit**

Copy to:  WM5  SW Section (If SW, GW w/PSI, or SWW (include copy of yellow sheet))

Agent UNAVAILABLE SHONEE LANGFORD - SLANGFORD@SCHWABE.COM

CWRE

A.L.O. CARL ST HILARE, 15th FARMS INC, 84186 HWY 37, HERMISTON OR 97138

Commenter(s) JAMES PALMER, PACIFIC POWER - JAMES.PALMER@PACIFICORP.COM

WMCP Yes cc: Kerri Cope

Ann Reece (if application is for an Irrigation District)

Was a standing paid for?  No  Yes (if yes and no protest, refund standing fee)

EXAM FEE REQUIRED	<u>10400</u>	RECORDING FEE REQUIRED	<u>450</u>
EXAM FEE PAID	<u>10400</u>	RECORDING FEE PAID	<u>450</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

FO w/Draft permit: still need  Recording Fees  Easement  Storage Water Contract  Approved Dam Plans & Specs  Land Use Approval

FO w/ Permit # S-55245

FO to deny  Refund \$ \_\_\_\_\_

Name: Kim R. French Date Completed: 12/6/19 Peer Reviewer: Lisabi Date: 12-9-19

Manager: amm Date: 12/13/19

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Reminder: use a different colored pen for changes and Date and Initial changes.

PFO Checklist for Standard Application

Application # S-88299 Applicant: RUPP RANCHES

Basin # 7

IR requested additional information?  NA  Yes justification for yr irr & diminution of overlying rights

Add'l info received?  NA  Yes justification & diminution

IR Date June 30, 2017 Noticed on July 4, 2017 Comment Deadline August 5, 2017

Electronic /Written comments?  No  Yes Pacific Power Comment Eval?  NA  No  Yes Just wanted to be added to list

Allowed Use/Rate/Season IR / 31.4 cfs / Oct 1 - April 14 Limit: 1/100 Duty: 1.5 AF

NA Make specific finding in PFO if  rate/limit higher than standard  duty higher than standard

DIV 9  NA  will likely be available  will not likely be available  will, if conditioned

No PSI Table C4a Not filled out  No PSI Table C4a filled out - Highest impact? \_\_\_\_\_ Month? \_\_\_\_\_

PSI per 690-009-0040(4)  PSI per 690-009-0040(5) WELL \_\_\_\_\_ Has PSI with \_\_\_\_\_

PSI caused from:  1/4 mile  > 5CFS  Instream Q  > 1% of 80%  Interference > 25%

Groundwater Conditions: \_\_\_\_\_

Conditions  Small ≤ 0.1 CFS ≤ 9.2 AF  Medium > 0.1 CFS but < 0.25 CFS. > 9.2 AF but < 100 AF  Large ≥ 0.25 CFS ≥ 100 AF

SW availability  NA  80%  50% AVAIL YR PER DE MEMO

Division 33  NA  NO  UPPER COLUMBIA (not allowed 4/15-9/30) OAR 690-033-0120  
 LOWER COLUMBIA OAR 690-033-0220  
 STATEWIDE OAR 690-033-0330

SWW  NA  above  within \_\_\_\_\_

Land Use  allowed outright  decision obtained  being pursued  not being pursued

Needed before permit:  NA  Fees  evidence of well repair  LU  easement  plans/ specs  storage contract

Changes from IR determinations

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notes

\_\_\_\_\_  
\_\_\_\_\_

Copy to:

- NCR WM 5
- Agent SAID AMALI
- CWRE
- A.L.O. Carl St Hilaire JSH FARMS
- Commenter(s) Rectifier power - JAMES PALMER
- Hydrographics (If SW, GW w/PSI, or SWW)

EXAM FEE REQUIRED	<u>10,400</u>	RECORDING FEE REQUIRED	<u>450</u>
EXAM FEE PAID	<u>10,400</u>	RECORDING FEE PAID	<u>450</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

Name: Scott A. Grew\_ Date Completed: 1/8/18 Initials: SG Peer Reviewer: [Signature] Date: 1/11/18

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# IR CHECKLIST

Application #: S-88299 Applicant: RUPP RANCHES Priority Date: October 12, 2016

Requested Use/Rate/Season IR / 31.4 cfs / Oct - April 14 Limit 1/100 Duty 1.5 AF

Allowed Use/Rate/Season IR out of season Not allowed \* Limit See memo Duty \_\_\_\_\_

**DIV 9**  NA  will likely be available...  will not likely be available...  will, if properly conditioned...

No PSI OR well \_\_\_\_\_ has PSI with \_\_\_\_\_

Reduce rate to avoid PSI \_\_\_\_\_

GW conditions \_\_\_\_\_

**Conditions** \_\_\_\_\_

**Small**  $\leq 0.1$  CFS,  $\leq 9.2$  AF  **Medium**  $> 0.1$  CFS but  $< 0.25$  CFS,  $> 9.2$  AF but  $< 100$  AF  **Large**  $\geq 0.25$  CFS,  $\geq 100$  AF

use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water

use Large for: Tenmile Lake, NU or other temp control, and gov. entities, HC exceptions; and if GW in South Salem Hills, or 10+ acres in Stage Gulch CGWA; Large-7g, Large-7i for 7g/7i

**ORS 538 prohibits use**  No  Yes (stop processing and return app and fees)

Stream is **withdrawn**  NA  No  Yes, allows use/season \_\_\_\_\_

Use is  allowed  not allowed  limited  OAR  Compact 690-507-0070 PBM  
WASH STATE (2)(C)

**SW availability**  NA  80%  50% \_\_\_\_\_ WID: \_\_\_\_\_

Use DWF's 6/21/05 non-standard W/A memo if the source is: Trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalis Cr, or Champeog Cr (including Mission Cr and Case Cr)

**DIVISION 33**  NA  No  UPPER COLUMBIA (not allowed 4/15 - 9/30)  
 LOWER COLUMBIA  
 STATEWIDE

Use is within a **Priority WAB**  NA  No  Yes

**4D Rules apply**  NA  No  Yes

**SWW**  NA  above  within \_\_\_\_\_ (If GW and interference, copy form for Shawn.)

**POU conflict**  No  No, different sources  No, make up a deficiency in rate  No, existing not at max. rate

Yes \_\_\_\_\_

Use is **supplemental**, checked for primary rights w/ diff source  NA  No  Yes limits \_\_\_\_\_

