Application No. 88648

Permit No. _____

Certificate No. _____

Brian & Duane, LLC S-88648
7385 Howell Prairie Road NE
Silverton, OR 97381

AUGUST 2, 2018

UMATILLA WM# 5

FEES PAID

Date	Amount	Receipt No.
8-2-18	$21,750.00	127521
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:d Cert. Mailed _____

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

FRENCH Kim R * WRD

From: Lolly Anderson <lolly.anderson@andersonschultz.com>
Sent: Tuesday, December 10, 2019 11:34 AM
To: FRENCH Kim R * WRD
Subject: Request for Hold: Ditchen Land Company / Brian & Duane LLC

Hi Kim,

This email is to request an administrative hold on all six applications: S-88648, S-88649, S-88650, S-88651, S-88652, and S-88653.

Thank you,
Lolly

Lolly Anderson
Anderson Schultz LLP
PO Box 42427
Portland, OR 97242
T: 619.995.1057

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

December 10, 2019

BRIAN AND DUANE LLC
DITCHEN LAND COMPANY
7385 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381

Reference: File S-88648, S-88649, S-88650, S-88651, S-88652, and S-88653

Dear Applicant:

On December 10, 2019, the Water Resources Department received a letter requesting a 180-day administrative hold on processing the above-referenced applications.

The Department will not take any action on this application until **June 10, 2020,** unless you request that we continue processing sooner. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

Feel free to contact me at kim.r.french@oregon.gov or 503-986-0816 with questions.

Sincerely,

Kim French
Water Right Application Specialist

cc: WM# 5
File
Lolly Anderson – lolly.anderson@andersonschultz.com

FRENCH Kim R * WRD

From: Lolly Anderson <lolly.anderson@andersonschultz.com>
Sent: Tuesday, December 10, 2019 11:34 AM
To: FRENCH Kim R * WRD
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Thank you,
Lolly

Lolly Anderson
Anderson Schultz LLP
PO Box 42427
Portland, OR 97242
T: 619.995.1057

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

S-88648, S-88649, S-88650
S-88651, S-88652, S-88653
Brian & Duane LLC
Ditchen Land Company LLC
7385 Howell Prairie Rd. NE
Silverton, OR. 97381

9590 9402 4402 8248 9810 13

2. Article Number *(Transfer from service label)*

7018 0680 0002 0041 5497

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery 9-12-19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
SEP 16 2019
OWRD

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
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- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 TM/KF

Domestic Return Receipt

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

CERTIFIED MAIL
Return Receipt Requested

September 10, 2019

Brian & Duane LLC
Ditchen Land Company LLC
7385 Howell Prairie Road NE
Silverton, OR 97381

Re: Water Right Applications S-88648, S-88649, S-88650, S-88651, S-88652, and S-88653

Dear Mr. Ditchen,

The Oregon Water Resources Department (Department) has been working to complete the next step in processing your applications, which is preparing the Proposed Final Orders (PFOs). Oregon Administrative Rule (OAR) 690-033 requires that these applications be reviewed by the Oregon Department of Environmental Quality (ODEQ) and the Oregon Department of Fish and Wildlife (ODFW) to determine whether the proposed uses will impair or be detrimental to the public interest with regard to Sensitive, Threatened, or Endangered (STE) fish species.

The Department received the reviews conducted by ODFW, indicating that STE fish species are present at the location of the proposed uses and will be impacted by the proposed uses. What this means is that the proposed uses are not consistent with the Columbia River Basin Fish and Wildlife Program, will result in a net loss of essential habitat of a sensitive fish species, and ultimately, will impair or be detrimental to the public interest. ODFW's recommendation is that the period of proposed use be limited or water-for-water flow mitigation be provided. Mitigation water shall be protected instream at the point or reach above Bonneville Dam located at approximately River Mile 146.

The following is a breakdown of the specific limitations and mitigation requirements for each application:

Application	Proposed Period of Use	Period of Use Limitation	Required Flow Mitigation	Month(s) Mitigation Required
S-88648	November – February	December – February	49.444 CFS	November
S-88649	March – April 14 and October	March – April 14	56.48 CFS	October
S-88650	March – April 14 and October	March – April 14	49.45 CFS	October

S-88651	November – February	December – February	49.444 CFS	November
S-88652	October – April 14	December – April 14	4.0 CFS	October and November
S-88653	October – April 14	December – April 14	4.0 CFS	October and November

As mitigation, you may propose to divert water during the month(s) when mitigation is required only when the 7-day rolling average of the mean daily gage height, or tailwater elevation, below Bonneville Dam is equal to or greater than the height of 11.5 feet or equal to or greater than the stage height set by the Action Agencies once set (usually late December), whichever is greater.[1] ODFW recommends the permittee maintain a spreadsheet of the 7-day rolling average of the mean daily gage height for the period when the permittee is withdrawing water in the month(s) proposed, which will be available to the Department upon request.

Should you choose to pursue mitigation, a fee of $670 per application will be required and must be submitted with any mitigation proposal.

If you would like to divert water during the entire period proposed, please submit the mitigation proposal(s) no later than December 10, 2019. If you need more time, you may request an administrative hold for up to 180 days. 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.

If we do not hear from you by **December 10, 2019**, the Department will likely proceed with a Proposed Final Order recommending a limited period of use.

Please feel free to contact me at Kim.R.French@oregon.gov or 503 986-0816 if you have any questions.

Also enclosed with this letter are copies of the reviews submitted by Oregon Department of Fish and Wildlife and Oregon Department of Environmental Quality.

Regards,

Kim French
Water Rights Application Specialist

Enclosures
cc: Will McGill – willmcgillsurveying@gmail.com
Anderson Schultz LLP – Lolly Anderson - lolly.anderson@andersonschultz.com

[1] If this mitigation is selected, the permittee should contact the Army Corps of Engineers representative of the Technical Management Team to identify the stage height set by the Action Agencies (contact information can be found on the meeting agendas here: http://www.nwd-wc.usace.army.mil/tmt/) . To monitor mean daily stage at this location, the permittee will use the official project tailwater elevation gage (USGS gage station #14128870 Columbia River below Bonneville Dam, OR). Real-time data from this station is available online at the United States Geological Survey website: http://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency_cd=USGS&referred_module=sw.

Division 33 Agency Review's Synthesis Form

Application #	S-88648
Applicant	Brian and Duane LLC
Amount of water sought	54.47 cubic feet per second
Application Specialist	Kim French
Division 33 Geographic Code	334 Upper Columbia & Statewide
Listed Endangered or Threatened Fish Species:	Snake River Sockeye, Upper Columbia spring Chinook, Lower Columbia Chinook, Snake River Chinook spring/summer, Snake River Fall Chinook, Columbia River Chum, Lower Columbia River Steelhead, Mid-Columbia Steelhead, Upper Columbia Steelhead, Upper Columbia Steelhead
ODFW Listed Sensitive Fish Species	Pacific Lamprey

Division 33 Review Findings:

ODFW	ODEQ
ODFW found ten federally listed endangered or threatened fish species and one state listed sensitive fish species over numerous life stages that are present at the location of the proposed use or will be impacted by it. The reviewer found that the proposed use will result in a loss of essential habitat of a threatened or endangered fish species and a net-loss of essential habitat of sensitive fish species. In addition, the reviewer found that the proposed use is inconsistent with the Northwest Power & Conservation Council's Columbia River Plan due to impairment of biologically necessary flows or to impacts to ecological functions important to threatened and endangered fish. The proposed diversion will impair the identified biologically necessary flows.	ODEQ identified a year round 303(d) listing for temperature for the Columbia River and recommended permit conditions to mitigate for impacts of this application.

Recommended Conditions:

ODFW

Mitigation Proposal: ODFW recommends that the applicant provide the OWRD caseworker with the goals and standards of OAR 635-415-0025 and as outlined in Sections 3, 4 and 7 of the ODFW review to

compensate for any potential impact from the proposed use. The elements of the mitigation proposal are identified in the below ODFW conditions.

ODFW

Screening

Required & Flow Mitigation of 49.444 cfs plus a net benefit (for Habitat Category 2 OAR 635-415-0025) (Please reference page 9, Section D of their review, as the ODFW reviewer further specifies the flow mitigation.)

Limit Period of Use: December – February unless a suitable mitigation proposal is provided for November prior to issuance of the Proposed Final Order.

Measurement Device: To support chum salmon migration, spawning, incubation, and emergence tailwater elevation below Bonneville dam must be minimum of 11.5' from October – April 14th. If the tailwater falls below 11.5' the permittee shall not divert water.

ODEQ

Limit Period of Use: Water use shall be limited to the period when source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C.

Continuous water temperature measuring device shall be installed at the proposed pump location prior to water use may begin. The permittee shall maintain the device in good working order.

Oregon Department of Fish and Wildlife's
WATER RIGHT APPLICATION REVIEW SHEET
Upper Columbia Basin (Above Bonneville Dam)

The Oregon Department of Fish and Wildlife (ODFW) provides the following recommendations to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. Mitigation recommendations are to be consistent with the goals and standards in ODFW's OAR 635-415 (Fish and Wildlife Habitat Mitigation Policy) and other applicable law. The information is requested by the Oregon Department of Water Resources (OWRD) for the purposes of consultation pursuant to OAR 690-33 (Additional Public Interest Standards for New Appropriations), OAR 690-310 (Water Rights Application Processing), OAR 690-400 (State Water Resources Policy), and OAR 690-410 (Statewide Water Resource Management).

Section 1: Proposed Use

Proposed period of use (from application): November 1 – February 28/29

Basin: Columbia
Stream: Columbia R
Tributary to: Pacific Ocean
TRSQQ: 5N 30E 8 SWSW (optional)

Section 2: Sensitive, Threatened, and/or Endangered (STE) Fish Species Present

A) ☐ No STE fish species are present at the location of the proposed use nor will be impacted by the proposed use. **(Skip to Section 6)**

B) ☒ The following STE fish species are present at the location of the proposed use or will be impacted by the proposed use:

STE Species	Listing Status			Life Stage Present		
	Sensitive	Threatened	Endangered	Egg	Juvenile	Adult
Snake River Sockeye	☐	☐	☒	☐	☒	☒
Upper Col. Sp. Chinook	☐	☐	☒	☐	☒	☒
Lower Col. Chinook	☐	☒	☐	☒	☒	☒
Snake R. Chinook Sp/S	☐	☒	☐	☐	☒	☒
Snake R. Fall Chinook	☐	☒	☐	☐	☒	☒
Columbia River Chum	☐	☒	☐	☒	☒	☒
Lower Col. R. Steelhead	☐	☒	☐	☐	☒	☒
Mid. Columbia Steelhead	☐	☒	☐	☐	☒	☒
Upper Col. Steelhead	☐	☒	☐	☐	☒	☒
Snake R. Steelhead	☐	☒	☐	☐	☒	☒
Pacific Lamprey	☒	☐	☐	☐	☒	☒
type here	☐	☐	☐	☐	☐	☐
type here	☐	☐	☐	☐	☐	☐
type here	☐	☐	☐	☐	☐	☐
type here	☐	☐	☐	☐	☐	☐

Section 3: Potential Impacts to STE Fish Species

*Note: Impacts identified below may be determined by professional judgment. Recommended mitigation for identified impacts is outlined in Section 7. See Section 8 for complete **"condition"** language.*

3.1 Instream Flow

Note: Supporting information can be found in the associated Excel file for this application.

A) ☐ ODFW has not identified biologically necessary flows within the impacted reach. However, based on best professional judgment, impacts to STE fish habitat from the proposed reduction in flow are expected to be inconsequential, and no compensation for a reduction in flow is recommended. **(Skip to Section 3.2)**

B) ☐ There is an instream water right(s) (ISWR) that supports biological base flows for STE fish species at the Point of Diversion or downstream.
Certificate(s): type here

C) ☒ ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit STE fish species at the Point of Diversion or downstream.
Source: 2019 Columbia River System Biological Opinion (and previous BiOps)
Comment: Ongoing surveys indicate the importance of maintaining water levels in the Ives/Pierce Island complex below Bonneville Dam to provide for ESA-listed chum salmon migration, spawning, incubation, and emergence. As tailwater elevations below Bonneville Dam are directly correlated with the amount of chum spawning habitat available, the Federal Columbia River Power System Biological Opinion set targets for chum salmon spawning, incubation, and emergence from November through early April. In accordance, ODFW recommends a tailwater elevation of 11.5' as the minimum necessary to support chum migration, spawning, incubation, and emergence from October – April 14th.

D) Are the biologically necessary flows identified above (Questions B and C) **available**[1] during the period of impact (see Tables 1 and 2 in the associated Excel file for supporting information)?

☐ YES; **"Maintain Flow"**
A further reduction in flow from the proposed use will **not** impair the identified biologically necessary flows for STE fish as long as the identified biologically necessary flows remain satisfied.
Note: Mitigation for a reduction in biologically necessary flows [Section 7, Part 1 and 2] is unnecessary, but mitigation may be recommended [Section 7, Part 3] for other impacts identified in Section 3.3.

☒ NO; The proposed use **will impair** the identified biologically necessary flows for STE fish wholly or partially during the period of impact.
Comment: The volume of unregulated flow into the Columbia River upstream of Bonneville Dam aides in meeting ODFW's recommended elevation of 11.5' for chum salmon migration, spawning, incubation, and emergence. Based on an assessment of the 7-day rolling average of the mean daily gage height (i.e., tailwater elevation) below Bonneville Dam, ODFW's recommended elevation of 11.5' is NOT MET in October and November. Therefore, in accordance with the Biological Opinion, and to minimize impacts to fish habitat, ODFW recommends the use be restricted to December – February unless a suitable mitigation proposal is provided for November prior to issuance of the Proposed Final Order.

[1] Based on information WRD's Water Availability Reporting System (WARS)

3.2 Fish Passage and Screening

A) Would the proposed use potentially create or maintain an artificial obstruction[2] to fish passage for STE native migratory fish currently or historically present *at the point of diversion* per ORS 509.585?

☐ YES: **"Passage"**

☒ NO

B) Would STE fish species benefit from fish screening per ORS 498.306?

☒ YES; **"Screen"**

☐ NO

☐ **"Future Protection"**

Fish screening will not currently benefit STE fish species but may be beneficial in the future if conditions within the watershed change. Please describe current conditions within the watershed: type here

3.3 Other Ecological Functions Important to STE Fish

Are there other impacts to ecological functions important to STE fish during the period of impact (see Table 3 in the associated Excel file for supporting information)?

☐ YES; Mitigation will be recommended in Section 7, Part 3.

- ☐ The proposed dam or reservoir will detrimentally inundate a wetland.
- ☐ Development of the point of diversion may reduce/degrade the riparian area.
- ☐ The proposed use will limit access to or directly impair cold-water refuges.
- ☐ Other impacts to STE fish: type here

☒ NO

Section 4: ODFW Findings Regarding Threatened and Endangered Fish Species (under OWRD's Division 33 Upper Columbia Rules)

Overarching Question 1:
Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?

☐ Not applicable; threatened and endangered fish are not present at the location of the proposed use nor will be impacted by the proposed use. **Skip to Section 5.**

☐ YES: ODFW did not identify impairment of biologically necessary flows (Page 2, Section 3.1, Question D), impacts to ecological functions important to protection or recovery of threatened and endangered fish (Page 3, Section 3.3), or impacts to threatened and endangered fish habitat from the proposed reduction in flow are

[2] "Artificial obstruction" means any dam, diversion, dike, berm, levee, tide or flood gate, road, culvert or other human-made device placed in the waters of this state that precludes or prevents the migration of native migratory fish.

expected to be **inconsequential or de Minimis** based on best professional judgment.

☒ NO; Based on ODFW's knowledge, the proposed use is inconsistent with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program[3] due to impairment of biologically necessary flows (Page 2, Section 3.1, Question D) or to impacts to ecological functions important to threatened and endangered fish (Page 3, Section 3.3).

Overarching Question 2:
Can the use be conditioned or mitigated to achieve consistency with the Fish and Wildlife Program?

☐ NO; ODFW found the proposed use will impact irreplaceable, essential habitat for a threatened or endangered fish species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.
Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.

☒ YES:

☒ Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of threatened or endangered fish and/or the proposed use will otherwise impact habitat or ecological functions important to threatened or endangered fish. Without appropriate mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to threatened or endangered fish. ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) outlined in Section 7, and other conditions recommended below (from Section 3 and 4), to compensate for any potential impact from the proposed use.

☐ In addition to conditions identified in Section 3 and mitigation outlined in Section 7, ODFW recommends the following:

Flow

1) Inconsequential or De Minimis Uses

☐ **"Restrictor"**

ODFW has determined that compensation for a reduction in flow is not necessary. However, a restrictor valve should be placed on the diversion system to ensure the permitted amount is not

[3] The Columbia River Basin Fish and Wildlife Program (WRD's document number 94-2) states: "In determining whether a proposed diversion or transfer would be consistent with salmon and steelhead needs, consult with fish and wildlife agencies and Indian tribes to determine whether the proposed use would cause any reduction in the quantity or productivity of salmon and steelhead habitat" (7.8G.1). In addition, the document includes a recommendation to "halt further issuance of consumptive water rights unless a finding can be made, in consultation with fish agencies and tribes, that existing instream flows meet anadromous fish needs for all life-stages" (Recommendation No.: 7-2).

exceeded.

2) Surface Water or Groundwater Uses

☒ **"Biologically Necessary Flows"**

To protect beneficial uses, ODFW recommends the biologically necessary flows identified in Section 3.1 B or C [see OAR 690-410-0070(2)(h)] be met or the use mitigated for (see Recommended Mitigation Obligation in Section 7) prior to diversion of water.

Note: Mitigation may be also be recommended [Section 7, Part 3] for impacts identified in Section 3.3.