App w/in a **District boundary**  No  Yes, cc: \_\_\_\_\_

**Land use**  allowed outright  not allowed  being pursued  not being pursued  decision obtained  receipt only  N/A

**MU or QM**  NA  will complete construction within 20 years  Lisa reviewed recommendations \_\_\_\_\_

**Storage contract**  NA  BOR  Doug Co  Corp of Eng  needed  obtained \_\_\_\_\_

**POD is within North Umpqua or Tenmile Lake for domestic use** and the spreadsheet was updated  NA  Yes

**Forms**  NA  HC except (receipts/well logs attached)  spring description  Form M



Application #: S-88299 Applicant: RUPP RANCHES

Authorized agent specified  No  Yes SAID AMALI/AKANA

Copy to  SWR  WM # 5  a.l.o.  city \_\_\_\_\_  
 NCR  agent  district (w/in 5-mile muni wells)  
 CWRE

2211 St Hilaine, JSH Farms Inc  
84186 Hwy 37  
Hermiston, OR 97838

<input checked="" type="checkbox"/> Fees	_____ CFS	Base	<u>800</u>	
	<u>31.4</u> AF	Up to 1 CFS	<u>300</u>	
		<u>31</u> Add'l CFS	<u>9300</u>	
	_____ well(s)/POD(s)	Up to 20 AF	_____	
	_____ use(s)	_____ Add'l AF @ \$1	_____	
		Add'l _____ POD/POA _____ use +	_____	
		Exam Fee Required =	<u>10,400</u>	Rec Fee Req'd <u>450</u>
		Exam Fee Paid	<u>10,400</u>	Red Fee Paid <u>450</u>
		Still Owed	<u>0</u>	Owed before permit <u>0</u>

App/map meet min. req  Yes  No  ALO info  map  legal \_\_\_\_\_  
(If not, send IR certified)

Req'd before PFO  NA  LU approve/pursue  ALO info  exam fees

Req'd before permit  NA  recording fees  well repair  LU  easement  plans/specs  storage contract

Letter format  good  limited  bad  bad w/ rate reduction opportunity  bad w/ HC opportunity

Scanned images exist for application form and map



Name: Scott Date: 1/9/2017 Peer Reviewer: bp

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## DIVISION 519

### COLUMBIA RIVER BASIN PROGRAM

690-519-0000

#### Classifications

(1) The maximum economic development of this state and the attainment of the highest and best use of the waters of the Columbia River from the Oregon-Washington border near river mile 309 to the confluence with the Pacific Ocean and the attainment of an integrated and coordinated program for the benefit of the state will be furthered through utilization of the aforementioned waters only for instream use for power development, navigation, recreation, wildlife and fish life, and the waters of the Columbia River are hereby so classified with the following exception: The maximum economic development of this state, the attainment of the highest and best use of 30 million acre-feet annually of natural flows of the Columbia River, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for **domestic, livestock, municipal, mining, industrial, agricultural use, irrigation, recreation, power development, pollution abatement, wildlife and fish life uses, and the 30 million acre-feet annually of natural flows of the Columbia River are hereby so classified and reserved for exclusive use within the State of Oregon.**

(2) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in OAR 690-519-0000 through 690-519-0050.

(3) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including, but not restricted t

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

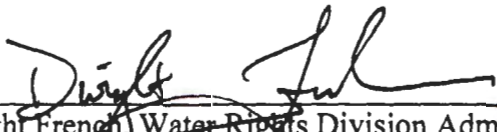
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Completion of construction and application of the water shall be made by April 13, 2015. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued February 18, 2015



Dwight French, Water Rights Division Administrator for  
Thomas M. Hylar, Director  
Oregon Water Resources Department

- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee'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 causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

#### STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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 airline and pressure gauge adequate to determine water level elevation in the well at all times.

**3) Well Testing**

At least one long-term aquifer test shall be conducted to determine continuity between production wells. The test shall be conducted at a constant rate for a minimum of 72 hours, and water levels shall be monitored at the pumped well and at least one other production well or test hole. Production wells drilled subsequently to the aquifer test will require additional aquifer testing. The data collection plan for each aquifer test shall identify offsite wells, including wells in State Gulch Critical Groundwater Area that have a reasonable potential for hydraulic continuity. This shall be based upon stratigraphic correlation, geologic structure, water-level and water well report data.

**4) Groundwater Resource Characterization Report**

The permittee shall submit a report that characterizes the groundwater resource contained within the Columbia River Basalt Group developed under this permit. The report at a minimum shall address: 1) basalt stratigraphy and structure, including cross sections; 2) constant rate well testing and aquifer testing results and analyses; 3) groundwater chemistry and groundwater dating results; 4) mechanism and potential for natural recharge and discharge; 5) potential for sustainability of the groundwater resource; 6) water-level comparisons and analysis of potential for interference with senior wells and wells in Stage Gulch Critical Groundwater Area; and 7) potential for additional sustainable groundwater development in the area. Additional reports may be submitted if data are collected after submittal of the characterization report. This body of work shall serve as the technical foundation for review of subsequent applications for local groundwater development.

All hydrologic and geologic data collected shall be provided to OWRD in report and in electronic format specified by the Department.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of February. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial February static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and

- B. The permittee 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.
- C. The permittee shall allow Department staff access to the meter(s) and the wells; provided however, where any meter or well is located within a private structure, staff shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The wells shall be regulated if any interference is observed or demonstrated with wells in the Stage Gulch Critical Ground Water Area.

This water right is not eligible for the allocation of conserved water authorized under ORS 537.455 – 537.500.

Groundwater production in each well shall be limited to a single aquifer in the Columbia River Basalt Group. Each well shall be continuously cased and continuously sealed to within 100 feet of the bottom of the open borehole. A larger open interval may be approved by the Department if the permittee can demonstrate to the Department's satisfaction, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent or that the open interval is part of a continuous zone of interconnected porous materials.

Each well with a pump shall be equipped with a dedicated 3/4-inch diameter (minimum) water-level measurement tube, separate from other methods of measuring the water level such as airlines or transducers. The annual water-level measurement required in the permit shall be measured through the measuring tube.

#### **Data Collection Plan**

For each of the following numbered conditions, data collection shall be supervised by an Oregon registered geologist. Prior to data collection, the geologist shall submit a data collection and analysis plan (or plans) for Department approval for each numbered item below.

##### **1) Drill Cuttings**

Drill cuttings shall be collected at the permitted wells and any test holes. Samples shall be collected at ten-foot intervals and at changes in lithology. A reference set of clean cuttings, in plastic sample trays, shall be submitted to the Department for each well. Select drill cuttings shall be analyzed for a comprehensive suite of major, minor, and trace elements that are appropriate for characterizing Columbia River Basalt Group stratigraphy. The data shall be compiled and the basalt stratigraphy at each well location shall be interpreted by an Oregon registered geologist.

##### **2) Water Chemistry**

Groundwater samples shall be collected from water-bearing zones developed from each well. Samples shall be analyzed by a state certified laboratory for general chemistry (common ions, including fluoride), standard water-quality parameters (pH, dissolved solids, specific conductance) and for dating of groundwater (radiocarbon, stable isotopes, tritium and CFCs).

The place of use is located as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	11	SW SE	10.00
5 N	30 E	WM	11	SE SE	10.00
5 N	30 E	WM	12	SW SW	5.00
5 N	30 E	WM	13	NW NW	10.00
5 N	30 E	WM	13	SW NW	10.00
5 N	30 E	WM	13	NW SW	10.00
5 N	30 E	WM	13	SW SW	5.00
5 N	30 E	WM	14	NE NE	40.00
5 N	30 E	WM	14	NW NE	40.00
5 N	30 E	WM	14	SW NE	40.00
5 N	30 E	WM	14	SE NE	40.00
5 N	30 E	WM	14	NE NW	40.00
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5 N	30 E	WM	14	SW NW	40.00
5 N	30 E	WM	14	SE NW	40.00
5 N	30 E	WM	14	NE SW	40.00
5 N	30 E	WM	14	NW SW	40.00
5 N	30 E	WM	14	SW SW	20.00
5 N	30 E	WM	14	SE SW	20.00
5 N	30 E	WM	14	NE SE	40.00
5 N	30 E	WM	14	NW SE	40.00
5 N	30 E	WM	14	SW SE	20.00
5 N	30 E	WM	14	SE SE	20.00
5 N	30 E	WM	15	NE NE	40.00
5 N	30 E	WM	15	NW NE	40.00
5 N	30 E	WM	15	SW NE	40.00
5 N	30 E	WM	15	SE NE	40.00
5 N	30 E	WM	15	NE NW	40.00
5 N	30 E	WM	15	NW NW	10.00
5 N	30 E	WM	15	SW NW	10.00
5 N	30 E	WM	15	SE NW	40.00
5 N	30 E	WM	15	NE SE	40.00
5 N	30 E	WM	15	NW SE	40.00
5 N	30 E	WM	15	SW SE	20.00
5 N	30 E	WM	15	SE SE	20.00
Total					1000.00

**Permit Amendment T-11586 Conditions:**

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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

**Measurement, recording and reporting conditions:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.

STATE OF OREGON  
COUNTY OF UMATILLA  
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND, WA 99352

**This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11586 and approved by Special Order Vol. 95, Page 93-94, entered February 18, 2015. This permit supersedes Permit G-16671.**

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

APPLICATION FILE NUMBER: G-17068

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, AND WELL 4 IN COLUMBIA RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 1,000 ACRES

MAXIMUM RATE: 12.5 CUBIC FEET PER SECOND, FURTHER LIMITED TO 2,000 ACRE FEET PER YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