3) Reservoir Uses

Note: Specific mitigation for a reduction in biologically necessary flows [Section 7, Part 1 and 2] is not being recommended beyond the following condition, but mitigation may be recommended [Section 7, Part 3] for other impacts identified in Section 3.3.

☐ **"Bypass Flows"** (pass-through flows for reservoirs that directly divert from surface water)

☐ **plus a net benefit** (for reservoirs that directly divert from Habitat Category 2)

Other Ecological Functions

☐ **"Riparian"**

☐ Site-specific condition(s), including those related to **Other Ecological Functions Important to STE Fish** (Section 3.3): type here

Section 5: ODFW Findings Regarding Sensitive Fish Species (under OWRD's Division 33 Statewide Rules)

Overarching Question 1:
Will the proposed use result in no net loss of essential habitat of a sensitive fish species?

☐ Not applicable; sensitive fish are not present at the location of the proposed use nor will be impacted by the proposed use. **Skip to Section 6.**

☐ YES: ODFW did **not** identify impairment of biologically necessary flows (Page 2, Section 3.1, Question D), impacts to ecological functions essential to sensitive fish (Page 3, Section 3.3), or the impacts to essential fish habitat from the proposed reduction in flow are expected to be **inconsequential or de Minimis** based on best professional judgment.

☒ NO; ODFW has found impairment of biologically necessary flows (Page 2, Section 3.1, Question D) or impacts to ecological functions (Page 3, Section 3.3) essential to sensitive fish species during the period of impact.

Note: For impacts to habitat identified as non-essential (i.e., Habitat Categories 3B-6), impacts may be identified in Section 6.

Overarching Question 2:
Can the use be conditioned to result in no net loss of essential habitat of a sensitive fish species?

☐ NO: ODFW found the proposed use will impact irreplaceable, essential habitat for a sensitive fish species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided. Otherwise, the proposed use would harm the species.
Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.

☒ YES:

☒ Same conditions and mitigation as outlined in Sections 3, 4, and 7.

☐ In addition to conditions identified in Section 3 (and 4) and mitigation outlined in Section 7, ODFW recommends the following:

Flow
- ☐ **"Maintain Flow"**
- ☐ **"Restrictor"**
- ☐ **"Biologically Necessary Flows"**
- ☐ **"Bypass Flows"**
  - ☐ **plus a net benefit**
- ☐ Site-specific condition(s): type here

Passage and Screening
- ☐ **"Passage"**
- ☐ **"Screen"**
- ☐ **"Future Protection"**

Other Ecological Functions [Section 3.3]
- ☐ **"Riparian"**
- ☐ Site-specific condition(s): type here

Section 6: ODFW's Public Interest Findings (under OWRD's Division 310)

Overarching Question 1:
Will the proposed use impair or be detrimental to the public interest, welfare, safety and health in regards to protection of commercial and game fishing, fish, wildlife, or recreation, or any other beneficial use to which the water may be applied for which it may have a special value to the public?
Note: Comment on STE wildlife species or other fish or wildlife species not already discussed.

☒ YES:

☒ Fish or wildlife not yet addressed in this review in Sections 1 – 5 are present during the period of impact.
Wildlife species present: type here
Additional fish species present: White Sturgeon, Coho Salmon, Unlisted Spring, Summer and Fall Chinook and Unlisted Steelhead
Additional comments: type here

☒ Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish or wildlife, and/or the proposed use will otherwise impact habitat, commercial and game fishing, or recreation. Without appropriate mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish, wildlife, and/or their habitat.

☐ There are other impacts to ecological functions important to fish or wildlife during the period of impact that have not been addressed (see Table 3 in the associated Excel file for supporting information). Mitigation will be recommended in Section 7, Part 3.
- ☐ The proposed dam or reservoir will detrimentally inundate a wetland.
- ☐ Development of the point of diversion may reduce/degrade the riparian area.
- ☐ The proposed use will limit access to or directly impair cold-water refugia.
- ☐ Other impacts to STE fish: type here

☐ NO: Additional commercial and game fishing, fish, wildlife, or recreation will not be affected by the proposed use.

Overarching Question 2:
Can the proposed use be conditioned to overcome the impairment or detriment?

☐ NO: The proposed use will impact irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.
Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.

☒ YES; ODFW recommends the following:

☒ The next steps and recommended conditions provided in this review thus far (i.e., Findings under WRD's Division 33) compensate for habitat impacts for the fish and/or wildlife species present. Additional conditions are **NOT** necessary.

☐ In addition to conditions identified in Section 3(and 4 and mitigation outlined in Section 7, ODFW recommends the following to protect commercial and game fishing, fish, wildlife, or recreation:

Flow
- ☐ **"Maintain Flow"**
- ☐ **"Restrictor"**
- ☐ **"Biologically Necessary Flows"**
- ☐ **"Bypass Flows"**
  - ☐ **plus a net benefit**
- ☐ Site-specific condition(s): type here

Passage and Screening
- ☐ **"Passage"**
- ☐ **"Screen"**
- ☐ **"Future Protection"**

Other Ecological Functions [Section 3.3]
- ☐ **"Riparian"**
- ☐ Site-specific condition(s): type here

Section 7: ODFW Mitigation Recommendations

ODFW's Recommended Mitigation Obligation

Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish, wildlife, or habitats and/or the proposed use will otherwise impact habitat. The proposed use may diminish physical habitat and alter the flow regime to which fish and wildlife are naturally adapted, negatively impacting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish, wildlife, and/or their habitat without appropriate mitigation.

ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation outlined below (consistent with the goals and standards of OAR 635-415-0025; ODFW Habitat Mitigation Recommendations), as well as other conditions recommended in Sections 3-6. ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:
(1) avoiding the impact altogether,
(2) minimizing the impact by limiting the degree or magnitude of the action,
(3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
(5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the caseworker to schedule a consultation with the local ODFW Fish Biologist concerning the recommended Mitigation Obligation if questions arise.

Choose A, B, or C:

A) ☐ Mitigation is not an option. ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.

B) ☐ Impacts to fish and/or wildlife habitat from the proposed use are expected to be inconsequential. Therefore, ODFW has determined that mitigation is not necessary.

C) ☒ Based on ODFW's knowledge of applicable Subbasin Plans, Recovery Plans, Regional Restoration Plans, or other documents, the proposed use appears inconsistent with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program[4] or would otherwise be detrimental to the protection and/or recovery of STE fish species, non-listed fish species, or wildlife. Therefore, ODFW recommends the mitigation obligation, consistent with OAR 635-415, outlined below. To meet the goals outlined in ODFW's Mitigation Policy, ODFW recommends the mitigation provided be available within the mitigation reach and legally protected and maintained for the life of the permit and subsequent certificate.

[4] Water Resources Department's document number 94-2

Part 1: Flow Mitigation

Reservoir Uses

☐ ODFW has recommended a bypass flow condition for the proposed reservoir, but not a specific mitigation obligation. However, the applicant may propose mitigation, as outlined below, based on a specified fill rate which will become part of the permit and subsequent certificate.

Surface Water or Groundwater Uses

☒ ODFW recommends the applicant provide water-for-water mitigation, as outlined below.

A) Water Quantity: 49.444 cfs (cfs or AF; equals amount requested or equivalent % PSI)

☒ **plus a net benefit** (for Habitat Category 2)

B) Months (when biologically-necessary flows are not met during the period of impact): November (see comments in D about mitigation options)

C) Location of Mitigation:

☐ within the watershed **at or above** the point of diversion

☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)

☒ within the watershed of the impacted population(s) (see comments in D about mitigation options)

☐ benefitting the impacted population(s) and/or higher priority species: list species here

D) Additional comments: ODFW recommends water-for-water mitigation provided for ~~October and~~ November be protected instream at a point or reach above Bonneville Dam located at approximately River Mile 146.

As mitigation, the applicant may propose to divert water during November only when the 7-day rolling average of the mean daily gage height, or tailwater elevation, below Bonneville Dam is equal to or greater than a height of 11.5 feet or equal to or greater than the stage height set by the Action Agencies once set (usually late December), whichever is greater.

If this mitigation is selected, the permittee should contact the Army Corps of Engineers representative of the Technical Management Team to identify the stage height set by the Action Agencies (contact information can be found on the meeting agendas here: http://www.nwd-wc.usace.army.mil/tmt/). To monitor mean daily stage at this location, the permittee will use the official project tailwater elevation gage (USGS gage station #14128870 Columbia River below Bonneville Dam, OR). Real-time data from this station is available online at the United States Geological Survey website: http://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency_cd=USGS&referred_module=sw. ODFW recommends the permittee maintain a spreadsheet of the 7-day rolling average of the mean daily gage height for the period when the permittee is withdrawing water in November, which will be available to WRD upon request.

Part 2: Habitat Restoration

Does the Mitigation Goal also allow habitat restoration as a mitigation option?

☐ YES; In lieu of providing "water-for water", ODFW's Habitat Mitigation Policy allows the applicant the option of providing mitigation, as outlined below, through a habitat restoration project that recreates similar habitat structure and function to that existing prior to the development action.

☒ NO; Skip to Part 3, if applicable.

A) Habitat Structure and Function in Need of Replacement:

☐ spawning ☐ rearing ☐ migration

☐ other: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

☐ In Perpetuity

☐ Other: type here

D) Location of Mitigation:

Note: If water for water mitigation is not provided within the impacted reach, the proposed use may trigger requirements for fish passage (ORS 509.585) by creating an artificial obstruction due to low flow.

☐ within the watershed **at or above** the point of diversion

☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)

☐ within the watershed of the impacted population(s)

☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here

Part 3: Other Ecological Functions Mitigation

☒ Not applicable

☐ ODFW recommends the applicant provide the following mitigation, including, but not limited to, mitigation for "Other Impacts to Ecological Functions" or impacts to wildlife.

Concern 1

A) Habitat Structure and Function in Need of Replacement: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

☐ In Perpetuity

☐ Other: type here

D) Location of Mitigation:

☐ within the watershed **at or above** the point of diversion

☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)

☐ within the watershed of the impacted population(s)

☐ within the home range of the impacted population(s): type here

☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here

Concern 2

A) Habitat Structure and Function in Need of Replacement: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

- ☐ In Perpetuity
- ☐ Other: type here

D) Location of Mitigation:

- ☐ within the watershed **at or above** the point of diversion
- ☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)
- ☐ within the watershed of the impacted population(s)
- ☐ within the home range of the impacted population(s): type here
- ☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here

Concern 3

A) Habitat Structure and Function in Need of Replacement: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

- ☐ In Perpetuity
- ☐ Other: type here

D) Location of Mitigation:

- ☐ within the watershed **at or above** the point of diversion
- ☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)
- ☐ within the watershed of the impacted population(s)
- ☐ within the home range of the impacted population(s): type here
- ☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here

ODFW Representative's Signature: Bill Duke **Date:** 7-9-19

Name: Bill Duke **Phone:** 541-276-2344 **Email:** William.B.Duke@state.or.us

Section 8: ODFW's Recommended Condition Language

Biologically Necessary Flows
To protect beneficial uses [OAR 690-410-0070(2)(h)], the Oregon Department of Fish and Wildlife recommends the biologically necessary flows identified in Section 3.1 be met or the use mitigated for prior to diversion of water.

Bypass Flows (for reservoirs that directly divert from surface water)
The Oregon Department of Fish and Wildlife (ODFW) recommends 1) all live flow be passed downstream at a rate equal to the inflow anytime the biologically necessary flows identified in Section 3.1 are not available immediately upstream of the impacted area or 2) bypass (pass-through) flows be passed downstream at a minimum **equal to** the biologically necessary flows identified in Section 3.1 when live flow immediately upstream of the impacted area is greater than or equal to the biologically necessary flows identified in Section 3.1 [OAR 690-410-0070(2)(c)] (**plus a net benefit to the resource for Habitat Category 2, if identified**). Once the facility has reached the permitted capacity, ODFW recommends all live flow be passed downstream at a rate equal to the inflow. If a water right with a senior priority date is purchased upstream and legally protected and maintained instream down to the reservoir to augment any portion of the biologically necessary flows identified in Section 3.1 not available, ODFW recommends the permittee store water at a rate equal to inflow minus the amount of water purchased. ODFW recommends the permittee submit a Bypass Proposal to the Oregon Water Resources Department for its approval prior to diversion of water, which describes the method by which the permittee will bypass the recommended flows and how the permittee will quantify and document inflow and outflow. ODFW also recommends the bypass flow data be available upon request by ODFW, WRD, DEQ, or ODA.

Future Protection
The Oregon Department of Fish and Wildlife (ODFW) has determined that fish screening is not necessary at the time of permit issuance, but the permittee may be required in the future to install, maintain, and operate fish screening per ORS 498.306 to prevent harm to fish from the proposed diversion. ODFW may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification from ODFW that a fish screen is required. Once installed, the water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Maintain Flow
To protect beneficial uses [see OAR 690-410-0070(2)(h)], the Oregon Department of Fish and Wildlife recommends the biologically necessary flows identified in Section 3.1 be maintained at the point of diversion or the use be regulated until the identified flows are available.

Mitigation
The Oregon Department of Fish and Wildlife (ODFW) recommends the permittee comply with terms of the associated Mitigation Proposal on file at the Water Resources Department to compensate for detrimental impacts to fish, wildlife, and/or their habitat. The Mitigation Proposal is fully incorporated into the requirements of this permit and may only be altered by written mutual agreement of all parties. ODFW recommends (1) the mitigation provided be legally protected and maintained for the life of the permit and subsequent certificate and (2) regulation of the use and/or cancellation of the permit or subsequent certificate(s) if the required mitigation is not maintained.

Passage

As required by ORS 509.585, the permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of this state that are inhabited, or were historically inhabited, by native migratory fish without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish passage facility, waiver, or exemption must be obtained prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow, and the permittee shall submit proof to ODFW that fish passage has been implemented per the plan, waiver, or exemption prior to diversion of water. The permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.601) as per the approved plan, waiver, or exemption. If ODFW determines adequate passage of native migratory fish is not being provided, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that adequate fish passage is being provided. The permittee is hereby directed to schedule a consultation with an ODFW Fish Passage Coordinator.

Restrictor

The permittee shall install, maintain, and operate a restrictor valve on the diversion system to limit use to the permitted amount. The valve shall be in place and functional, and approved by the local Watermaster, prior to diversion of water.

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 the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to diversion of water, the permittee shall submit a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to diverting water.

Screen

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.

Section 9: ODFW's Review of the Mitigation Proposal

Because the mitigation is site- and species-specific, ODFW recommends written approval of the Proposal by ODFW prior to issuance of a Proposed Final Order. ODFW finds the following:

☐ ODFW **supports** the Mitigation Proposal with the following condition(s):

- ☐ **"Mitigation"**
- ☐ Site-specific condition(s): type here

Additional information:

- ☐ A Fish Passage Waiver or Exemption has been granted for the proposed POD that fulfills the fish passage requirements for this use.
- ☐ Comments: type here

☐ ODFW **cannot support** the Mitigation Proposal because it is not consistent with the criteria in OAR 635-415.

- ☐ The proposed mitigation will result in a net loss of essential habitat for: list species here
- ☐ Habitat goals and standards not met: type here and explain why not met

ODFW Representative's Signature: _____ **Date:** type here

Name: type here **Phone:** type here **Email:** type here

Oregon DEQ Division 33 Review
Summary Sheet

Application Information

Applicant Name:	BRIAN AND DUANE LLC	Application Number:	S 88648
Basin & Sub-basin:	Umatilla Basin, Mid Columbia-Lake Wallula Subbasin	Requested Water Amount:	56.47 cfs
Nearest Surface Water:	Columbia River	Nearest Receiving Waterbody:	Umatilla River
Proposed Use:	Primary and Supplemental irrigation	Requested Period of Use:	11/1-2/29

Division 33 Geographic Area

☐ Lower Columbia ☒ Upper Columbia ☐ Statewide

Upper and Lower Columbia Basins only: Based upon the review completed below, does the proposed use comply with existing state and federal water quality standards or may conditions be applied to bring the use into compliance?	☐ No ☒ Yes ☐ Insufficient data
Statewide: Will the proposed use result in water quality impacts that will cause either "loss" or "net loss" of essential habitat of sensitive threatened or endangered (ST&E) fish species? (Note: the presence of ST&E fish species is determined by Oregon Department of Fish and Wildlife.)	☐ No ☐ Yes ☐ Insufficient data

Recommended Pre-Proposed Final Order Actions

1.
2.
3.
Mitigation Obligation ☒ No ☐ Yes
Prior to issuance of a Proposed Final Order, the applicant shall submit a mitigation proposal that is of no less volume and rate than the permitted use. The proposal shall include water that is sourced upstream of the point of diversion or appropriation, or the uppermost point on the stream at which the potential for surface water interference occurs. If a surface water right is used for mitigation, it shall be instream for the [month – month] time period and of similar water quality. The applicant should contact their OWRD caseworker to discuss flow mitigation options.

Recommended Permit Conditions

1. **Limit Period of Use: Water use shall be limited to the period when the source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C.**
2. **Before water use may begin under this permit, the permittee shall install a continuous water temperature measurement device at the proposed pump location. The permittee shall maintain the device in good working order.**
3.
4.
Additional Reviewer comments ☒ No ☐ Yes

[Use this space to describe any of the following: reasoning to substantiate permit conditions; examples of additional information that may allow or disallow the use; and why any variations to the standard Division 33 review process were necessary. Designate conditions related to Division 310 with an asterisk.]	
Interagency consultation: [Describe any substantial interagency consultation. Who was contacted and what was discussed?]	
DEQ review prepared by: [illegible]	**Date complete:** 7/16/19

ODA Review Request

ODA review requested:	☒ No ☐ Yes	**Date review sent to ODA:**	
ODA reviewer:		**ODA review date:**	
ODA comments	☐ No ☐ N/A ☐ Yes		
[ODA: enter the results of your review here. Designate conditions related to Division 310 with an asterisk.]			