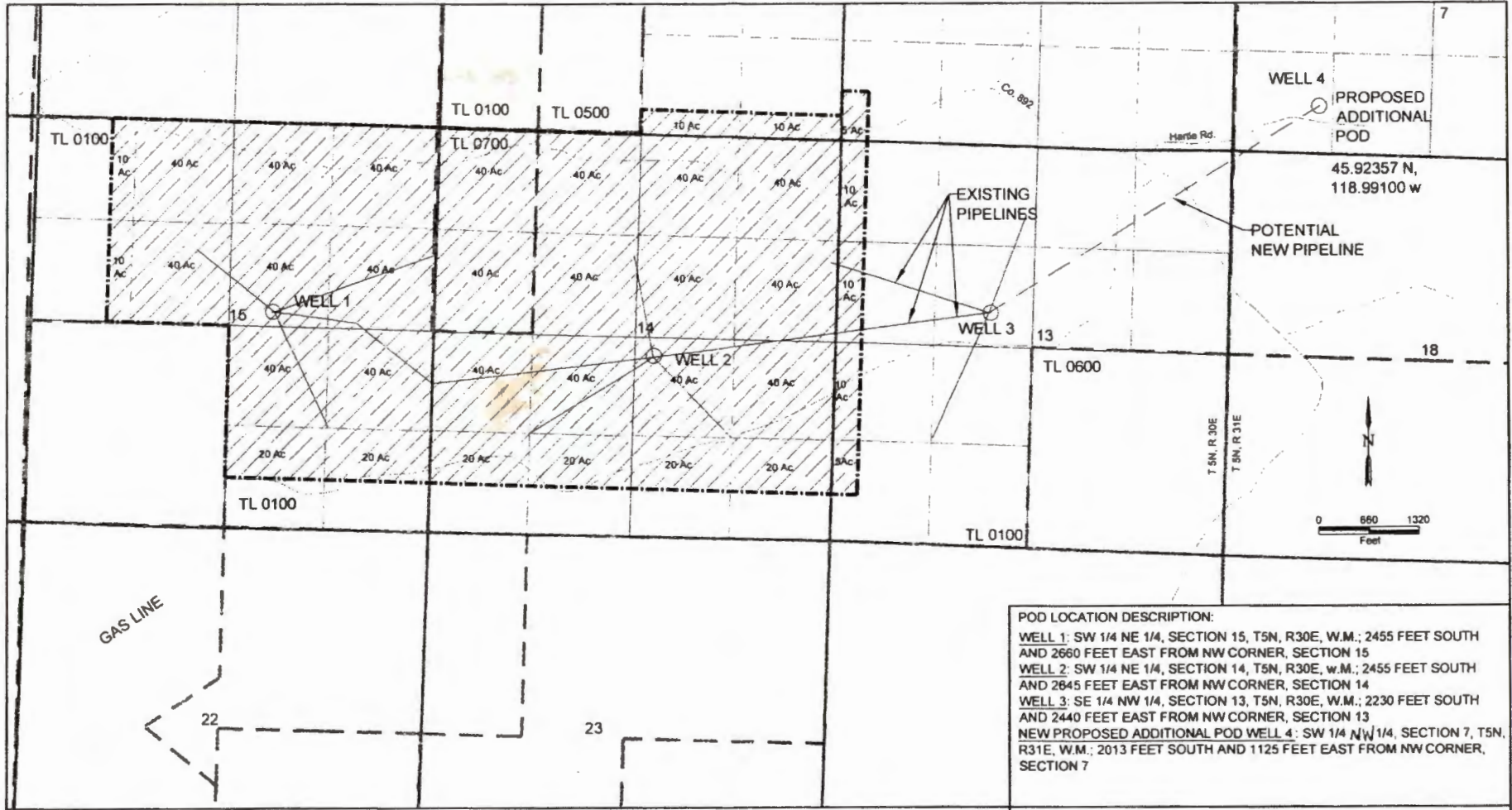
DATE OF PRIORITY: JUNE 16, 2008

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
5 N	30 E	WM	15	SW NE	WELL 1: 2455 FEET SOUTH AND 2660 FEET EAST FROM THE NW CORNER OF SECTION 15
5 N	30 E	WM	14	SW NE	WELL 2: 2455 FEET SOUTH AND 2645 FEET EAST FROM THE NW CORNER OF SECTION 14
5 N	30 E	WM	13	SE NW	WELL 3: 2230 FEET SOUTH AND 2440 FEET EAST FROM THE NW CORNER OF SECTION 13
5 N	31 E	WM	7	SW NW	WELL 4: 2013 FEET SOUTH AND 1125 FEET EAST FROM THE NW CORNER OF SECTION 7

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





**POD LOCATION DESCRIPTION:**  
 WELL 1: SW 1/4 NE 1/4, SECTION 15, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2660 FEET EAST FROM NW CORNER, SECTION 15  
 WELL 2: SW 1/4 NE 1/4, SECTION 14, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2645 FEET EAST FROM NW CORNER, SECTION 14  
 WELL 3: SE 1/4 NW 1/4, SECTION 13, T5N, R30E, W.M.; 2230 FEET SOUTH AND 2440 FEET EAST FROM NW CORNER, SECTION 13  
 NEW PROPOSED ADDITIONAL POD WELL 4: SW 1/4 NW 1/4, SECTION 7, T5N, R31E, W.M.; 2013 FEET SOUTH AND 1125 FEET EAST FROM NW CORNER, SECTION 7

Township 5North, Range 30 East,  
 W.M. Sections 11,12, 13,14,15

- EXISTING PLACE OF USE (POU): PERMIT G-16671, DATE OF PRIORITY: JUNE 16, 2008
- POINT OF DIVERSIONS (POD)
- TAX LOT BOUNDARY
- SECTION BOUNDARY
- Q SECTION BOUNDARY
- QQ SECTION BOUNDARY

UMATILLA COUNTY

**RUPP RANCHES**  
 WATER RIGHTS APPLICATION  
 ADDITIONAL POINT OF APPROPRIATION

**IRZ**  
 Consulting, LLC  
 500 N 1ST, HERMISTON, OREGON 97838  
 OFFICE (541) 567-0252 FAX (541) 567-4239

DESIGNED	PAUL WATTENBURGER	
DRAWN	S. SHAKYA	
SCALE	1 IN = 1320 FT	SHEET
DATE		
DRAWING NO.	536-13-026	

RECEIVED BY OWRD  
 APR 25 2013  
 SALEM, OR

*Dr. David Latta P-2514*

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT PERMIT  
(CONTINUED)**

6. I/we request the water right be diminished from a right for supplemental irrigation of the lands described above in item #5;

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from GROUNDWATER WELLS 1, 2, 3, 4 (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from WELLS 1, 2, 3, 4 (source) for primary irrigation of these lands.

[Signature]  
Signature of legal owner as listed on deed, or authorized agent

9-27-17  
Date

\_\_\_\_\_  
Signature of legal co-owner as listed on deed  
(if applicable)

\_\_\_\_\_  
Date

Subscribed and Sworn to Before Me this 27 day of September, 2017.



[Signature]  
Notary Public for ~~Oregon~~ Washington

My Commission Expires May 9, 2020

PLEASE ATTACH LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

PROTESTED EXTENSION

ON THIS. CANNOT

DEMINISH UNTIL

PROTEST IS COMPLETE

G-17068

The place of use is located as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	11	SW SE	10.00
5 N	30 E	WM	11	SE SE	10.00
5 N	30 E	WM	12	SW SW	5.00
5 N	30 E	WM	13	NW NW	10.00
5 N	30 E	WM	13	SW NW	10.00
5 N	30 E	WM	13	NW SW	10.00
5 N	30 E	WM	13	SW SW	5.00
5 N	30 E	WM	14	NE NE	40.00
5 N	30 E	WM	14	NW NE	40.00
5 N	30 E	WM	14	SW NE	40.00
5 N	30 E	WM	14	SE NE	40.00
5 N	30 E	WM	14	NE NW	40.00
5 N	30 E	WM	14	NW NW	40.00
5 N	30 E	WM	14	SW NW	40.00
5 N	30 E	WM	14	SE NW	40.00
5 N	30 E	WM	14	NE SW	40.00
5 N	30 E	WM	14	NW SW	40.00
5 N	30 E	WM	14	SW SW	20.00
5 N	30 E	WM	14	SE SW	20.00
5 N	30 E	WM	14	NE SE	40.00
5 N	30 E	WM	14	NW SE	40.00
5 N	30 E	WM	14	SW SE	20.00
5 N	30 E	WM	14	SE SE	20.00
5 N	30 E	WM	15	NE NE	40.00
5 N	30 E	WM	15	NW NE	40.00
5 N	30 E	WM	15	SW NE	40.00
5 N	30 E	WM	15	SE NE	40.00
5 N	30 E	WM	15	NE NW	40.00
5 N	30 E	WM	15	NW NW	10.00
5 N	30 E	WM	15	SW NW	10.00
5 N	30 E	WM	15	SE NW	40.00
5 N	30 E	WM	15	NE SE	40.00
5 N	30 E	WM	15	NW SE	40.00
5 N	30 E	WM	15	SW SE	20.00
5 N	30 E	WM	15	SE SE	20.00
Total					1000.00

Permit Amendment T-11586 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT PERMIT**

State of Oregon )  
 ) ss  
County of UMATILLA )

I/We (or authorized agent), RUPP RANCHES (RANDY RUPP),  
residing at 176 KRANICHWOOD ST, RICHLAND, WA 99352,  
being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 0100 & 0700,  
within the 1/4 1/4, Section SEE ATTACHED LIST, Township SEE ATTACHED LIST N/S, Range SEE ATTACHED LIST  
E/W, of the Willamette Meridian, in SEE ATTACHED LIST County,  
Oregon, as shown on the attached map and described in the attached deed and legal description  
and made part of this affidavit;

2. A portion of water right permit number G-17272 issued to RUPP RANCHES,  
with a date of priority of 16 JUNE 2008 for use of 12.5 CFS CFS / AF of water from  
FOUR WELLS (WELL 1, 2, 3, 4) (sources) for  
the purpose of IRRIGATION DURING PERIODS OF MARCH 1 - APRIL 14 AND OCTOBER 1-31 ONLY (uses) is  
appurtenant to my/our property;

3 The appurtenant water right is/is not located within the boundaries of an irrigation,  
drainage, water improvement, or water control district, or federal reclamation project (if the right  
is located within a district or reclamation project, name it here:  
SEE ATTACHED LIST IS NOT SEE ATTACHED LIST);

4. If the water right is issued in the name of an irrigation district, then the affiant must have  
the concurrence of the district to the diminishment of the portion of the water right. (Signature of  
district manager on the line below documents concurrence of the district.)

\_\_\_\_\_  
Signature of District Manager Printed Name Date

5. I/We have obtained a MORE AVAILABLE, CERTAIN, AND SUSTAINABLE (e.g., better, more  
economical) source of water for the primary irrigation of the portion of this water right shown on  
the attached map and described as follows: The right to the use of 12.5 CFS CFS / AF from  
GROUNDWATER for the irrigation of 1,000 acres located:

1/4 1/4 SEE ATTACHED Acres  
1/4 1/4 Acres  
1/4 1/4 Acres  
1/4 1/4 Acres  
1/4 1/4 Acres

Section \_\_\_\_\_  
Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, WM;

Shonee

**Shonee D. Langford**  
530 Center St. NE, Suite 730  
Salem, OR 97301  
Direct: 503-540-4261

**From:** MCCARTY Patricia E \* WRD <Patricia.E.Mccarty@oregon.gov>  
**Sent:** Wednesday, September 4, 2019 10:41 AM  
**To:** Langford, Shonee D. <SLangford@SCHWABE.com>  
**Cc:** MCCARTY Patricia E \* WRD <Patricia.E.Mccarty@oregon.gov>; FRENCH Kim R \* WRD <Kim.R.French@oregon.gov>  
**Subject:** Rupp Ranches Permit G-17272

Hi Shonee,  
Rupp Ranches submitted a permit extension application on March 29, 2016 and a PFO to deny was issued on August 28, 2018. The department offered to approve the extension with a condition prohibiting use until water levels recover. Rupp Ranches also submitted an affidavit to diminish the permit from primary to supplemental during the period of March 1 – April 15, and October 1-31 on September 27, 2017. Kim French, who was assigned the diminishment from another staff person, is ready to process the diminishment. Can you let me know how Rupp Ranches wants to proceed on both of these?

Sincerely,  
Patricia McCarty  
Protest Program Coordinator  
Oregon Water Resources Department  
503-986-0820

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Salem, OR 97301  
Direct: 503-540-4261

**From:** FRENCH Kim R \* WRD <[Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov)>  
**Sent:** Thursday, November 21, 2019 2:10 PM  
**To:** Langford, Shonee D. <[SLangford@SCHWABE.com](mailto:SLangford@SCHWABE.com)>; MCCARTY Patricia E \* WRD <[Patricia.E.Mccarty@oregon.gov](mailto:Patricia.E.Mccarty@oregon.gov)>  
**Subject:** RE: Rupp Ranches Permit G-17272 [IWOV-PDX.FID2676958]

Hi Shonee,

I had to think a little to remember the particulars of this one, but I finally got it!

I was working on Application S-88299, which is for primary irrigation from Columbia River on 5021.2 acres. For S-88299 to be the primary irrigation right, they needed to diminish G-17068/Permit G-17272 to supplemental irrigation, but we can't do that until the protest for the extension is settled.

Attached is a copy of the affidavit that was submitted in Sept 2017.

Let me know if you have any questions.

Thank you,

**Kim French** | Water Rights Application Specialist  
**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503 986-0616 | Email: [kim.r.french@oregon.gov](mailto:kim.r.french@oregon.gov)  
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

*Life is too short to spend one minute unhappy! Be Happy!*

**From:** Langford, Shonee D. <[SLangford@SCHWABE.com](mailto:SLangford@SCHWABE.com)>  
**Sent:** Wednesday, November 20, 2019 3:41 PM  
**To:** MCCARTY Patricia E \* WRD <[Patricia.E.Mccarty@oregon.gov](mailto:Patricia.E.Mccarty@oregon.gov)>  
**Cc:** FRENCH Kim R \* WRD <[Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov)>  
**Subject:** RE: Rupp Ranches Permit G-17272 [IWOV-PDX.FID2676958]

Hi Patricia,

We are working up a settlement proposal and should have something to you in December.

While we're working on that could you or Kim please

- Explain why the permit diminishment was needed and how it came up? Was it part of a transfer/permit amendment application?
- Send me a copy of the affidavit submitted by Rupp Ranches?