Antidegradation Policy:

The purpose of DEQ's Antidegradation Policy (OAR 340-041-0004(1)) is to guide decisions that affect water quality to prevent unnecessary further degradation from new or increased point and nonpoint sources of pollution, and to protect, maintain, and enhance existing surface water quality to ensure the full protection of all existing beneficial uses. Oregon's Antidegradation Policy allows exemptions and conditions for new or increased water use.

1. **Temporary Use or Net Benefit**

   Does the applicant propose a temporary use in response to an emergency, a restoration activity that the DEQ has determined provides a net ecological benefit, or a temporary (lasting less than six months) use to protect human health and welfare, for which the applicant has demonstrated that they will minimize adverse effects to threatened and endangered species? ☒ No ☐ Yes

   If yes, recommend approval of the application and identify conditions necessary to protect water quality for the habitat of ST&E fish species. You may skip to Question 7.

2. **Outstanding Resource Water**

   Does the applicant propose withdrawing directly from an **Outstanding Resource Water** with critical habitat for ST&E fish species? ☒ No ☐ Yes

   If yes, then prior to permit issuance, the applicant must provide suitable flow mitigation. You may skip to question 7.

3. **Water Quality Limited**

   Is this source **Water Quality Limited** or a tributary to a water quality limited water body? Note: limit downstream review to 6th field HUC for parameters that diminished flow can affect (temperature, dissolved oxygen, pH, etc.). ☐ No ☒ Yes

   Integrated Report 303(d) List Summary Table

Water Body (Stream/Lake)	River Miles	Parameter	Season	Criteria	Beneficial Uses	Status

Columbia River	0-303.9	Temperature	Year round	20C	Salmon and Steelhead migration	Category 5

Analysis: [If the answer to question 3 is yes, then describe how the use does or does not comply with existing state and federal water quality standards, and how the use may affect ST&E fish species habitat.]

More information from the applicant is needed. There is a year round 303(d) listing for temperature in the Columbia River. There are 3 components to the applicable temperature standard.
1) The seven day average maximum daily temperatures may not exceed 20C.
2) The Columbia River must have cold water refugia that are sufficiently distributed so as to allow salmon and steelhead migration without significant adverse effects from higher water temperatures elsewhere in the water body.
3) The seasonal thermal pattern in the Columbia River must reflect the natural seasonal thermal pattern.

Recommended Conditions: [Consider if water quality can be protected by limiting the rate and quantity of water used, period of use, or by including other permit conditions.]

4. **Total Maximum Daily Load Summary**
Are there TMDLs established for parameters identified as being affected by flow modification? ☒ No ☐ Yes

Analysis: [List TMDL, identify the load allocation, and if flow modification is a contributing factor. Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat.]

Recommended Conditions: [Consider if water quality can be protected by limiting the rate and quantity of water used, period of use, or by including other permit conditions.]

5. **Cumulative Withdrawals Effects**
Is it likely that the proposed activity, together with existing withdrawals in the OWRD's Water Availability Basin (WAB), will lower water quality and impair aquatic life? ☐ No ☐ Yes

Unknown. No Water Availability Basin.

Water Availability Summary Table
Percent of natural flow = (consumptive use/natural stream flow)*100. See Appendix for detailed instructions.

[Water Availability Basin]:

Watershed ID	Exceedance Level	Month	Natural Stream Flow	Consumptive Use	Expected Stream Flow	Reserved Stream Flows	Instream Requirement	Net Water Available	Percent of Flow

Monthly flow in Cubic Feet per Second (CFS). Annual flow in Acre Feet (AF)). Highlight months that exceed 20% of percent of flow.

6. **Flow Modification Compliance with State and Federal Water Quality Standards**
Based on responses to questions 3, 4, and 5, is the use in compliance with state and federal water quality standards or can compliance with state and federal water quality standards be assured, and ST&E habitat loss prevented by limiting the amount diverted, period of use, or by imposing permit condition(s)?

☐ No ☒ Yes

- If yes:

Recommended Conditions: [If water quality can be protected by modifying or limiting the amount diverted, period of use, or other permit conditions, then select appropriate condition from the conditions list.]

Limit Period of Use: Water use shall be limited to the period when the source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C.
Before water use may begin under this permit, the permittee shall install a continuous water temperature measurement device at the proposed pump location. The permittee shall maintain the device in good working order.

- If no, can **flow mitigation** ensure compliance with state and federal water quality standards and prevent loss of ST&E habitat? ☐ No ☐ Yes

7. **Compliance with other State and Federal Water Quality Standards**
ORS 468B.025 prohibits pollution of waters of the state. Are there additional water quality impairments that would result from this proposed used by degrading surface water or groundwater quality?

☒ No ☐ Yes

If water quality can be protected by applying permit conditions, then select all appropriate conditions from the standardized menu of conditions.

Recommended conditions: [List conditions]

PRE-PROPOSED FINAL ORDER ACTIONS

DEQ requests that the applicant provide suitable replacement water as mitigation for anticipated impacts to water quality and more specifically the habitat of sensitive, threatened, and endangered fish species. Additional mitigation may be required from other Interagency Review Team members (for example: OWRD may require mitigation for periods when water is not available). Surface water flow mitigation is unlikely to provide the same benefit that groundwater can provide to gaining stream reaches. However, if groundwater mitigation is unavailable within the same aquifer, surface water mitigation may provide suitable mitigation.

Flow Mitigation Obligation:
Prior to issuance of a Proposed Final Order, the applicant shall submit a mitigation proposal that is of no less volume and rate than the permitted use. The proposal shall include water that is sourced upstream of the point of diversion or appropriation, or the uppermost point on the stream at which the potential for surface water interference occurs. If a surface water right is used for mitigation, it shall be instream for the *month - month time period* and of similar water quality. The applicant should contact their OWRD caseworker to discuss flow mitigation options.

Riparian: If the riparian area is disturbed in the process of developing, modifying or repairing a point of diversion under this water use permit, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Habitat Mitigation Policy described in Oregon Administrative Rule OAR Chapter 635-415. Prior to development, modification or repairs at the point of diversion, the permittee shall submit, to the Oregon Water Resources Department, either a Riparian Mitigation Plan approved in writing by Oregon Department of Fish and Wildlife (ODFW) or a written declaration from ODFW that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation Plan. The permittee is hereby directed to contact the local Oregon Department of Fish and Wildlife Fish Biologist prior to development of the point of diversion.

Water Storage Construction: The applicant shall locate the reservoir outside of the stream's natural channel. *identify waterbody and set back to prevent stream capture and justification for distance selected.*

(Note to reviewer: The 1200C permit requires a 50-foot setback, which is cited from the National General Construction Permit OAR-660-023-0090(5). Requiring the storage reservoir to be outside of the mapped 100 year floodway may also be a protective buffer.)

STANDARIZED MENU OF CONDITIONS

Water Quality: All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

Agricultural Water Quality Management Area Rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

Flow Restrictor: The permittee shall install a flow control valve on the diversion system to limit use to the permitted rate. The valve shall be in place, functional, and verified by the Certified Water Rights Examiner before a certificate is issued. The valve or a suitable replacement shall remain in place for the life of the water right.

Limit Rate: Water withdrawal shall be limited to *Enter CFS or AF for the defined period, or a month by month rate or volume*.

Limit Period of Use: Water use shall be limited to the period: *start date through end date*.
(Note to reviewer: Do not split the irrigation season. Require mitigation if water is not available during the requested time period.)

Limit Diversion: The permittee shall not divert water under this water use permit unless streamflow in the *waterbody name* is at or above *CFS* cubic foot per second, as determined at Gaging Station ID .

Off-Channel Stored Water Releases: The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

On-Channel Reservoir: The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

Restrict Reservoir Release: To prevent pollution downstream, the permittee shall not release water from the reservoir when the flow at Gaging Station ID (*gage name*) is below the Mean Daily Discharge of *CFS* (discharge which was equaled or exceeded for 90% percent of the time) except when the release is directed by the State Engineer to prevent dam failure.

Live Flow: Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.

Lining: The permittee shall line the reservoir with *include material or allowable infiltration rate* to minimize seepage and protect groundwater quality per Oregon Administrative Rule 340-040. The liner is to be in place, inspected, and approved by the Certified Water Rights examiner prior to storage of water.* If the liner fails, the water user shall replace it within one calendar year.

Site-Specific Condition: The permittee shall

* OAR 690-410-0010(2)(a), OAR 690-310-0120, OAR 690-310-0140

Appendix: General Overview, Instructions for Water Availability Analysis, and Process Flow Chart

General Overview

The purpose of OAR Chapter 690, Division 33 is to aid the Oregon Water Resources Department (OWRD) in determining whether a proposed use will impair or be detrimental to the public interest with regard to listed sensitive, threatened, or endangered (ST&E) fish species. Oregon's stream temperature, dissolved oxygen (DO), pH and several other water quality standards are based on the life cycle needs of salmonids and other resident fish and aquatic life. Exceeding the standards can disrupt the life cycle of a ST&E fish species and may cause death. In addition, OWRD must consider water quality impacts as part of a public interest review, OAR 690-310-0120. Water quality impacts and conditions unrelated to ST&E species should be noted as "Division 310" in the recommendations to OWRD. The DEQ's Water Right Application Review Procedures document contains a full description of the review process.

The two main categories of Division 33 reviews are based on the geographic distribution of ST&E fish species:

- **For Proposed Uses in the Columbia River Basin,** reviews must determine whether a proposed use complies with existing state and federal water quality standards. Upper Columbia applications specifically require applicants to provide evidence that the proposed use complies with existing state and federal water quality standards. Geographic scope: Columbia River Basin (includes all waters that ultimately drain into the Columbia River).

- **For Proposed Uses Statewide,** review is conducted under the "Statewide review" procedure. Statewide reviews must determine whether a proposed use may affect ST&E fish species habitat. The statewide review procedure is intended to identify permit conditions that can prevent the "loss" or "net loss" of essential habitat of ST&E fish species. When permit conditions cannot be identified that meet this standard, then the DEQ recommends denial of the permit. Geographic scope: all areas outside the Columbia River Basin where OWRD determines ST&E fish species are present.

Instructions for Populating the Water Availability Summary Table using data from OWRD's WAB (Section 5)

- Open OWRD's Water Availability Reporting System.
- Search for the water availability basin of interest. Select 50% exceedance. The 50% exceedance stream flow is the stream flow that occurs at least half of the time.
- The water availability analysis will display a nested list of watersheds that contain the POD. Select the highest nesting order WAB that contains the POD.
- Download to an Excel spreadsheet. Percent of flow is calculated using this equation:

$$Percent\ of\ Flow = \frac{\text{Consumptive Use}}{\text{Natural Stream Flow}} * 100$$

You may choose to add the proposed rate (or storage amount) to the consumptive use.

Instructions for Water Availability Analysis

To complete Section 6, review and consider the cumulative impact of consumptive withdrawals using the OWRD WAB. All water withdrawals and the following factors should be considered when conducting a water availability analysis.

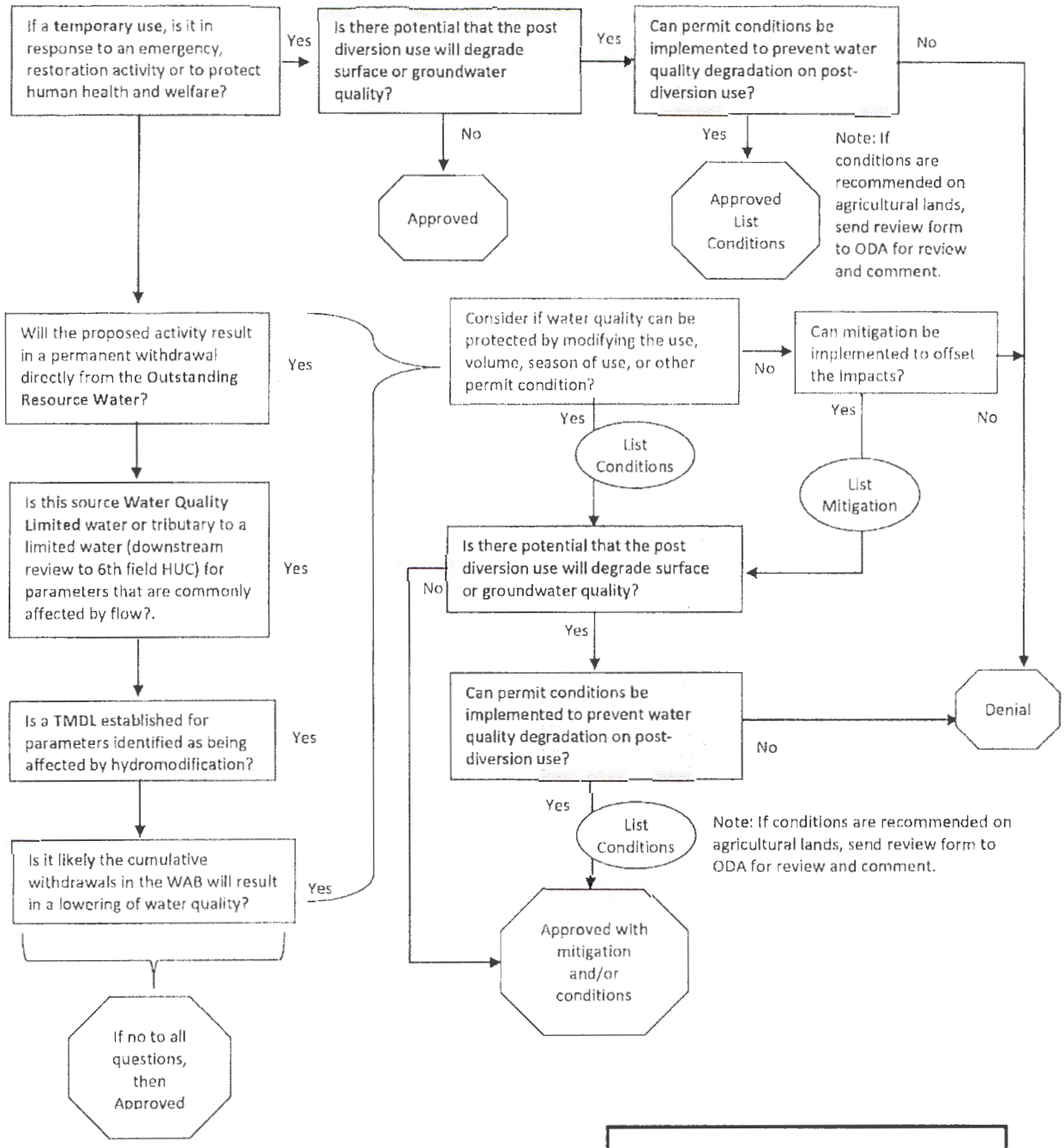
- **Instream Flow:** Consider the percent of natural flow left instream in each month (see right-most column in Table 1). Based on best professional judgment, evaluate if the cumulative withdrawal is likely to cause

impairment to aquatic life or water quality. Water quality standards are established to protect aquatic life. In scientific literature, researchers have identified ecological harm occurring when flows are reduced by >6-35% of daily flow[1]. Consider the seasonality of any listings and season of withdrawal to determine impact for each month of the year.

- **Antidegradation:** Rule 340-041-0004 applies: withdrawals cannot cumulatively increase a waterbody's temperature by more than 0.5 degrees Fahrenheit or cause a 0.1 mg/l decrease in dissolved oxygen from the upstream end of a stream reach to the downstream end of the reach so long as it has no adverse effects on threatened and endangered species. See OAR 340-041-0004(3)-(5) for a description in rule of activities that do not result in lowering of water quality.
- **Flow modification**: Consider if cumulative withdrawals are contributing to flow modification and a likely limiting factor in the waterbody at certain times of the year. Temperature and dissolved oxygen are flow-related parameters. When streamflow is reduced, assimilative capacity is reduced. As a waterbody heats up, dissolved oxygen concentrations decline. Reduced stream flows (including groundwater inputs to streamflow), exacerbate temperature and/or dissolved oxygen impairments.
- **Temperature**: Increases in temperature or a reduction in dissolved oxygen adversely impacts ST&E fish. Fish require different temperature and concentrations of dissolved oxygen based on species and life history stage. Oregon's temperature and dissolved oxygen limits are based on the most sensitive species and the life history stage of those species at the location and season of concern. Additional heat or reduction in dissolved oxygen concentrations will further impact these species habitat. Reduced flows can also increase the concentrations of phosphorous, bacteria, pesticides and metals.

[1] Richter BD, Davis MM, Apse C, Konrad C. 2011. *Short Communication, A Presumptive Standard For Environmental Flow Protection.* River Research and Applications. Published online in Wiley Online Library (wileyonlinelibrary.com), DOI: 10.002/rra.1551

DEQ Water Right Review Flow Chart



Each yes will need to be explained by how the use does not comply with existing state and federal water quality standards and how the use may affect sensitive, threatened or endangered fish species habitat.

Note: Review based on DEQ's anti-degradation rule (340-041-0004).

OREGON
WATER RESOURCES DEPARTMENT

WATERMASTER APPLICATION REVIEW

Application #: S-88648 Applicant's Name: Brian and Duane LLC

1) Would the proposed allocation have the potential for injury to existing rights?
☐ Yes ■ No

2) Have you spoken with persons from other state agencies about this application?
☐ Yes ■ No If yes, whom and why?

3) Please select the appropriate measurement, recording and reporting condition for this application.

☐ **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

☐ Require a staff gage if source is runoff or if the reservoir is located in-channel.

4) Please provide any additional information or conditions that you believe are necessary for this application.

Watermaster Name: Greg Silbernagel

Watermaster Signature: sent via email - electronic Date: 11/13/2018

WRD Caseworker: Kim French 503-986-0900/ Fax 503-986-0901

Oregon
Kate Brown, Governor

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

Water Right Application Initial Review

November 9, 2018

BRIAN AND DUANE LLC
7385 HOWELL PRAIRIE RD NE
SILVERTON OR 97381

Reference: Application S-88648

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your 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 Preliminary Determinations (Oregon Administrative Rule (OAR) 690-310-0080)

1. The application proposes the diversion of 56.47 cubic feet per second (CFS) of water from Columbia River, tributary to Pacific Ocean, to raise soil moisture content on 2262.07 acres November 1 through February 28/29 of each year.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.

3. Soil preparation (raising the soil moisture content) is a use defined under nursery use. As defined in OAR 690-500, nursery use is included in irrigation, which is allowed under the Columbia Basin Program (690-519-0000). Therefore, soil preparation (raising the soil moisture content) is allowed.

4. An assessment of water availability at 80% exceedance for the proposed use was completed. A copy of this assessment is in the application file. This review is done consistent with OAR 690-410-0070(2)(a). The assessment established surface water is available for the full period requested. Oregon Revised Statute (ORS) 537.153(3)(b); OAR 690-310-0080(1)(b)

5. OAR 690-033-0120(2)(a) prohibits the diversion of water from April 15 through September 30 each year.

6. The proposed use is not located within or above any state scenic waterway.

7. Documentation has been submitted acknowledging the land use information request was received by the local Planning Department.

Summary

The diversion of 56.47 CFS of water from Columbia River, tributary to Pacific Ocean, for soil preparation on 2249.07 acres November 1 through February 28/29 is allowable.

Because of the favorable determinations described herein, Application S-88648 can move to the next phase of the water-rights application review process, which includes a public interest review.

Public interest issues and/or public comments will be addressed as the Department prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

The Department has rules (OAR 690-033) that establish 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. This Initial Review does not address the potential impact that your proposed use may have on these species.

Your application will undergo additional review from numerous federal, state, local, and tribal governmental entities. This review may cause your application to be limited, conditioned, or denied. Depending on the proposed use, you may be able to mitigate for potential impacts identified in the review.

Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water within the impacted reach through purchasing or transferring another water right. Following the Initial Review, you will be notified if mitigation is required. If you choose to pursue mitigation, you will likely need to place your application on administrative hold in order to explore options.

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

Proceed

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

Withdraw

You may withdraw the application and receive a refund (minus a $260 processing fee per application). You must notify the Department in writing by **November 23, 2018**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

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

2. **Measurement Devices and Recording/Reporting of Annual Water Storage 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.

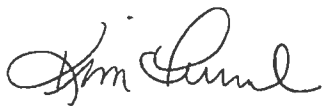
   D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. 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.

If you have any questions:

Feel free to contact me at Kim.R.French@oregon.gov or 503-986-0816 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Kim French, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form
S-88648
WAB: Columbia River

APPLICATION FACT SHEET

Application File Number: S-88648

Applicant: BRIAN AND DUANE LLC

County: UMATILLA

Watermaster: GREG SILBERNAGEL, 5, NCR

Priority Date: AUGUST 2, 2018

Source: COLUMBIA RIVER, TRIBUTARY TO PACIFIC OCEAN

Rate: 56.47 CUBIC FEET PER SECOND

Purpose or Use: RAISE SOIL MOISTURE CONTENT ON 1624.90 ACRES

Basin Name & Number: UMATILLA, # 7

WAB: COLUMBIA RIVER

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	20	NE NW	30.80
3 N	30 E	WM	20	NW NW	29.20
3 N	30 E	WM	20	SW NW	31.10
3 N	30 E	WM	20	SE NW	34.00
3 N	30 E	WM	20	NE SW	40.00
3 N	30 E	WM	20	NW SW	40.00
3 N	30 E	WM	20	SW SW	40.00
3 N	30 E	WM	20	SE SW	40.00
3 N	30 E	WM	30	NE NE	40.00
3 N	30 E	WM	30	NW NE	40.00
3 N	30 E	WM	30	SW NE	38.10
3 N	30 E	WM	30	SE NE	40.00
3 N	30 E	WM	30	NE NW	40.00
3 N	30 E	WM	30	NW NW	57.60
3 N	30 E	WM	30	SW NW	56.80
3 N	30 E	WM	30	SE NW	39.90
3 N	30 E	WM	30	NE SW	22.70
3 N	30 E	WM	30	NW SW	38.40
3 N	30 E	WM	30	NE SE	28.80
3 N	30 E	WM	30	NW SE	7.30
3 N	30 E	WM	30	SW SE	17.80
3 N	30 E	WM	30	SE SE	33.70
4 N	29 E	WM	11	NE SW	8.30

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	11	NW SW	4.40
4 N	29 E	WM	11	SW SW	6.60
4 N	29 E	WM	11	SE SW	38.10
4 N	29 E	WM	12	NE SW	20.00
4 N	29 E	WM	12	SW SW	20.00
4 N	29 E	WM	12	SE SW	34.20
4 N	29 E	WM	12	SW SE	35.50
4 N	29 E	WM	12	SE SE	34.30
4 N	29 E	WM	13	NE NE	36.10
4 N	29 E	WM	13	NW NE	37.40
4 N	29 E	WM	13	SW NE	40.00
4 N	29 E	WM	13	SE NE	40.00
4 N	29 E	WM	13	NE NW	32.90
4 N	29 E	WM	13	NW NW	38.40
4 N	29 E	WM	13	SW NW	32.80
4 N	29 E	WM	13	SE NW	39.80
4 N	29 E	WM	13	NE SW	38.80
4 N	29 E	WM	13	NW SW	35.50
4 N	29 E	WM	13	SW SW	37.20
4 N	29 E	WM	13	SE SW	39.10
4 N	29 E	WM	13	NE SE	40.00
4 N	29 E	WM	13	NW SE	40.00
4 N	29 E	WM	13	SW SE	40.00
4 N	29 E	WM	13	SE SE	40.00
4 N	29 E	WM	14	NE SE	9.40
4 N	29 E	WM	14	SE SE	14.40
4 N	29 E	WM	26	SW NW	5.50
3 N	30 E	WM	20	NE NW	9.20
3 N	30 E	WM	20	NW NW	10.80
3 N	30 E	WM	20	SW NW	8.90
3 N	30 E	WM	20	SE NW	6.00
3 N	30 E	WM	30	SW NE	1.90
3 N	30 E	WM	30	SE NW	0.10
3 N	30 E	WM	30	NE SW	17.30
3 N	30 E	WM	30	NW SW	17.60
3 N	30 E	WM	30	SW SW	55.10
3 N	30 E	WM	30	SE SW	40.00
3 N	30 E	WM	30	NE SE	11.20
3 N	30 E	WM	30	NW SE	32.70
3 N	30 E	WM	30	SW SE	22.20
3 N	30 E	WM	30	SE SE	6.30
4 N	29 E	WM	12	SE SW	5.80
4 N	29 E	WM	12	NE SE	39.83
4 N	29 E	WM	12	SW SE	4.50
4 N	29 E	WM	12	SE SE	5.70
4 N	29 E	WM	13	NE NE	2.90
4 N	29 E	WM	13	NW NE	1.60
4 N	29 E	WM	13	NE NW	6.10
4 N	29 E	WM	13	NW NW	0.60
4 N	29 E	WM	13	SW NW	7.20
4 N	29 E	WM	13	SE NW	0.20
4 N	29 E	WM	13	NE SW	1.20
4 N	29 E	WM	13	NW SW	4.50

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	13	SW SW	2.80
4 N	29 E	WM	13	SE SW	0.90
4 N	30 E	WM	31	NE NW	40.09
4 N	30 E	WM	31	NW NW	51.09
4 N	30 E	WM	31	SW NW	51.05
4 N	30 E	WM	31	SE NW	39.65
4 N	30 E	WM	31	NE SW	37.96
4 N	30 E	WM	31	NW SW	52.89
4 N	30 E	WM	31	SE SW	38.31

PUBLIC NOTICE DATE: November 13, 2018

14 DAY STOP PROCESSING DEADLINE DATE: November 23, 2018

30 DAY COMMENT DEADLINE DATE: December 13, 2018

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

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our web site at **www.wrd.state.or.us**

1. Pre-application considerations

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0801.

2. Application filing

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

3. Initial Review (IR)

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

4. Proposed Final Order (PFO)

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

5. Final Order (FO)

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

The protest process

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

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

Permit holder responsibilities

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply

STOP PROCESSING REQUEST FORM

FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

- Stop processing deadline is within 14 days of Initial Review.
- Applicant notification to withdraw Water Right Application **S-88648.**
- After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a $260 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application.

Signature _____ Date _____

Signature _____ Date _____

- Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except $260 processing fee) be returned.
- This notice must be received at Water Resources Department by:

November 23, 2018

- Return the notice to:

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

Mailing List for IR Copies

Application S-88648

IR Date: November 23, 2018

Copies Mailed
By: TM
(SUPPORT STAFF)
On: 11/9/2018
(DATE)

Original and map mailed to applicant:

BRIAN AND DUANE LLC
7385 HOWELL PRAIRIE RD NE
SILVERTON OR 97381

SENT VIA AUTO EMAIL:

1. WRD – Watermaster Greg Silbernagel # 5
2. ODFW
3. DEQ
4. Agent – Michael Schultz – michael.schultz@andersonschultz.com

Copies sent to:

5. WRD – SW Section
6. WRD - File S-88648
7. WRD - Mike Ladd NCR
8. ALO – Ditchen Land Co, 7385 Howell Prairie Rd NE, Silverton, OR 97381
9. ALO – Farmland Reserve Inc., 79 S. Main St., Ste 1000, Salt Lake City, UT 84111
10. Stanfield Irrigation District – 100 W. Coe Ave, Stanfield, OR 97875
11. East Improvement District – 84186 Hwy 37, Hermiston, OR 97838
12. Echo Irrigation District – 73120 Hwy 207, Echo, OR 97826
13. Department of State Lands
14. National Marine Fisheries Service, 3502 Hwy 30, La Grande, OR 97850
15. US Fish & Wildlife Service, 3502 Hwy 30, La Grande, OR 97850
16. NW Power and Conservation Council, Fish & Wildlife Division, 851 SW Sixth Avenue, Ste 1020 Portland OR 97204
17. Confederated Tribes of Umatilla Reservation, Dept of Natural Resources, 46411 Timíne Way Pendleton, OR 97801
18. Confederated Tribes of the Warm Springs Reservation of Oregon, Natural Resources, P.O. Box C Warms Springs, OR 97761

Application Specialist: Kim French

Application #: S-88648	Applicant: BRIAN AND DUANE LLC

PROPOSED FINAL ORDER

PR	CW				
☐	☑	IR Date: 11/9/18	Noticed On: 11/13/18		Comment Deadline: 12/13/18
☐	☑	Elec/Written comments?	☑ No	☐ Yes	Add commenter to mailing list
☐	☑	Comment Evaluation:	☐ No	☐ Yes	☑ NA
☐	☑	IR Requested addt'l info?	☑ No	☐ Yes	
☐	☑	Add'l info received?	☐ No	☐ Yes	Date Rec'd:
☐	☐	Changes from IR determinations:			

☐	☑	Req'd before permit	☐ NA	☐ recording fees	☐ LU	☐ easement	☐ plans/specs	☐ storage contract

Summary of Conditions

PR	CW	
☐	☐	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
☐	☑	☑ NA GW Conditions:
☐	☑	☐ NA ODFW Division 33 Conditions: FISH SCRN; MITIGATION
☐	☑	☐ NA DEQ Division 33 Conditions: LTD PERIOD OF USE; WTR TEMP DEVICE
☐	☐	☐ NA WM Division 33 Conditions:

PFO Signatures

Caseworker: Kim R. French	**Date:**
Peer Reviewer signature:	**Date**
Manager signature:	**Date**

FINAL ORDER

PR	CW			
☐	☐	PFO Date:	Protest Period Ended:	
☐	☐	Name and/or address changed or assignment received?	☐ No	☐ Yes
☐	☐	PFO requires modification?	☐ No	☐ Yes
☐	☐	If so,		
☐	☐	If PFO requires modification, include modified Hearing Rights	☐ No	☐ Yes
☐	☐	Was a standing paid for?	☐ No	☐ Yes

☐	☐	☐ FO w/ Permit	☐ FO w/Draft Permit; still need		☐ FO to deny:
		Permit #	☐ Recording Fees	☐ Land Use Approval	Refund $
			☐ Easement	☐ Approved Dam Plans/Specs	
			☐ Storage Contract		

FO Signatures

Caseworker: Kim R. French	**Date:**
Peer Reviewer signature:	**Date**
Manager signature:	**Date**

Application #: S-88648	**Applicant:** BRIAN AND DUANE LLC

PERMIT

PR	CW		
☐	☐	Permit #	
☐	☐	Received required information	Date:
		☐ Recording Fees	
		☐ Easement	
		☐ Storage Contract	
		☐ Land Use Approval	
		☐ Approved Dam Plans/Specs	
☐	☐	Prepared cover letter?	

Fees

PR	CW						
☐	☐	56.47	CFS	Base	930		
			AF	Up to 1 CFS	350		
				Add'l CFS @ $350/CFS	19600		
				Up to 20 AF @ $35/AF			
				Add'l AF @ $1.20/AF			
		1	Well(s)/POD(s)	Add'l POD/POA			
		2	Use(s)	Add'l Use	350		
				Exam Fee Req'd	21230	Rec Fee Req'd	500
				Exam Fee Paid	21230	Rec Fee Paid	500
				Still Owed/Refund	0	Pay before Permit	0

Mailing List

PR	CW	
☐	☐	☑ Applicant - dean@gvfusa.com
		☑ Authorized Agent - michael.schultz@andersonschultz.com michael.schultz@andersonschultz.com
		☑ Watermaster #5
		☐ SWR ☐ NCR
		☐ SW Section (if SW, GW with PSI, or SWW. If SWW, include copy of yellow sheet)
		☑ ALO DITCHEN LAND CO
		☑ ALO FARMLAND RESERVE
		☐ CWRE
		☑ District
		☑ Division 33
		☐ DSL (if reservoir)
		☐ Any appropriate local government
		☐ Commenter(s)
		☐ Kerri Cope if WMCP required (FO ONLY)
		☐ Ann Reece if applicant is an Irrigation District (FO ONLY)

Notes:

STANDARD APPLICATION CHECKLIST

Application #: S-88648	**Applicant:** BRIAN AND DUANE LLC	
Basin # 7	Priority Date: August 2, 2018	WM#: 5

INITIAL REVIEW

PR	CW			
☐	☐	ORS 538 prohibits use? ☐No ☐Yes (stop processing and return app and fees)		
☐	☐	Requested Use/Rate/Season:		
			Limit:	Duty:
☐	☐	Allowed Use/Rate/Season:		
			Limit:	Duty:

Use

PR	CW					
☐	☐	Use is	☐ Allowed	☐ Not Allowed	☐ Limited	
☐	☐	Per	☐ Compact	☐ OAR:		
☐	☐	POU Conflict?	☐ No	☐ Yes		
☐	☐	Supplemental?	☐ NA	☐ No	☐ Yes, Limits	
☐	☐	Conservation Methods?		☐ No	☐ Yes	

Land Use

PR	CW					
☐	☐	☐ Allowed Outright	☐ Not Allowed	☐ Being Pursued	☐ Not Being Pursued	☐ Decision Obtained
		☐ Receipt Only	☐ NA			

Groundwater

PR	CW					
		☐ NA				
☐	☐	GW Rev:	☐ will likely be available	☐ will likely not be available	☐ will, if properly conditioned	
☐	☐	☐ No PSI	☐ well	Has PSI with		
☐	☐	PSI caused from	☐ ¼ mile	☐ > 5 CFS	☐ Instream Q	☐ > 1% of 80% ☐ Interference > 25%
☐	☐	☐ Reduce rate to avoid PSI				
☐	☐	GW Conditions:				
☐	☐	Well construction meets minimum standards?	☐ Yes	☐ No (deny)	☐ NA (proposed well)	

Wells

Notes:

Surface Water Availability

PR	CW					
☐	☐	☐ NA	☐ 80%	☐ 50%	Available:	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, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)				

Reservoir Information

PR	CW	☐ NA			
☐	☐	Reservoir Name:			
☐	☐	Use(s) of stored water:			
☐	☐	Statutory?	☐ No	☐ Yes - Plans/Specs required	include DAMENG and DAMSTD in conditions

Scenic Waterway

PR	CW					
☐	☐	Is POD within above a SWW?	☐ NA	☐ Above	☐ Within	Name:
☐	☐	If GW, is there P of E?	☐ NA	☐ No	☐ Yes	If interference, check and print WARS tables
☐	☐	If GW, Add condition ☐ 7J	☐ NA			

Division 33

PR	CW			
☐	☐	Subject to Division 33?	☐ No	☐ Yes

☐UPPER COLUMBIA OAR 690-033-0120 (**DIV331**) **(not allowed 4/15 - 9/30)**	☐UPPER COLUMBIA AND STATEWIDE (**DIV334**) **(not allowed 4/15 - 9/30)**
☐LOWER COLUMBIA OAR 690-033-0220 (**DIV332**)	☐LOWER COLUMIA AND STATEWIDE (**DIV335**)
☐STATEWIDE ONLY OAR 690-033-0330 (**DIV333**)	

Measurement, Recording, and Reporting Conditions

PR	CW	
☐	☐	**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
		• *use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin GW.* • *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.*

Other Information

PR	CW								
☐	☐	Is App within a District boundary?	☐ No	☐ Yes	cc:				
☐	☐	Municipal Use?	☐ No	☐ Yes	☐**change construction finding to 20 years**				
☐	☐	Form M reviewed	☐ NA	☐ Yes	Recommendations:				
☐	☐	Storage Contract	☐ NA	☐ BOR	☐ Doug Co	☐ CORP	☐ Needed	☐ Obtained	#
☐	☐	POD is within North Umpqua or Tenmile Lake for DO and spreadsheet was updated						☐ NA	☐ Yes
☐	☐	Forms included	☐ NA	☐ HC Exception (receipts well logs attached)			☐ Spring Description		☐ Form M
☐	☐	App/Map meet minimum requirements	☐ Yes	☐ No	Missing?				
☐	☐	Letter format	☐ Good	☐ Bad	☐ Limited				
☐	☐	Scanned images exist for application and map							
☐	☐								

IR Signatures

Caseworker: Kim R. French	**Date:**
Peer Reviewer signature:	**Date**

IR Checklist for Standard Application

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

Application #: S-88648 Applicant BRIAN AND DUANE LLC

Basin # 7 Priority Date: August 2, 2018 WM #5

Requested Use/Rate/Season IS - 1624.90 AC; 40.62 CFS; IR - 634.17 AF; 15.85 CFS; 11/1-2/28 Limit 1/40 Duty 2

Allowed use/Rate/Seasor SOIL PREP - 2249.07 AG; 56.47 CFS; 11/1-2/28 Limit 1/40 Duty 2

ORS 538 prohibits use ☒ No ☐ Yes (stop processing and return app and fees)

GW Rev: ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly condition...