Your email below was the first time I heard of the permit diminishment. Randy Rupp wasn't clear on the details when I talked to him yesterday. Not surprising if the affidavit was submitted over two years ago.

We would like to address all issues at the same time, if at all possible.

Thanks,

## MUCKEN Alyssa M \* WRD

---

**From:** FRENCH Kim R \* WRD  
**Sent:** Monday, November 25, 2019 7:24 AM  
**To:** MUCKEN Alyssa M \* WRD  
**Subject:** FW: Rupp Ranches Permit G-17272 [IWOV-PDX.FID2676958]

What do you think of this? I know we have used this condition in the past, but not recently.

**Kim French** | Water Rights Application Specialist  
**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503 986-0816 | Email: [kim.r.french@oregon.gov](mailto:kim.r.french@oregon.gov)  
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**From:** Langford, Shonee D. <SLangford@SCHWABE.com>  
**Sent:** Friday, November 22, 2019 2:38 PM  
**To:** FRENCH Kim R \* WRD <Kim.R.French@oregon.gov>; MCCARTY Patricia E \* WRD <Patricia.E.Mccarty@oregon.gov>  
**Subject:** RE: Rupp Ranches Permit G-17272 [IWOV-PDX.FID2676958]

Hi Kim,  
Thanks for the background. Is this the only thing that has held up issuance of a final order and permit for Application S-88299?

I have some thoughts on how we might move forward with App. S-88299 before the Protest on Permit G-17272 is resolved. I haven't discussed with Rupp Ranches yet, but would appreciate the Department's feedback.

I think the primary/supplemental issue could be resolved by including the following condition in the anticipated permit for App. S-88299: "In the interest of conserving groundwater supplies, the supplemental surface water use described in this permit may be exercised in place of any existing groundwater right for primary irrigation of the same land, at times when water is available from the authorized surface water source."

This proposed condition is expressly authorized by OAR 690-320-0070(3). See Permit S-54980, page 9 for an example of a permit that includes this condition.

With that condition in place, I do not see the need for a formal diminishment (thus avoiding the problem of waiting for the groundwater protest to be resolved). When I worked with the Department to include the proposed condition in Permit S-54980, the Department did not require the existing primary groundwater rights to be diminished.

Please let me know if the Department agrees we can proceed in this manner, then I'll run it past the water user.

Thanks,

Shonee

**Shonee D. Langford**  
530 Center St. NE, Suite 730

Hi Shonee,

Rupp Ranches submitted a permit extension application on March 29, 2016 and a PFO to deny was issued on August 28, 2018. The department offered to approve the extension with a condition prohibiting use until water levels recover. Rupp Ranches also submitted an affidavit to diminish the permit from primary to supplemental during the period of March 1 – April 15, and October 1-31 on September 27, 2017. Kim French, who was assigned the diminishment from another staff person, is ready to process the diminishment. Can you let me know how Rupp Ranches wants to proceed on both of these?

Sincerely,

Patricia McCarty

Protest Program Coordinator

Oregon Water Resources Department

503-986-0820

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Attached is a copy of the affidavit that was submitted in Sept 2017.

Let me know if you have any questions.

Thank you,

**Kim French** | Water Rights Application Specialist

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0816 | Email: [kim.r.french@oregon.gov](mailto:kim.r.french@oregon.gov)

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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**From:** Langford, Shonee D. <[SLangford@SCHWABE.com](mailto:SLangford@SCHWABE.com)>

**Sent:** Wednesday, November 20, 2019 3:41 PM

**To:** MCCARTY Patricia E \* WRD <[Patricia.E.Mccarty@oregon.gov](mailto:Patricia.E.Mccarty@oregon.gov)>

**Cc:** FRENCH Kim R \* WRD <[Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov)>

**Subject:** RE: Rupp Ranches Permit G-17272 [IWOV-PDX.FID2676958]

Hi Patricia,

We are working up a settlement proposal and should have something to you in December.

While we're working on that could you or Kim please

- Explain why the permit diminishment was needed and how it came up? Was it part of a transfer/permit amendment application?
- Send me a copy of the affidavit submitted by Rupp Ranches?

Your email below was the first time I heard of the permit diminishment. Randy Rupp wasn't clear on the details when I talked to him yesterday. Not surprising if the affidavit was submitted over two years ago.

We would like to address all issues at the same time, if at all possible.

Thanks,

Shonee

**Shonee D. Langford**

530 Center St. NE, Suite 730

Salem, OR 97301

Direct: 503-540-4261

**From:** MCCARTY Patricia E \* WRD <[Patricia.E.Mccarty@oregon.gov](mailto:Patricia.E.Mccarty@oregon.gov)>

**Sent:** Wednesday, September 4, 2019 10:41 AM

**To:** Langford, Shonee D. <[SLangford@SCHWABE.com](mailto:SLangford@SCHWABE.com)>

**Cc:** MCCARTY Patricia E \* WRD <[Patricia.E.Mccarty@oregon.gov](mailto:Patricia.E.Mccarty@oregon.gov)>; FRENCH Kim R \* WRD <[Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov)>

**Subject:** Rupp Ranches Permit G-17272

**FRENCH Kim R \* WRD**

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**From:** Langford, Shonee D. <SLangford@SCHWABE.com>  
**Sent:** Friday, November 22, 2019 2:38 PM  
**To:** FRENCH Kim R \* WRD; MCCARTY Patricia E \* WRD  
**Subject:** RE: Rupp Ranches Permit G-17272 [IWOV-PDX.FID2676958]

Hi Kim,

Thanks for the background. Is this the only thing that has held up issuance of a final order and permit for Application S-88299?

I have some thoughts on how we might move forward with App. S-88299 before the Protest on Permit G-17272 is resolved. I haven't discussed with Rupp Ranches yet, but would appreciate the Department's feedback.

I think the primary/supplemental issue could be resolved by including the following condition in the anticipated permit for App. S-88299: "In the interest of conserving groundwater supplies, the supplemental surface water use described in this permit may be exercised in place of any existing groundwater right for primary irrigation of the same land, at times when water is available from the authorized surface water source." 690-320-0070(3)

This proposed condition is expressly authorized by OAR 690-320-0070(3). See Permit S-54980, page 9 for an example of a permit that includes this condition.