☐ No PSI OR ☐ well _____ has PSI with _____

PSI caused from: ☐ ¼ mile ☐ > 5 CFS ☐ Instream Q ☐ > 1% of 80% ☐ Interference > 25%

☐ Reduce rate to avoid PSI _____

☐ GW 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

- 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.

Use is ☒ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact 690-519-0000

**SW availability ☐ NA ☒ 80% ☐ 50% JAN - DEC WID: COLUMBIA RIVER

☒ 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, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)

DIVISION 33: ☐ NA ☐ No ☒ UPPER COLUMBIA (not allowed 4/15 - 9/30) OAR 690-033-0120 (**DIV331**)
☐ LOWER COLUMBIA OAR 690-033-0220 (**DIV332**)
☐ STATEWIDE OAR 690-033-0330 (**DIV333**)
☐ UPPER COLUMBIA AND STATEWIDE (**DIV334**)
☐ LOWER COLUMBIA AND STATWIDE (**DIV335**)

SWW: ☒ NA ☐ above ☐ within _____

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 1/1 - 2/28/29 PARTIAL ALLOWANCE

App w/in a District boundary ☐ No ☒ Yes, cc: SID, EID, ECHO ID

Land use: ☒ allowed outright ☐ not allowed ☐ being pursued ☐ not being pursued ☐ decision obtained
☒ receipt only ☐ N/A

MU or QM: ☒ NA ☐ **change construction finding to 20 years**
☐ Chris or Kerri reviewed Form M and added 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

*** Save W/A report to electronic application file***

Application #: S-88648 Applicant BRIAN AND DUANE LLC

✓ Authorized agent specified ☐ No ☒ Yes MICHAEL.SCHULTZ@ANDERSONSCHULTZ.COM

✓ Copy to ☐ SWR ☒ WM #5 ☒ ALO DICHEN LAND CO 7385 HOWELL PRAIRIE RD NE, SILVERTON 97381
☐ NCR ☒ agent ☐ City FARMLAND RESERVE INC, 79 S. MAIN ST, STE 1000, SLC UT 84111
☐ district (w/in 5-mile muni wells)
☒ Hydrographic (if SW, GW with PSI, or SWW) ☐ CWRE _____
☒ Division 33 – Upper Columbia (Northwest Power and Cons Council, National Marine Fisheries, Indian Tribes (CTUIR, WST), and USFWS)
☐ DOA Food Safety Division (bottled water)
☒ DOGAMI & ☒ DSL (mining)
☐ Any appropriate local government

STANFIELD ID - 100 W. CDE AVE, STANFIELD OR 97875 / EAST IMP DIST, 84186
HWY 37, HERMISTON, OR 97838 / ECHO ID, 7360, HWY 207, ECHO OR 97826

✓ Fees 5647 CFS		Base	930		
_____ AF		Up to 1 CFS	350		
	56	Add'l CFS@ $350/CFS	19600		
1 well(s)/POD(s)		Up to 20 AF @ $35/AF	—		
	_____	Add'l AF @ $1.20/AF	_____		
2 use(s)	Add'l ____ POD/POA 1 use +		350		
		Exam Fee Required	21230	Rec Fee Req'd	520
		Exam Fee Paid	21230	Rec Fee Paid	520
		Still Owed/Refund	Ø	Owed before Permit	Ø

✓ App/map meet min. required ☐ Yes ☐ No ☐ ALO info ☐ map ☐ legal _____
✓ 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
✓ Scanned images exist for application form and map

SOIL PREP DEFINED UNDER NU.

Name: Kim R. French Date Completed: 8/14/18 Initials: ____ Peer Reviewer bf Date: 8/23/18

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Oregon Water Resources Department
Water Right Details

Main Help
Return Contact Us

App: S 88648 *

- Conflict Report
- POD Characteristics
- Water Availability
  - POD: 1
- IR Checklist
- Digital Map (Applications are not mapped, use POD Locations instead)

Contact Information

Current contact information

AGENT:
ANDERSON SCHULTZ LLP
MICHAEL SCHULTZ
PO BOX 42427
PORTLAND, OR 97242

AGENT:
ANDERSON SCHULTZ LLP
PO BOX 42427
PORTLAND, OR 97242

APPLICANT:
BRIAN AND DUANE LLC
7385 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381

Documents View all scanned documents

Application: S 88648

Received: 8/2/2018

Application Workflow

Action	Date	Result	Completed By
Application Filed	8/2/2018		

Related Documents

- Application: S 87472 (Relationships)
- Application: S 54773 (Relationships)
- Unable to view right in new web mapping because this wate

Water Right Information

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

Point(s) of Diversion

POD 1 - COLUMBIA RIVER > PACIFIC OCEAN

Description

T-R-S-QQ: 5.00N-30.00E-8-SW NW

Location Description: 2910 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION

POD Rate

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
56.47	56.47		

IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start D
8/2/2018	15.85	15.85					1/1
8/2/2018	15.85	15.85					11/1

SUPPLEMENTAL IRRIGATION (Supplemental)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start D
8/2/2018	40.62	40.62					1/1
8/2/2018	40.62	40.62					11/1

Place(s) of Use Add TRS grouping

Use - IRRIGATION
(Primary) - 634.17 acres; Priority Date: 8/2/2018

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
3.00N-30.00E-20	NE NW				9.2	NC		
3.00N-30.00E-20	NW NW				10.8	NC		
3.00N-30.00E-20	SW NW				8.9	NC		
3.00N-30.00E-20	SE NW				6.0	NC		
3.00N-30.00E-30	SW NE				1.9	NC		
3.00N-30.00E-30	SE NW				0.1	NC		
3.00N-30.00E-30	NE SW				17.3	NC		
3.00N-30.00E-30	NW SW				17.6	NC		
3.00N-30.00E-30	SW SW				55.1	NC		
3.00N-30.00E-30	SE SW				40.0	NC		
3.00N-30.00E-30	NE SE				11.2	NC		
3.00N-30.00E-30	NW SE				32.7	NC		
3.00N-30.00E-30	SW SE				22.2	NC		
3.00N-30.00E-30	SE SE				6.3	NC		
4.00N-29.00E-12	SE SW				5.8	NC		
4.00N-29.00E-12	NE SE				39.83	NC		
4.00N-29.00E-12	SW SE				4.5	NC		
4.00N-29.00E-12	SE SE				5.7	NC		
4.00N-29.00E-13	NE NE				2.9	NC		
4.00N-29.00E-13	NW NE				1.6	NC		

4.00N-29.00E-13	NE NW				6.1	NC		
4.00N-29.00E-13	NW NW				0.6	NC		
4.00N-29.00E-13	SW NW				7.2	NC		
4.00N-29.00E-13	SE NW				0.2	NC		
4.00N-29.00E-13	NE SW				1.2	NC		
4.00N-29.00E-13	NW SW				4.5	NC		
4.00N-29.00E-13	SW SW				2.8	NC		
4.00N-29.00E-13	SE SW				0.9	NC		
4.00N-30.00E-31	NE NW				40.09	NC		
4.00N-30.00E-31	NW NW				51.09	NC		
4.00N-30.00E-31	SW NW				51.05	NC		
4.00N-30.00E-31	SE NW				39.65	NC		
4.00N-30.00E-31	NE SW				37.96	NC		
4.00N-30.00E-31	NW SW				52.89	NC		
4.00N-30.00E-31	SE SW				38.31	NC		
Sum of Acres: 634.17								

Use - SUPPLEMENTAL IRRIGATION
(Supplemental) - 1624.9 acres; Priority Date: 8/2/2018

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
3.00N-30.00E-20	NE NW				30.8	NC		
3.00N-30.00E-20	NW NW				29.2	NC		
3.00N-30.00E-20	SW NW				31.1	NC		
3.00N-30.00E-20	SE NW				34.0	NC		
3.00N-30.00E-20	NE SW				40.0	NC		
3.00N-30.00E-20	NW SW				40.0	NC		
3.00N-30.00E-20	SW SW				40.0	NC		
3.00N-30.00E-20	SE SW				40.0	NC		
3.00N-30.00E-30	NE NE				40.0	NC		
3.00N-30.00E-30	NW NE				40.0	NC		
3.00N-30.00E-30	SW NE				38.1	NC		
3.00N-30.00E-30	SE NE				40.0	NC		
3.00N-30.00E-30	NE NW				40.0	NC		
3.00N-30.00E-30	NW NW				57.6	NC		
3.00N-30.00E-30	SW NW				56.8	NC		
3.00N-30.00E-30	SE NW				39.9	NC		
3.00N-30.00E-30	NE SW				22.7	NC		
3.00N-30.00E-30	NW SW				38.4	NC		
3.00N-30.00E-30	NE SE				28.8	NC		
3.00N-30.00E-30	NW SE				7.3	NC		
3.00N-30.00E-30	SW SE				17.8	NC		
3.00N-30.00E-30	SE SE				33.7	NC		
4.00N-29.00E-11	NE SW				8.3	NC		
4.00N-29.00E-11	NW SW				4.4	NC		
4.00N-29.00E-11	SW SW				6.6	NC		
4.00N-29.00E-11	SE SW				38.1	NC		
4.00N-29.00E-12	NE SW				20.0	NC		
4.00N-29.00E-12	SW SW				20.0	NC		
4.00N-29.00E-12	SE SW				34.2	NC		
4.00N-29.00E-12	SW SE				35.5	NC		
4.00N-29.00E-12	SE SE				34.3	NC		
4.00N-29.00E-13	NE NE				36.1	NC		
4.00N-29.00E-13	NW NE				37.4	NC		
4.00N-29.00E-13	SW NE				40.0	NC		
4.00N-29.00E-13	SE NE				40.0	NC		
4.00N-29.00E-13	NE NW				32.9	NC		
4.00N-29.00E-13	NW NW				38.4	NC		
4.00N-29.00E-13	SW NW				32.8	NC		
4.00N-29.00E-13	SE NW				39.8	NC		
4.00N-29.00E-13	NE SW				38.8	NC		
4.00N-29.00E-13	NW SW				35.5	NC		
4.00N-29.00E-13	SW SW				37.2	NC		
4.00N-29.00E-13	SE SW				39.1	NC		
4.00N-29.00E-13	NE SE				40.0	NC		
4.00N-29.00E-13	NW SE				40.0	NC		
4.00N-29.00E-13	SW SE				40.0	NC		
4.00N-29.00E-13	SE SE				40.0	NC		

✓	4.00N-29.00E-14	NE SE				9.4	NC
	4.00N-29.00E-14	SE SE				14.4	NC
✓	4.00N-29.00E-26	SW NW				5.5	NC
	Sum of Acres: 1624.9						

Water Right Genealogy

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

View Water Rights in same Family

Report Errors with Water Right Data

Oregon Water Resources Department
Point of Diversion Characteristics

Main Help
Return Contact Us

Point of Diversion Characteristics

Right:	App: S 88648 *
Name:	BRIAN AND DUANE LLC

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:

WATER RESOURCES DEPARTMENT

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.

Memo

Oregon Water Resources Department
Water Rights Section

To: Caseworkers and other interested persons June 21, 2005

From: Dwight French, Water Rights Section Manager DWF

RE: Water Availability Determinations other than standard

Caseworkers need to have reminder notes on your checklists for the following areas.

This memo supercedes any previous water availability memos for the water sources listed below.

Use this cover memo, along with the appropriate attached pages, for water availability documentation for the following areas:

Tributaries to Drews Reservoir (Goose and Summer Lakes Basin)

Not withstanding the data from our Water Availability Report System (WARS). The Department has determined that there is no water availability above Drews Reservoir (In the Goose & Summer Lake Basin). This determination is based on the fact that Drews Reservoir (footnote file, permit , cert, priority date) often does not fill. Thus, the issuance of new storage rights would exacerbate a regulatory problem in the area. Drews Reservoir is located in the middle of WAB number 70487 in the Goose and Summer Lakes Basin.

Snake and Columbia Rivers

Water is available at 50% and 80% exceedence for the mainstems of the Snake and Columbia Rivers. WARS does not cover these large rivers. Use the attached USGS printouts as documentation for water availability for these sources.

Lost River Basin (Klamath Basin)

Use the attached tables that reference the Lost River provided by the Department's Water Availability experts Rick Cooper and Ken Stahr. These tables cannot be accessed through WARS.

Chehalem, Champoeg, Mission and Case Creeks (Willamette Basin)

Use the attached tables that reference Champoeg Creek and Chehalem Creek provided by the Department's Water Availability experts Rick Cooper and Ken Stahr. These tables cannot be accessed through WARS.

Continued on next page.

North Umpqua River (from Rock Creek to Little River)

Use the attached table to assess water availability for applications for domestic uses (including domestic expanded and human consumption), irrigation and agriculture uses, and commercial and industrial uses within the specified reach of the North Umpqua River (main stem only). A copy of the attached table should be placed in the file to document our assessment of water availability.

In this table, the flows protected by the new instream water right have been added back to the equation. (The WAB also includes an upstream scenic waterway that does not apply to this reach; the SWW flows have been removed because they do not become applicable unless the POD is above Rock Creek.) The net result is that water is available in the entire reach, up to the rates and for the uses allowed by the instream water right certificates. Use the tracking spreadsheets in the Resource Center to determine whether the limits allowed by the certificates have been reached. Once the limit has been reached in the spreadsheet for the use applied for, begin using the standard water availability printout.

North Umpqua River (from Little River to the mouth)

Use the attached table to assess water availability for applications for domestic uses (including domestic expanded and human consumption), irrigation and agriculture uses, and commercial and industrial uses within the specified reach of the North Umpqua River (main stem only). A copy of the attached table should be placed in the file to document our assessment of water availability. A copy of the attached table should be placed in the file to document our assessment of water availability.

In this table, the flows protected by the new instream water right have been added back to the equation. The net result is that water is available in the entire reach, up to the rates and for the uses allowed by the instream water right certificates. Use the tracking spreadsheets in the Resource Center to determine whether the limits allowed by the certificates have been reached. Once the limit has been reached in the spreadsheet for the use applied for, begin using the standard water availability printout.

Laura

WATER AVAILABILITY
FOR
COLUMBIA + SNAKE R.

AVERAGE MONTHLY DISCHARGES AND CHANGES IN STORAGE IN CFS

FOR THE 25-YEAR BASE PERIOD, WATER-YEARS 1961-85, INCLUSIVE

THE ATTACHED TABLE CONTAINS AVERAGE DISCHARGES AND CHANGES IN STORAGE FOR SELECTED GAGING STATIONS AND RESERVOIRS IN THE PACIFIC NORTHWEST FOR A 25-YEAR PERIOD, WATER YEARS 1961-85, INCLUSIVE. THE AVERAGES ARE BASED ON OBSERVED RECORDS EXCEPT FOR THOSE STATIONS MARKED (ADJ), WHICH ARE ADJUSTED FOR UPSTREAM STORAGE AND DIVERSIONS AS INDICATED BY FOOTNOTES (COLUMN F), AND EXPLAINED ON THE FINAL PAGE. AVERAGE CHANGES IN STORAGE FOR RESERVOIRS BUILT AFTER OCTOBER 1960 ARE BASED ON ACTUAL MONTHLY CHANGES THAT WERE DIVIDED BY THE YEARS OF RECORD. FOR DUNCAN AND ARROW LAKES, NATURAL STORAGE PRIOR TO DAM CONSTRUCTION WAS INCLUDED TO COMPLETE THE 25-YEAR AVERAGE. FOR RESERVOIRS WITH LESS THAN 25 YEARS OF RECORD, THE DATE STORAGE BEGAN IS SHOWN BY FOOTNOTES. THE STATIONS ARE IN DOWNSTREAM ORDER, IDENTIFIED BY USGS NUMBERS. THE EIGHT-DIGIT STATION NUMBERS WERE ASSIGNED FOR THIS PROJECT AND ARE NOT OFFICIAL IDENTIFIERS.

A 25-YEAR BASE PERIOD WAS CHOSEN BY THE COLUMBIA RIVER WATER MANAGEMENT GROUP FOR COMPARISON OF HISTORICAL AVERAGES WITH CURRENT HYDROMETEOROLOGICAL CONDITIONS. IT IS ANTICIPATED THAT THIS BASE PERIOD WILL BE UPDATED IN FIVE YEARS TO A 30-YEAR BASE FOR THE PERIOD 1961-90.

THE AVERAGES CONTAINED HEREIN ARE BASED ON RECORDS FROM REPORTS AND FILES OF THE U.S. GEOLOGICAL SURVEY, WATER SURVEY OF CANADA, U.S. BUREAU OF RECLAMATION, OR RECORDS FURNISHED BY ORGANIZATIONS AS INDICATED BY THE FOOTNOTES.