With that condition in place, I do not see the need for a formal diminishment (thus avoiding the problem of waiting for the groundwater protest to be resolved). When I worked with the Department to include the proposed condition in Permit S-54980, the Department did not require the existing primary groundwater rights to be diminished.

Please let me know if the Department agrees we can proceed in this manner, then I'll run it past the water user.

Thanks,

Shonee

**Shonee D. Langford**  
530 Center St. NE, Suite 730  
Salem, OR 97301  
Direct: 503-540-4261

**From:** FRENCH Kim R \* WRD <Kim.R.French@oregon.gov>  
**Sent:** Thursday, November 21, 2019 2:10 PM  
**To:** Langford, Shonee D. <SLangford@SCHWABE.com>; MCCARTY Patricia E \* WRD <Patricia.E.Mccarty@oregon.gov>  
**Subject:** RE: Rupp Ranches Permit G-17272 [IWOV-PDX.FID2676958]

Hi Shonee,

I had to think a little to remember the particulars of this one, but I finally got it!

not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

3. 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.
4. 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.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
7. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
8. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.
9. At the time of perfection, the permittee may request that the use be certificated as primary irrigation, if water has been used beneficially according to the terms and conditions of this permit, and if underlying primary water rights are simultaneously diminished or canceled.

Issued     JAN 16 2020    



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	15	NE NE	40.0
5 N	30 E	WM	15	NW NE	40.0
5 N	30 E	WM	15	SW NE	40.0
5 N	30 E	WM	15	SE NE	40.0
5 N	30 E	WM	15	NE NW	40.0
5 N	30 E	WM	15	NW NW	10.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	15	SW NW	10.0
5 N	30 E	WM	15	SE NW	40.0
5 N	30 E	WM	15	NE SE	40.0
5 N	30 E	WM	15	NW SE	40.0
5 N	30 E	WM	15	SW SE	20.0
5 N	30 E	WM	15	SE SE	20.0

**1. Water Use Measurement, Recording, and Reporting Condition:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. A fishway to ensure adequate upstream and downstream passage for fish is required for any in-channel obstruction, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission.
  3. The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. The permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
  4. The use of water under this permit may be used in place of any existing groundwater right for primary irrigation of the same land in order to conserve groundwater supplies.

**STANDARD CONDITIONS**

1. 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.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	11	SW SE	30.0
5 N	30 E	WM	11	SE SE	30.0
5 N	30 E	WM	12	NE NE	40.0
5 N	30 E	WM	12	NW NE	40.0
5 N	30 E	WM	12	SW NE	40.0
5 N	30 E	WM	12	SE NE	40.0
5 N	30 E	WM	12	NE NW	40.0
5 N	30 E	WM	12	NW NW	40.0
5 N	30 E	WM	12	SW NW	40.0
5 N	30 E	WM	12	SE NW	40.0
5 N	30 E	WM	12	NE SW	40.0
5 N	30 E	WM	12	NW SW	40.0
5 N	30 E	WM	12	SW SW	35.0
5 N	30 E	WM	12	SE SW	40.0
5 N	30 E	WM	12	NE SE	40.0
5 N	30 E	WM	12	NW SE	40.0
5 N	30 E	WM	12	SW SE	40.0
5 N	30 E	WM	12	SE SE	40.0
5 N	30 E	WM	13	NE NE	40.0
5 N	30 E	WM	13	NW NE	40.0
5 N	30 E	WM	13	SW NE	40.0
5 N	30 E	WM	13	SE NE	40.0
5 N	30 E	WM	13	NE NW	40.0
5 N	30 E	WM	13	NW NW	30.0
5 N	30 E	WM	13	SW NW	30.0
5 N	30 E	WM	13	SE NW	40.0
5 N	30 E	WM	13	NE SW	40.0
5 N	30 E	WM	13	NW SW	30.0
5 N	30 E	WM	13	SW SW	35.0
5 N	30 E	WM	13	SE SW	40.0
5 N	30 E	WM	14	SW SW	20.0
5 N	30 E	WM	14	SE SW	20.0
5 N	30 E	WM	14	SW SE	20.0
5 N	30 E	WM	14	SE SE	20.0
5 N	30 E	WM	15	NW NW	30.0
5 N	30 E	WM	15	SW NW	30.0
5 N	30 E	WM	15	SW SE	20.0
5 N	30 E	WM	15	SE SE	20.0
5 N	31 E	WM	5	SW NW	35.0
5 N	31 E	WM	5	SE NW	35.0
5 N	31 E	WM	5	NE SW	36.8
5 N	31 E	WM	5	NW SW	36.8
5 N	31 E	WM	5	SW SW	38.8
5 N	31 E	WM	5	SE SW	38.8
5 N	31 E	WM	7	NE NE	40.0
5 N	31 E	WM	7	SW NE	40.0
5 N	31 E	WM	7	SE NE	40.0
5 N	31 E	WM	7	NE NW	40.0
5 N	31 E	WM	7	SW NW	40.0
5 N	31 E	WM	7	SE NW	40.0
5 N	31 E	WM	7	NE SW	40.0
5 N	31 E	WM	7	NW SW	40.0
5 N	31 E	WM	7	SW SW	40.0