COLUMBIA RIVER WATER MANAGEMENT GROUP
DEPLETIONS TASK FORCE
JANUARY 1987

ADJ = ADJUSTED FOR STORAGE

AVERAGE DISCHARGE OR CHANGE IN STORAGE IN CFS

F	STA NO	STATION NAME	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
	*13351000	PALOUSE R AT HOOPER, WASH	69	139	471	1110	1742	1648	1264	624	250	76	32	42
☆	94*13353000	SNAKE R BL ICE HARBOR DAM, WASH	27378	31971	38506	44426	50714	58560	76421	113070	120665	46660	23356	25778
	95*13353000	SNAKE R BL ICE HARBOR DAM (ADJ)	26992	30337	35650	40002	47911	56452	80177	123489	127139	46270	22767	23252
	*14010000	SF WALLA WALLA R NR MILTON, OREG	112	138	180	206	209	216	268	305	208	126	113	110
	*14018500	WALLA WALLA R NR TOUCHET, WASH	71	277	889	1257	1338	1228	1082	674	276	46	21	42
☆	96*14019201	MCNARY DAM OUTFLOW	137952	117370	133768	150471	164129	174557	197585	285400	356193	223501	140740	109400
	97*14019201	MCNARY DAM OUTFLOW (ADJ)	82525	84386	89359	91844	108742	127525	207070	421394	508568	266038	139770	95931
	*14020000	UMATILLA R AB MCKM C NR GIBBON, OR	58	122	258	317	352	380	504	439	197	65	50	50
	*14021000	UMATILLA R AT PENDLETON, OREG	71	213	619	804	900	1012	1222	862	314	74	44	50
	*14022500	MCKAY C NR PILOT ROCK, OREG	5	36	137	215	210	253	266	117	35	4	1	2
	*14032000	BUTTER C NR PINE CITY, OREG	4	10	31	56	61	77	78	51	17	4	2	2
	*14033500	UMATILLA R NR UMATILLA, OREG	79	228	636	918	1066	1109	1116	546	101	14	11	25
	*14037500	STRAWBRY C AB SL C NR PR CTY,OR	3	4	4	4	4	4	7	32	59	26	8	4
	*14042500	CAMAS C NR UKIAH, OREG	8	26	63	100	114	181	303	209	70	14	6	6
	*14044000	NF JOHN DAY R AT RITTER, OREG	47	81	144	212	274	471	710	767	423	95	37	37
	*14046000	NF JOHN DAY R AT MONUMENT, OREG	179	378	923	1315	1645	2408	3468	3846	1986	466	157	146
	*14046500	JOHN DAY R AT SERVICE CREEK, OREG	367	694	1495	2130	2687	3730	5040	5250	2810	681	214	227
	*14048000	JOHN DAY R AT MCDONALD FERRY, OREG	365	725	1698	2409	3136	4121	5355	5513	3068	772	226	224
	98*14048005	LK UMATILLA AT JOHN DAY DAM, OREG	-1900	-345	-443	140	529	-38	1383	-490	2297	738	277	185
	*14050000	DESCHUTES R BL SNW C NR LAPINE, OR	182	150	132	116	106	100	102	127	156	178	226	218
	99*14053000	CR PRAIRIE RES NR LAPINE, OR-INFL	253	231	212	169	148	133	141	230	290	262	293	284
	38*14053500	CRANE PRAIRIE RES NR LAPINE, OREG	41	126	104	49	39	30	-14	-66	-96	-107		
	38*14056000	WICKIUP RES NR LAPINE, OREG	354	496	414	346	304	289	13	-373	-528	-651		
	38*14059500	CRESCENT LK NR CRESCENT, OREG	35	64	72	51	39	28	27	43	-9	-127		
	*14060000	CRESCENT C NR CRESCENT, OREG	16	10	12	16	16	16	14	53	112	171		
	100*14060000	CRESCENT C NR CRESCENT (ADJ)	51	74	85	67	55	44	42	96	103	44		
	*14063000	L DESCHUTES R NR LAPINE, OREG	87	123	188	198	219	220	273	373	349	258		
	100*14063000	L DESCHUTES R NR LAPINE (ADJ)	122	187	260	249	258	247	301	416	340	131		
	*14064500	DESCHUTES R AT BNHM FLLS NR BND,OR	1069	741	844	904	931	935	1284	1908	2214	2345		
	101*14072500	COL SOUTHERN CA NR TUMALO,OREG	8	4	1	0	1	2	8	78	115	92		
	*14073001	TUMALO C+COL SUTHRN CA NR BEND, OR	67	75	81	75	79	71	80	158	233	142		
	*14075000	SQUAW C NR SISTERS, OREG	63	77	90	84	80	65	68	128	226	184		
	38*14080400	PRINEVILLE RES NR PRINEVILLE, OREG	-113	-1	45	45	158	416	318	-27	-134	-216	-226	-189
	*14080500	CROOKED R NR PRINEVILLE, OREG	162	150	288	391	514	591	839	610	265	239	229	200
	102*14080500	CROOKED R NR PRINEVILLE (ADJ)	53	150	333	436	673	1007	1158	584	131	23	3	11
	38*14085100	OCHOCO RES NR PRINEVILLE, OREG	-9	9	48	60	81	84	85	-5	-61	-125	-96	-45
	103*14085100	FIVE RES IN DESCHUTES BASIN, OREG	314	694	683	550	620	846	429	-428	-829	-1226	-948	-491
	104*14092100	LK BILLY CHINOOK NR METOLIUS, OR	24	-17	-82	-123	258	94	93	80	37	32	28	-6
	*14101500	WHITE R BL TYGH VALLEY, OREG	141	249	537	695	730	610	601	640	419	185	129	122
	*14103000	DESCHUTES R AT MOODY NR BIGGS, OR	4704	5481	6800	7437	7475	7192	6745	6010	5388	4673	4441	4484

AVERAGE DISCHARGE OR CHANGE IN STORAGE IN CFS

F	STA NO	STATION NAME	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
	*14191000	WILLAMETTE R AT SALEM, OREG	13859	31114	52192	49059	37209	30175	23562	19088	13219	7479	7208	9819
119	*14191000	WILLAMETTE R AT SALEM (ADJ)	7181	27586	51486	50440	42664	36008	29233	22338	13737	6142	3854	4255
	*14209000	OAK GROVE FK AB PWRPLANT INTAKE,OR	397	496	589	615	593	572	558	613	471	335	312	343
	*14209500	CLACKAMAS R AB THREE LYNX C, OREG	1059	2298	3413	3268	2986	2562	2540	2698	1784	950	768	804
	*14210000	CLACKAMAS R AT ESTACADA, OREG	1373	3283	4986	4795	4235	3581	3515	3641	2354	1204	911	973
120	*14211720	WILLAMETTE RIVER AT PORTLAND, OREG	16660	42572	76055	74437	59071	47886	36488	27777	17972	9667	8414	11301
119	*14211720	WILLAMETTE RIVER AT PORTLAND (ADJ)	9982	39044	75349	75817	64527	53719	42158	31026	18491	8330	5060	5738
	*14217600	SWIFT RES NR COUGAR, WASH	-637	-446	-924	-281	-156	-393	687	1240	380	97	10	-199
	*14218500	YALE RES NR YALE, WASH	-265	130	55	-129	21	-6	268	180	197	-8	-4	-479
	*14220000	LK MERWIN AT ARIEL, WASH	6	-104	-29	-34	-20	138	39	140	53	40	-27	-126
	*14220000	SWIFT, YALE AND MERWIN RES, WASH	-896	-421	-498	-444	-155	-261	1195	1559	630	130	-21	-805
	*14220500	LEWIS R AT ARIEL, WASH	3183	7007	9451	8746	7721	6469	4719	4269	3533	1910	1304	2179
121	*14220500	LEWIS R AT ARIEL (ADJ)	2287	6586	8953	8302	7566	6209	5914	5828	4163	2040	1283	1374
95	*14234800	RIFFE LAKE NR MOSSYROCK, WASH	-1828	-1766	-1004	-658	-107	-307	1820	4284	2154	-585	-502	-782
122	*14237800	MAYFIELD RES NR SILVER CREEK, WASH	13	15	-19	12	-7	30	40	39	-4	21	-2	-48
	*14238000	COWLITZ R BL MAYFIELD DAM, WASH	3846	7626	10896	9978	8547	6840	5902	6188	7184	4599	2605	2564
123	*14238000	COWLITZ R BL MAYFIELD DAM(ADJ)	2615	6439	10196	9542	8468	6858	7251	9311	8731	4198	2241	1955
	*14243000	COWLITZ R AT CASTLE ROCK, WASH	3045	11276	16871	16010	13636	10972	9353	8915	9179	5730	3327	3334
123	*14243000	COWLITZ R AT CASTLE ROCK (ADJ)	3814	10089	16171	15573	13557	10790	10702	12037	10726	5328	2963	2725
105	*14280000	COLUMBIA R AT THE MOUTH	148764	210480	288152	300140	293318	283760	283128	347528	412680	263908	165084	138564
~~124~~	~~*14280000~~	~~COLUMBIA R AT THE MOUTH (ADJ)~~	~~113241~~	~~172126~~	~~241538~~	~~242107~~	~~243512~~	~~242092~~	~~301822~~	~~491100~~	~~569405~~	~~305367~~	~~160576~~	~~118250~~
	*14301000	NEHALEM R NR FOSS, OREG	772	3913	6638	6629	5276	4522	2612	1201	612	273	151	236
	*14301500	WILSON R NR TILLAMOOK, OREG	508	1895	2719	2589	2120	1772	1101	596	339	170	109	165
	*14305500	SILETZ R AT SILETZ, OREG	540	2430	3548	3327	2670	2276	1414	768	484	223	140	194
	*14306500	ALSEA R NR TIDEWATER, OREG	304	1874	3681	3575	3004	2600	1509	777	401	190	118	132
	*14313000	LEMOLO LK NR TOKETEE FALLS, OREG	-63	-23	-7	-19	-5	-8	36	89	11	5	2	-19
	*14313501	N UMPQUA NR T FLS & LEMOLO 1 PC,OR	445	432	452	455	429	440	408	484	559	419	370	381
125	*14313501	N UMPQUA NR T FLS & LEMOLO 1 (ADJ)	345	372	407	397	391	397	412	526	518	387	340	328
	*14321000	UMPQUA R NR ELKTON, OREG	1852	8625	16850	16709	13763	12749	9470	6293	3318	1611	1179	1214
	*14359000	ROGUE R AT RAYGOLD, OREG	1522	2763	4993	4985	4229	4282	4015	3731	2691	1867	1665	1523
126	*14359000	ROGUE R AT RAYGOLD, OREG (ADJ)	1463	2759	5113	5127	4624	4542	4144	3818	2661	1581	1331	1337

261,0

267,0

AVERAGE DISCHARGE OR CHANGE IN STORAGE IN CFS

F	STA NO	STATION NAME	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
	*14191000	WILLAMETTE R AT SALEM, OREG	13859	31114	52192	49059	37209	30175	23562	19088	13219	7479	7208	9819
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	*14220000	LK MERWIN AT ARIEL, WASH	6	-104	-29	-34	-20	138	39	140	53	40	-27	-126
	*14220000	SWIFT, YALE AND MERWIN RES, WASH	-896	-421	-498	-444	-155	-261	1195	1559	630	130	-21	-865
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	*14321000	UMPQUA R NR ELKTON, OREG	1852	8625	16850	16709	13763	12749	9470	6293	3318	1611	1179	1214
	*14359000	ROGUE R AT RAYGOLD, OREG	1522	2763	4993	4985	4229	4282	4015	3731	2691	1867	1665	1523
126	*14359000	ROGUE R AT RAYGOLD, OREG (ADJ)	1463	2759	5113	5127	4624	4542	4144	3818	2661	1581	1331	1337

Use - SUPPLEMENTAL

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
3.00N-30.00E-20	NE NW				30.8	NC	Ø	
3.00N-30.00E-20	NW NW				29.2	NC	Ø	
3.00N-30.00E-20	SW NW				31.1	NC	Ø	
3.00N-30.00E-20	SE NW				34	NC	Ø	
3.00N-30.00E-20	NE SW				40	NC	Ø	
3.00N-30.00E-20	NW SW				40	NC	Ø	
3.00N-30.00E-20	SW SW				40	NC	Ø	
3.00N-30.00E-20	SE SW				40	NC	Ø	
3.00N-30.00E-30	NE NE				40	NC	Ø	
3.00N-30.00E-30	NW NE				40	NC	Ø	
3.00N-30.00E-30	SW NE				38.1	NC	Ø	
3.00N-30.00E-30	SE NE				40	NC	Ø	
3.00N-30.00E-30	NE NW				40	NC	Ø	
3.00N-30.00E-30	NW NW				57.6	NC	Ø	
3.00N-30.00E-30	SW NW				56.8	NC	Ø	
3.00N-30.00E-30	SE NW				39.9	NC	Ø	
3.00N-30.00E-30	NE SW				22.7	NC	Ø	
3.00N-30.00E-30	NW SW				38.4	NC	Ø	
3.00N-30.00E-30	NE SE				28.8	NC	Ø	
3.00N-30.00E-30	NW SE				7.3	NC	Ø	
3.00N-30.00E-30	SW SE				17.8	NC	Ø	
3.00N-30.00E-30	SE SE				33.7	NC	Ø	
4.00N-29.00E-11	NE SW				8.3	NC	OK	
4.00N-29.00E-11	NW SW				4.4	NC	OK	
4.00N-29.00E-11	SW SW				6.6	NC	OK	
4.00N-29.00E-11	SE SW				38.1	NC	OK	
4.00N-29.00E-12	NE SW				20	NC	18.9	
4.00N-29.00E-12	SW SW				20	NC	Ø	
4.00N-29.00E-12	SE SW				34.2	NC	Ø	
4.00N-29.00E-12	SW SE				35.5	NC	OK	
4.00N-29.00E-12	SE SE				34.3	NC	OK	
4.00N-29.00E-13	NE NE				36.1	NC	OK	
4.00N-29.00E-13	NW NE				37.4	NC	OK	
4.00N-29.00E-13	SW NE				40	NC	39.6	
4.00N-29.00E-13	SE NE				40	NC	38.6	
4.00N-29.00E-13	NE NW				32.9	NC	3.1	
4.00N-29.00E-13	NW NW				38.4	NC	Ø	
4.00N-29.00E-13	SW NW				32.8	NC	0.7	
4.00N-29.00E-13	SE NW				39.8	NC	15	
4.00N-29.00E-13	NE SW				38.8	NC	OK	
4.00N-29.00E-13	NW SW				35.5	NC	OK	
4.00N-29.00E-13	SW SW				37.2	NC	OK	
4.00N-29.00E-13	SE SW				39.1	NC	OK	

S-55114 3/1-10/31

S-88648

87035 3/1-11/1

1/1-2/28

86203

1/1-2/28

86203

86203

1/1-2/28

PRIMARY

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
3.00N-30.00E-20	NE NW				9.2	NC	OK	
3.00N-30.00E-20	NW NW				10.8	NC	OK	
3.00N-30.00E-20	SW NW				8.9	NC	OK	
3.00N-30.00E-20	SE NW				6	NC	OK	
3.00N-30.00E-30	SW NE				1.9	NC	OK	
3.00N-30.00E-30	SE NW				0.1	NC	OK	
3.00N-30.00E-30	NE SW				17.3	NC	OK	
3.00N-30.00E-30	NW SW				17.6	NC	OK	
3.00N-30.00E-30	SW SW				55.1	NC	OK	
3.00N-30.00E-30	SE SW				40	NC	OK	
3.00N-30.00E-30	NE SE				11.2	NC	OK	
3.00N-30.00E-30	NW SE				32.7	NC	OK	
3.00N-30.00E-30	SW SE				22.2	NC	OK	
3.00N-30.00E-30	SE SE				6.3	NC	OK	
4.00N-29.00E-12	SE SW				5.8	NC	OK	
4.00N-29.00E-12	NE SE				39.83	NC	OK	
4.00N-29.00E-12	SW SE				4.5	NC	OK	
4.00N-29.00E-12	SE SE				5.7	NC	OK	
4.00N-29.00E-13	NE NE				2.9	NC	OK	
4.00N-29.00E-13	NW NE				1.6	NC	OK	
4.00N-29.00E-13	NE NW				6.1	NC	OK	
4.00N-29.00E-13	NW NW				0.6	NC	OK	
4.00N-29.00E-13	SW NW				7.2	NC	OK	
4.00N-29.00E-13	SE NW				0.2	NC	OK	
4.00N-29.00E-13	NE SW				1.2	NC	OK	
4.00N-29.00E-13	NW SW				4.5	NC	OK	
4.00N-29.00E-13	SW SW				2.8	NC	OK	
4.00N-29.00E-13	SE SW				0.9	NC	OK	
4.00N-30.00E-31	NE NW				40.09	NC	OK	
4.00N-30.00E-31	NW NW				51.09	NC	OK	
4.00N-30.00E-31	SW NW				51.05	NC	OK	
4.00N-30.00E-31	SE NW				39.65	NC	OK	
4.00N-30.00E-31	NE SW				37.96	NC	OK	
4.00N-30.00E-31	NW SW				52.89	NC	OK	
4.00N-30.00E-31	SE SW				38.31	NC	OK	
Sum of Acres: 634.17								

4.00N-29.00E-13	NE SE				40	NC	39	
4.00N-29.00E-13	NW SE				40	NC	38.7	
4.00N-29.00E-13	SW SE				40	NC	39	
4.00N-29.00E-13	SE SE				40	NC	38.2	
4.00N-29.00E-14	NE SE				9.4	NC	Ø	
4.00N-29.00E-14	SE SE				14.4	NC	Ø	
4.00N-29.00E-26	SW NW				5.5	NC	Ø	
Sum of Acres: 1624.9								

1/1-2/28

~~86~~ 203

E-2 Standard Application Completeness Checklist

Yes No

For use with Groundwater and Surface Water Applications Only

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

For use by WRD staff only

Application S-88648 County Umatilla Priority Date 8/2/18

Township _____ Range _____ Section _____ → See Exhibit B

Amount 56.47 cfs Use Primary & Supplemental Irrigation? WM Dist. # 5

Applicant Name Brian & Duane LLC.