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	31 E	WM	7	SE SW	40.0
5 N	31 E	WM	7	NE SE	40.0
5 N	31 E	WM	7	NW SE	40.0
5 N	31 E	WM	7	SW SE	40.0
5 N	31 E	WM	7	SE SE	40.0
5 N	31 E	WM	8	NW NE	40.0
5 N	31 E	WM	8	SW NE	40.0
5 N	31 E	WM	8	NW NW	40.0
5 N	31 E	WM	8	SW NW	40.0
5 N	31 E	WM	8	SE NW	40.0
5 N	31 E	WM	8	NE SW	40.0
5 N	31 E	WM	8	NW SW	40.0
5 N	31 E	WM	8	SW SW	40.0
5 N	31 E	WM	8	SE SW	40.0
5 N	31 E	WM	8	NW SE	40.0
5 N	31 E	WM	17	NE NW	40.0
5 N	31 E	WM	17	NW NW	40.0
5 N	31 E	WM	17	SW NW	40.0
5 N	31 E	WM	17	SE NW	40.0
5 N	31 E	WM	18	NE NE	40.0
5 N	31 E	WM	18	NW NE	40.0
5 N	31 E	WM	18	SW NE	40.0
5 N	31 E	WM	18	SE NE	40.0
5 N	31 E	WM	18	NE NW	40.0
5 N	31 E	WM	18	NW NW	40.0
5 N	31 E	WM	18	SW NW	40.0
5 N	31 E	WM	18	SE NW	40.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	11	SW SE	10.0
5 N	30 E	WM	11	SE SE	10.0
5 N	30 E	WM	12	SW SW	5.0
5 N	30 E	WM	13	NW NW	10.0
5 N	30 E	WM	13	SW NW	10.0
5 N	30 E	WM	13	NW SW	10.0
5 N	30 E	WM	13	SW SW	5.0
5 N	30 E	WM	14	NE NE	40.0
5 N	30 E	WM	14	NW NE	40.0
5 N	30 E	WM	14	SW NE	40.0
5 N	30 E	WM	14	SE NE	40.0
5 N	30 E	WM	14	NE NW	40.0
5 N	30 E	WM	14	NW NW	40.0
5 N	30 E	WM	14	SW NW	40.0
5 N	30 E	WM	14	SE NW	40.0
5 N	30 E	WM	14	NE SW	40.0
5 N	30 E	WM	14	NW SW	40.0
5 N	30 E	WM	14	SW SW	20.0
5 N	30 E	WM	14	SE SW	20.0
5 N	30 E	WM	14	NE SE	40.0
5 N	30 E	WM	14	NW SE	40.0
5 N	30 E	WM	14	SW SE	20.0
5 N	30 E	WM	14	SE SE	20.0

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND WA 99352

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

APPLICATION FILE NUMBER: S-88299

SOURCE OF WATER: COLUMBIA RIVER, TRIBUTARY TO PACIFIC OCEAN

PURPOSE OR USE: PRIMARY IRRIGATION OF 4,021.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 1,000.0 ACRES

MAXIMUM RATE: 31.4 CUBIC FEET PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH APRIL 14

DATE OF PRIORITY: OCTOBER 12, 2016

POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2920 FEET NORTH AND 150 FEET EAST FROM SW CORNER, SECTION 8

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	1	NE NE	40.0
5 N	30 E	WM	1	NW NE	40.0
5 N	30 E	WM	1	SW NE	40.0
5 N	30 E	WM	1	SE NE	40.0
5 N	30 E	WM	1	NE NW	40.0
5 N	30 E	WM	1	NW NW	40.0
5 N	30 E	WM	1	SW NW	40.0
5 N	30 E	WM	1	SE NW	40.0
5 N	30 E	WM	1	NE SW	40.0
5 N	30 E	WM	1	NW SW	40.0
5 N	30 E	WM	1	SW SW	40.0
5 N	30 E	WM	1	SE SW	40.0
5 N	30 E	WM	1	NE SE	40.0

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	1	NW SE	40.0
5 N	30 E	WM	1	SW SE	40.0
5 N	30 E	WM	1	SE SE	40.0
5 N	30 E	WM	11	NE NE	40.0
5 N	30 E	WM	11	NW NE	40.0
5 N	30 E	WM	11	SW NE	40.0
5 N	30 E	WM	11	SE NE	40.0
5 N	30 E	WM	11	NW NW	40.0
5 N	30 E	WM	11	SW NW	40.0
5 N	30 E	WM	11	NW SW	40.0
5 N	30 E	WM	11	SW SW	40.0
5 N	30 E	WM	11	NE SE	40.0
5 N	30 E	WM	11	NW SE	40.0

**ORDER**

Application S-88299 is approved and Permit S-55245 is issued.

DATED JAN 16 2020



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Kim French at [Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov) or 503-986-0816.
  - 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.
-

**Oregon Water Resources Department**  
**Water Right Services Division**

Water Right Application S-88299 in the name     )  
of RUPP RANCHES                                     )                                     FINAL ORDER  
   )

**Summary:** Order approving Application S-88299 and issuing Permit S-55245.

***Authority***

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and the Columbia River Basin Program (OAR 690-519). These statutes and rules can be viewed on following website:

<https://www.oregon.gov/OWRD/programs/policylawandrules/Pages.default.aspx>

The Department’s main page is <https://www.oregon.gov/OWRD>.

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-310-0170 to 0190.

**FINDINGS OF FACT**

1. On October 12, 2016, Rupp Ranches submitted an application to the Department for a water use permit.
2. On January 23, 2018, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed March 9, 2018 and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein with the following modification:
  - A. The acreage identified as having a conflict with Permit G-17272, being 1,000.00 acres, shall be allowed for supplemental irrigation under this application with the option to prove up as primary irrigation at the time of certification or to use in place of an existing groundwater right for primary irrigation of the same land to conserve groundwater supplies.

**CONCLUSIONS OF LAW**

1. The conclusions of law in the Proposed Final Order are incorporated herein.
2. The proposed use, as conditioned, would not impair or be detrimental to the public interest.

NOTE: When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of the water to be appropriated for the project.



# Mailing List for FO/Permit Copies

Application S-88299

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**Original mailed via CERTIFIED MAIL to applicant:**

RUPP RANCHES  
176 KRANICHWOOD ST  
RICHLAND WA 99352

Copies Mailed
By: <u>TM</u> (SUPPORT STAFF)
on: <u>1/16/2020</u> (DATE)

**SENT VIA AUTO EMAIL:**

1. WRD – Greg Silbernagel - # 5

**Copies sent via email to:**

2. Agent – Said Amali: [said.amali@akana.us](mailto:said.amali@akana.us)

**Copies sent to:**

3. WRD – Hydrographics
4. Commenter – James Palmer of Pacific Power - [james.palmer@pacificorp.com](mailto:james.palmer@pacificorp.com)
5. ALO – Carl St. Hilaire, JSH Farms Inc, 84186 Hwy 37, Hermiston, OR 97838
6. Shonee Langford – [slangford@schwabe.com](mailto:slangford@schwabe.com)

**PFO and Map sheet Copies to:**

7. WRD – File # S-88299

Application Specialist: Kim French