Receipt No. 12752 Caseworker Assigned: ☐ Barbe ☒ Kim ☐ Lisa ☐ Scott

☒ Applicant/Organization Name and Mailing Address

☒ Signature of *all* applicants (include title or authority of representative if applicant is an organization or corporation). *Applicant's agent may NOT sign application.

☒ Property Ownership: Does the applicant own all the land for the proposed project? ☐ Y ☒ N

If No:

☒ The affected landowner's name(s) and mailing address(s) must be listed – Exhibit A

☐ 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.

☐ 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)(ORS 537.147).*

☐ 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)

☒ Division 33, Public Interest Information (Sensitive, Threatened, Endangered, Fish Species)

☒ 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

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

N/A

- ☐ 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.

TBD

- ☐ The proposed source **IS / IS NOT** (circle one) restricted or withdrawn from further appropriation. ***NOTE:*** *If it is withdrawn under ORS 538, return application and fees.*

- ☐ 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, ¼-¼'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 or well 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 ¼ ¼ if for irrigation, nursery, or agriculture

- ☐ **Fees: Print out from Fee Calculator**

Total Fees	$ 21,750.00
Fee Paid	$ 21,750.00
Amount Due	$ 0

Reviewed by: E.G. Date: 8/2/18

Application for a Permit to Use

Surface Water

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME				PHONE (HM)
BRIAN & DUANE, LLC				
PHONE (WK)	CELL			FAX
503-932-9851				
ADDRESS				
7385 HOWELL PRAIRIE ROAD NE				
CITY	STATE	ZIP	E-MAIL *	
SILVERTON	OR	97381	DEAN@GVFUSA.COM	

Organization

NAME			PHONE	FAX
SAME AS ABOVE.				
ADDRESS				CELL
CITY	STATE	ZIP	E-MAIL *	

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

AGENT / BUSINESS NAME			PHONE	FAX
MICHAEL SCHULTZ, ANDERSON SCHULTZ LLP			503-970-1915	
ADDRESS				CELL
PO BOX 42427				
CITY	STATE	ZIP	E-MAIL *	
PORTLAND	OR	97242	MICHAEL.SCHULTZ@ANDERSONSCHULTZ.COM	

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 proposed and 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.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

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

Duane C. Ditchen — Applicant Signature

Duane C. Ditchen (member) — Print Name and Title if applicable

7/27/18 — Date

Applicant Signature

Print Name and Title if applicable

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.
☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.

☒ NO, I have a recorded easement or written authorization permitting access.
☐ NO, I do not currently have written authorization or easement permitting access.
☐ NO, 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).
☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (*Attach additional sheets if necessary).*

SEE EXHIBIT A FOR NAMES AND MAILING ADDRESSESS. SEE EXHIBIT B FOR LEGAL DESCRIPTIONS.

Legal Description: You must 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.

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), and the locations of the point of diversion (POD):

Source 1: Columbia River	Tributary to: Pacific Ocean
TRSQQ of POD: T5N R30E W.M. S8 SW NW, Located 2,910 feet North and 120 feet East from the SW Corner of Section 8.	
Source 2:	Tributary to:
TRSQQ of POD:	

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).

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B. Applications to Use Stored Water

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

☐ Yes. ☐ No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

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If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

☒ Yes ☐ No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

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- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.

- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

☐ Yes ☐ No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

☐ Yes ☐ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

☐ Yes ☐ No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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SECTION 5: 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	Primary - Out of season application to raise moisture content of soil	Nov 1 - Feb 28/29	15.85 ☒ cfs ☐ gpm ☐ af
Columbia River	Supplemental - Out of season application to raise moisture content of soil	Nov 1 - Feb 28/29	40.62 ☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 634.17 Acres Supplemental: 1624.90 Acres

If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): S-87472, S-54773

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2-acre feet

- 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: _____

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): See Exhibit C.
☐ Other means (describe): _____

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

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Primarily center pivot with solidest handlines in corners.

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.

The right to apply a 2.0 ac.ft. duty would allow the applicant to build the soil water profile outside of the irrigation season thereby offsetting the total crop demand for water for irrigation use during the irrigation season.

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This offset would benefit the user by increasing the amount of water available to crops and benefit other users by decreasing demand offset by the winter right. Damage to affected surface waters by would be prevented by diverting during the winter season, when water is available, and by recording and reporting use data from the flow meters identified in this application.

SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: Applicant does not have control over the point of diversion on the Columbia River. The draft Plans & Specifications for the East Improvement District contain the measures that EID plans to implement to protect water resources at the point of diversion. The U.S. Army Corp of Engineers Environmental Assessment contains additional details on protected of water resources.

The draft Plans & Specifications for the EID pump station indicate the following actions will be taken to protect water resources at the point of diversion.

Intakes and Screens: Each pump will be set in a vertical can. A tenth can will be installed for additional redundancy. Each can will be connected to an 84-inch diameter manifold. This manifold will be supported by five cradles, secured between pairs of steel H-piles. The manifold will continue as an 84-inch diameter intake pipe. This pipe will be supported on four cradles, each secured by a pair of steel piles. The intake pipe will transition to a 70-foot long by 78-inch diameter steel manifold. This manifold will be supported on five cradles, each secured to the river bed by a pair of steel piles. Along the top of the manifold will be five 60-inch diameter pups, vertically mounted, equally spaced, each flanged. On each of these pups will be installed a tee screen.

Each of the five (5) new tee screens will measure 5 feet in diameter by approximately 19 feet in length and will have NMFS approved slotted fish screen to insure juvenile salmonids are not impinged or entrained in the intake. Each screen will have a design capacity of 19,000 gpm at an approach velocity of 0.2 feet-per-second. The intake screens will also be equipped with an air-burst system to facilitate the cleaning of the screens and maintain the appropriate approach velocity in compliance with NMFS criteria. This air-burst system will include a compressor, an air vessel, stainless steel lines to each screen, control valves, and a monitoring and control system.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: The USACE EA for the EID pump station indicates construction would require a total of two acres be cleared and graded to create a 36-foot-wide access road and staging pad along proposed pipeline routes, installation of underground transmission lines, and installation of transformers. There would be little, temporary disturbance to all vegetation except the 500 square feet that would be permanently altered by the installation of the new transformers. All other disturbed areas would be graded and hydro-seeded with a native grass seed mix approved by ODFW to generally match the preconstruction plant species composition.

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☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: The USACE EA indicates that all project work conducted below the OHWM of the Columbia River would occur between December 1 and February 28 of the NMFS-preferred in-water work window (IWWW) for the middle Columbia River which is December 1 through March 15, a period when ESA-listed salmonids are least likely to occur within the project action area. It is anticipated that the proposed project would require eight to twelve weeks of in-water work. Divers would direct the in-water work and carry out required welding. All heavy equipment (i.e., crane and excavator) would access the project site via existing roadways, parking areas, disturbed upland area, and/or floating barges.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions: The USACE EA indicates that at each new pump can location, a 60-inch diameter by 7.5-foot long section of sleeve pipe would be positioned vertically and driven a foot into the river bed using a vibratory hammer. The river bed material inside of these sleeve pipes would be suctioned out. The pipe would be driven further down as material is removed until the desired depths are achieved. This approach would limit the total required volume of excavation to around 16 cubic yards while minimizing impact to existing structures. The suctioned bed material would be side cast back into the river within the existing easement. The place of use is not adjacent to the point of diversion. By geographical separation and by the efficient water use by center pivot nozzles, there will be no return flow to the surface waters. Because there will be no return-flow or runoff to the surface waters, there will be no erosion into the surface waters and no run-off of waste or chemical products.

☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted.

_____

SECTION 8: PROJECT SCHEDULE

a) Date construction will begin: Construction for the EID System is expected to begin in Fall 2018. Applicant will begin construction to tie in the EID System with the Applicant System in Spring 2019. No additional construction is required for the Applicant System.
b) Date construction will be completed: Construction for the EID System will be completed by April 2019. Construction for the Applicant System tie in will be completed by October 2019.
c) Date beneficial water use will begin: Winter 2019.

SECTION 9: WITHIN A DISTRICT

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

See Exhibit E - Irrigation Districts	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary).*

For Department Use: App. Number: _____

S-88618

BRIAN & DUANE, LLC
SURFACE WATER APPLICATION

EXHIBIT A - Landowners

The names and mailing addresses of all affected landowners are as follows:

1. Point of Diversion. The East Improvement District, 84186 Highway 37, Hermiston, OR 97838, will hold the easement for the pump station on the Columbia River.

2. Delivery System. The East Improvement District will deliver Applicant's water from the Point of Diversion to the EID delivery points. Stanfield Irrigation District, 100 W Coe Ave, Stanfield, OR 97875, will then deliver a portion Applicant's water from EID to certain Places of Use.

   For the remining Places of Use, the affected landowners from the EID delivery points to the Applicant's places of use are:
   a. Ditchen Land Company, LLC, 7385 Howell Prairie Road NE, Silverton, OR 97381
   b. Brian & Duane, LLC, 7385 Howell Prairie Road NE, Silverton, OR 97381
   c. Farmland Reserve Inc., 79 S Main Street Suite 1000, Salt Lake City, UT 84111

3. Places of Use. The affected landowners are:
   a. Brian & Duane LLC, 7385 Howell Prairie Road NE, Silverton, OR 97381

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BRIAN & DUANE, LLC
SURFACE WATER APPLICATION

EXHIBIT B – Legal Descriptions

1. Point of Diversion. T5N R30E W.M. S8 SW NW, Located 2,910 feet North and 120 feet East from the SW Corner of Section 8.

2. Delivery System. The East Improvement District will deliver Applicant's water from the Point of Diversion to the EID delivery points. Stanfield Irrigation District will then deliver a portion Applicant's water from EID to certain Places of Use.

   For the remaining Places of Use, the Applicant's conveyance system impacts the following lands:

   a. Landowner: Ditchen Land Company, LLC

T	R	S	Tax Lot
4N	29E	25	204
4N	29E	25	200
4N	29E	36	4800

   b. Landowner: Brian & Duane, LLC (Same as the Places of Use below).

   c. Landowner: Farmland Reserve Inc.

T	R	S	Tax Lot
3N	29E	1	100
3N	29E	2	3600
3N	29E	11	300
3N	29E	11	308
3N	29E	11	304
3N	29E	14	3900
3N	29E	13	3800
3N	29E	13	3700
3N	29E	24	8700

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BRIAN & DUANE, LLC
SURFACE WATER APPLICATION

3. Places of Use.

Ownership	TRS	QQ	Winter Primary Acres	Winter Supplemental Acres
Brian & Duane LLC	3N30E20	NENW	9.20	30.80
Brian & Duane LLC	3N30E20	NWNW	10.80	29.20
Brian & Duane LLC	3N30E20	SWNW	8.90	31.10
Brian & Duane LLC	3N30E20	SENW	6.00	34.00
Brian & Duane LLC	3N30E20	NESW	0.00	40.00
Brian & Duane LLC	3N30E20	NWSW	0.00	40.00
Brian & Duane LLC	3N30E20	SWSW	0.00	40.00
Brian & Duane LLC	3N30E20	SESW	0.00	40.00
Brian & Duane LLC	3N30E30	NENE	0.00	40.00
Brian & Duane LLC	3N30E30	NWNE	0.00	40.00
Brian & Duane LLC	3N30E30	SWNE	1.90	38.10
Brian & Duane LLC	3N30E30	SENE	0.00	40.00
Brian & Duane LLC	3N30E30	NENW	0.00	40.00
Brian & Duane LLC	3N30E30	NWNW	0.00	57.60
Brian & Duane LLC	3N30E30	SWNW	0.00	56.80
Brian & Duane LLC	3N30E30	SENW	0.10	39.90
Brian & Duane LLC	3N30E30	NESW	17.30	22.70
Brian & Duane LLC	3N30E30	NWSW	17.60	38.40
Brian & Duane LLC	3N30E30	SWSW	55.10	0.00
Brian & Duane LLC	3N30E30	SESW	40.00	0.00
Brian & Duane LLC	3N30E30	NESE	11.20	28.80
Brian & Duane LLC	3N30E30	NWSE	32.70	7.30
Brian & Duane LLC	3N30E30	SWSE	22.20	17.80
Brian & Duane LLC	3N30E30	SESE	6.30	33.70
Brian & Duane LLC	4N29E11	NESW	0.00	8.30
Brian & Duane LLC	4N29E11	NWSW	0.00	4.40
Brian & Duane LLC	4N29E11	SWSW	0.00	6.60
Brian & Duane LLC	4N29E11	SESW	0.00	38.10
Brian & Duane LLC	4N29E12	NESW	0.00	20.00
Brian & Duane LLC	4N29E12	SWSW	0.00	20.00
Brian & Duane LLC	4N29E12	SESW	5.80	34.20
Brian & Duane LLC	4N29E12	NESE	39.83	0.00
Brian & Duane LLC	4N29E12	SWSE	4.50	35.50
Brian & Duane LLC	4N29E12	SESE	5.70	34.30
Brian & Duane LLC	4N29E13	NENE	2.90	36.10
Brian & Duane LLC	4N29E13	NWNE	1.60	37.40
Brian & Duane LLC	4N29E13	SWNE	0.00	40.00
Brian & Duane LLC	4N29E13	SENE	0.00	40.00
Brian & Duane LLC	4N29E13	NENW	6.10	32.90
Brian & Duane LLC	4N29E13	NWNW	0.60	38.40
Brian & Duane LLC	4N29E13	SWNW	7.20	32.80
Brian & Duane LLC	4N29E13	SENW	0.20	39.80
Brian & Duane LLC	4N29E13	NESW	1.20	38.80
Brian & Duane LLC	4N29E13	NWSW	4.50	35.50
Brian & Duane LLC	4N29E13	SWSW	2.80	37.20
Brian & Duane LLC	4N29E13	SESW	0.90	39.10
Brian & Duane LLC	4N29E13	NESE	0.00	40.00
Brian & Duane LLC	4N29E13	NWSE	0.00	40.00
Brian & Duane LLC	4N29E13	SWSE	0.00	40.00
Brian & Duane LLC	4N29E13	SESE	0.00	40.00
Brian & Duane LLC	4N29E14	NESE	0.00	9.40
Brian & Duane LLC	4N29E14	SESE	0.00	14.40
Brian & Duane LLC	4N29E26	SWNW	0.00	5.50
Brian & Duane LLC	4N30E31	NENW	40.09	0.00
Brian & Duane LLC	4N30E31	NWNW	51.09	0.00
Brian & Duane LLC	4N30E31	SWNW	51.05	0.00
Brian & Duane LLC	4N30E31	SENW	39.65	0.00
Brian & Duane LLC	4N30E31	NESW	37.96	0.00
Brian & Duane LLC	4N30E31	NWSW	52.89	0.00
Brian & Duane LLC	4N30E31	SESW	38.31	0.00

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BRIAN & DUANE, LLC
SURFACE WATER APPLICATION

EXHIBIT C - Pumps

A. Point of Diversion Pumps:

The East Improvement District's Columbia River pump station will utilize eight (8) 2,000 horsepower pumps. A ninth 2,000 horsepower pump will be installed to serve as a standby in the event one of the eight needs to be serviced during peak operation. Each 2,000 horsepower pump will have a capacity of 11,220 GPM at a TDH of 600 feet. The pumps will be 1,180 RPM and the motors will be rated for 4,160 Volts. The motors will be high-efficiency and two will be inverter duty rated.

B. Applicant System Pumps:

The Applicant System will utilize five (5) existing pumps to move water from the East Improvement District's points of delivery to the places of use.

Pump C5 is a 25 horsepower pump with a capacity of 700 GPM.
Pump C6 is a 40 horsepower pump with a capacity of 1100 GPM.
Pump C7 is a 25 horsepower pump with a capacity of 550 GPM.
Pump C8 is a 25 horsepower pump with a capacity of 550 GPM.
Pump C9 is a 75 horsepower pump with a capacity of 1200 GPM.

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BRIAN & DUANE, LLC
SURFACE WATER APPLICATION

EXHIBIT D – System Design

A. Summary.

The proposed means of diversion is a Columbia River pump station. The East Improvement District is constructing the pump station, main pipeline, and delivery take offs ("EID System"). Construction is expected to commence in Fall 2018 and end in Spring 2019.

Applicant will primarily utilize existing pipeline to join the EID System to the places of use ("Applicant System"). Construction of the tie-ins to the EID System is expected to commence in Spring 2019. Applicant will put the water to beneficial use starting October 2019.

B. EID System.

The basic design parameters for the EID System are:

1. System capacity from the River Pump Station to Delivery Point 1 will be 200 cfs (89,770 gpm).
2. System capacity from the Delivery Point 1 to Delivery Point 2 will be 170 cfs (76,300 gpm).
3. System capacity from the Delivery Point 2 to Delivery Point 3 will be 155 cfs (69,570 gpm).
4. System capacity from the Delivery Point 3 to Delivery Point 4 will be 126 cfs (56,550 gpm).
5. The minimum pressure at any Delivery Point will be 20 psi.
6. The minimum pressure at any high point will be 10 psi.
7. The maximum flow velocity will be less than 7 feet per second.

The EID pump station will be located immediately adjacent to the existing St. Hilaire Brothers pump station at river mile 301.7 of the Columbia River (Lake Wallula).

The pipeline from the River Pump Station to the first Delivery Point will be 78-inches in diameter, then to the third Delivery Point will be 72-inches in diameter, and to the fourth Delivery Points will be 66-inches in diameter. There will be approximately 3,600 feet of 78-inch pipe, 32,100 feet of 72-inch pipe, and 10,900 feet of 66-inch pipe. The pressure class of pipe used will vary along the length of the pipeline based on elevation.

C. Applicant System Overview.

Applicant will both directly connect their system to the EID System and utilize third party conveyance systems between the EID system and the Places of Use. Applicant's Places of Use are divided up into four areas. The conveyance systems are detailed in the attached map.

1. Place of Use: Farm L. The conveyance system that serves Farm L will connect to the existing manifold 1200' from end of pipe.
2. Place of Use: Farm 1 (eastern portion). The conveyance system that serves the Farm 1 will connect at EID pipe terminus via 1200' of pipe to existing manifold.
3. Place of Use: Farm 1 (western portions). Stanfield Irrigation District will convey water from EID to these Places of Use through the district's existing conveyance infrastructure.
4. Place of Use: Farm 2: The conveyance system that serves Farm 2 will connect to existing AgriNW conveyance infrastructure, which in turn connects to the EID System through the AgriNW tie-in.

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BRIAN & DUANE, LLC
SURFACE WATER APPLICATION

EXHIBIT E – Irrigation Districts

Section 9: Within an Irrigation District

1. Stanfield Irrigation District, 100 W Coe Ave, Stanfield, OR 97875
2. East Improvement District, 84186 HWY 37, Hermiston, OR 97838
3. Echo Irrigation District, 73120 Hwy 207, Echo, OR 97826

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Land Use Information Form

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

Applicant: Brian and Duane, LLC (First) _____ (Last)

Mailing Address: 7385 Howell Prairie Road NE

Silverton (City) OR (State) 97381 (Zip) Daytime Phone: Michael Schultz, Agent 503-970-1915

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:
The requested water right will be diverted,					EFU	☒ Diverted	☐ Conveyed	☐ Used	
conveyed, and used entirely within the service					EFU	☐ Diverted	☒ Conveyed	☐ Used	
areas of the East Improvement District.					EFU	☐ Diverted	☐ Conveyed	☒ Used	Irrigation
						☐ Diverted	☐ Conveyed	☐ Used	

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

Umatilla County.

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:
☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Groundwater Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

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

Estimated quantity of water needed: 56.5 ☒ 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:

Applicant intends to apply winter irrigation water to Place of Use. Water will be conveyed from the East Improvement District's point of diversion on the Columbia River through the East Improvement District to Stanfield Irrigation District, which will convey it to the Places of Use.

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

S-88648

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): UCDC 152.056(A)

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

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AUG 02 2018
OWRD

Name: CAROL JOHNSON Title: Planner

Signature: Carol Johnson Phone: 541-278-6228 Date: 07/26/18

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 is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

S-88648

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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- [x] SECTION 1: Applicant Information and Signature
- [x] SECTION 2: Property Ownership
- [x] SECTION 3: Source of Water
- [x] SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- [x] SECTION 5: Water Use
- [x] SECTION 6: Water Management
- [x] SECTION 7: Resource Protection
- [x] SECTION 8: Project Schedule
- [x] SECTION 9: Within a District
- [ ] SECTION 10: Remarks

Include the following additional items:

- [x] Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- [x] 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.
- [x] Fees - Amount enclosed: $ 1,750.00
  See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- [x] Map that includes the following items:
  - [ ] Permanent quality and drawn in ink
  - [x] 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 diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - [x] Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - [ ] 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)

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AUG 02 2018
OWRD

For Department Use: App. Number: _____

S-88649

Oregon Water Resources Department
Surface Water Application

Main Help
Return Contact Us

Today's Date: Thursday, August 2, 2018

Base Application Fee.		$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	56.47	$19,950.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	$350.00
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. ***		$520.00
* 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.	Recalculate	
Estimated cost of Permit Application		$21,750.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

S-88648

BRIAN & DUANE, LLC

15521

Oregon Water Resources Department 7/27/2018

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
7/27/2018	Bill		21,750.00	21,750.00		21,750.00
					Check Amount	21,750.00

RECEIVED
OVER THE COUNTER

RECEIVED
AUG 0 2 2018
OWRD

Checking B&D B&D Shoulder 21,750.00

BRIAN & DUANE, LLC

15521

Oregon Water Resources Department 7/27/2018

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
7/27/2018	Bill		21,750.00	21,750.00		21,750.00
					Check Amount	21,750.00

Checking B&D B&D Shoulder 21,750.00

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 127521

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

INVOICE # _____

RECEIVED FROM: Brian + Duane, LLC

BY: _____

APPLICATION	S-88648
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 15521 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D $ 21,750.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER:	(IDENTIFY) _____	$

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

4270 WRD OPERATING ACCT

46111

MISCELLANEOUS

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

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$ 21,230.00	0202	$ 520.00
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

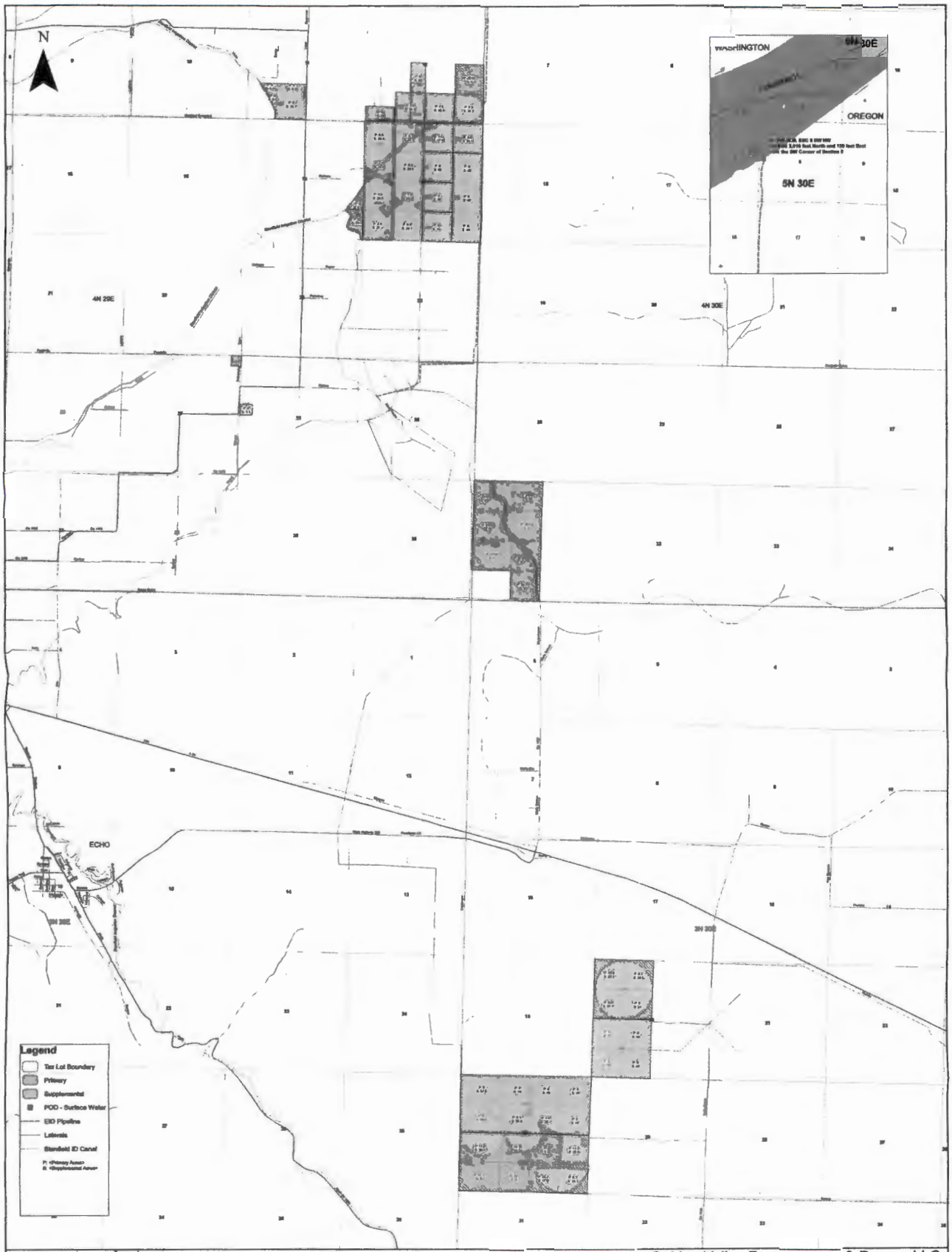
OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIVED
OVER THE COUNTER

RECEIPT: 127521 DATED: 8-2-18 BY: _____

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



1 inch equals 0.25 miles

Golden Valley Farms - Brian & Duane, LLC

New Proposed Water Rights - (November First to February End)

July 2018

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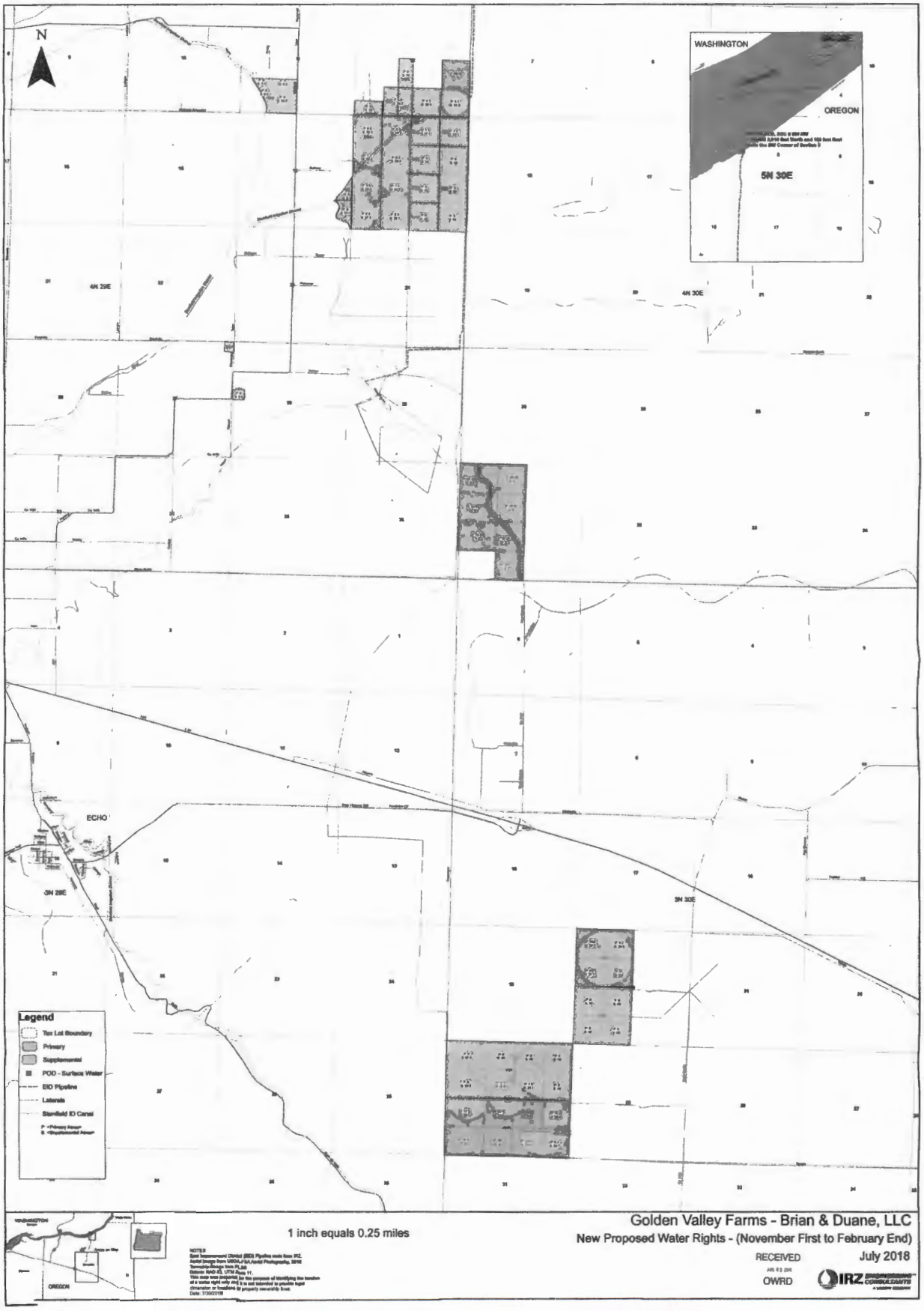
OWRD

IRZ ENGINEERING CONSULTANTS

BIG MAP @ MY DESK

Kim


N
WASHINGTON
OREGON
5N 30E
4N 29E
4N 30E
ECHO
3N 28E
3N 30E
Legend
Tax Lot Boundary
Primary
Supplemental
POD - Surface Water
EID Pipeline
Laterals
Stanfield ID Canal
1 inch equals 0.25 miles
Golden Valley Farms - Brian & Duane, LLC
New Proposed Water Rights - (November First to February End)
July 2018
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OWRD
IRZ

Brian & Duane LLC/Ditchen LLC

S-88648
November 1 - February 29

DFW
reening
nit Period of Use: December – February unless a suitable
itigation proposal is provided for November prior to issuance of
e Proposed Final Order.
itigation Proposal: ODFW recommends that the applicant provide
e OWRD caseworker with the goals and standards of OAR 635-
.5-0025 and as outlined in Sections 3, 4 and 7 of the ODFW review
compensate for any potential impact from the proposed use.
ie elements of the mitigation proposal are identified in the below
DFW conditions.

**equired Flow Mitigation of 49.444 cfs plus a net benefit (for
abitat Category 2 OAR 635-415-0025)** for November be
otected instream at the point or reach above Bonneville Dam
cated at approximately River Mile 146.

mitigation, the applicant may propose to divert water during
ovember only when the 7-day rolling average of the mean daily
ge height, or tailwater elevation, below Bonneville Dam is equal
or greater than a height of 11.5 feet or equal to or greater than
e stage height set by the Action Agencies once set (usually late
ecember), whichever is greater. If this mitigation is selected, the
rmittee should contact the Army Corps of Engineers
presentative of the Technical Management Team to identify the
age height set by the Action Agencies (contact information can be
und on the meeting agendas here: http://www.nwd-
.usace.army.mil/tmt/). To monitor mean daily stage at this
cation, the permittee will use the official project tailwater
evation gage (USGS gage station #14128870 Columbia River below
nneville Dam, OR). Real-time data from this station is available
line at the United States Geological Survey website:
tp://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency
d=USGS&referred_module=sw. ODFW recommends the
rmittee maintain a spreadsheet of the 7-day rolling average of
e mean daily gage height for the period when the permittee is
thdrawing water in November, which will be available to WRD
on request.

ngoing surveys indicate the importance of maintaining water
vels in the Ives/Pierce Island complex below Bonneville Dam to
ovide for ESA-listed chum salmon migration, spawning,
cubation, and emergence. As tailwater elevations below
nneville Dam are directly correlated with the amount of chum
awning habitat available, the Federal Columbia River Power
stem Biological Opinion set targets for chum salmon spawning,
cubation, and emergence from November through early April. In
cordance, ODFW recommends a tailwater elevation of 11.5' as
e minimum necessary to support chum migration, spawning,
cubation, and emergence from October – April 14th.

EQ
nit Period of Use: Water use shall be limited to the period when
urce water meets temperature criteria. No water shall be
verted under this right unless the stream temperature in the
lumbia River at the proposed pump location is at or below 20C.

ntinuous water temperature measuring device shall be installed
the proposed pump location prior to water use may begin. The
rmittee shall maintain the device in good working order.

S-88649
March 1 - April 14/October 1 -October 31

ODFW
Screening
Limit Period of Use: March - April 14th unless a suitable mitigation proposal is provided for October prior to issuance of the Proposed Final Order.
Mitigation Proposal: ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) outlined in Section 7, and other conditions recommended below (from Section 3 and 4), to compensate for any potential impact from the proposed use.

Required Flow Mitigation of 56.48 cfs plus a net benefit for Habitat Category 2 OAR 635-415-0025) for October be protected instream at the point or reach above Bonneville Dam located at approximately River Mile 146.

As mitigation, the applicant may propose to divert water during October only when the 7-day rolling average of the mean daily gage height, or tailwater elevation, below Bonneville Dam is equal to or greater than a height of 11.5 feet or equal to or greater than the stage height set by the Action Agencies once set (usually late December), whichever is greater. If this mitigation is selected, the permittee should contact the Army Corps of Engineers representative of the Technical Management Team to identify the stage height set by the Action Agencies (contact information can be found on the meeting agendas here: http://www.nwd-wc.usace.army.mil/tmt/). To monitor mean daily stage at this location, the permittee will use the official project tailwater elevation gage (USGS gage station #14128870 Columbia River below Bonneville Dam, OR). Real-time data from this station is available online at the United States Geological Survey website: http://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency_cd=USGS&referred_module=sw. ODFW recommends the permittee maintain a spreadsheet of the 7-day rolling average of the mean daily gage height for the period when the permittee is withdrawing water in October, which will be available to WRD upon request

Ongoing surveys indicate the importance of maintaining water levels in the Ives/Pierce Island complex below Bonneville Dam to provide for ESA-listed chum salmon migration, spawning, incubation, and emergence. As tailwater elevations below Bonneville Dam are directly correlated with the amount of chum spawning habitat available, the Federal Columbia River Power System Biological Opinion set targets for chum salmon spawning, incubation, and emergence from November through early April. In accordance, ODFW recommends a tailwater elevation of 11.5' as the minimum necessary to support chum migration, spawning, incubation, and emergence from October – April 14th.

ODEQ
Limit Period of Use: Water use shall be limited to the period when source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C.

Continuous water temperature measuring device shall be installed at the proposed pump location prior to water use may begin. The permittee shall maintain the device in good working order.

S-88650
March 1 - April 14/October 1 -October 31

ODFW
Screening
Limit Period of Use: March – April 14th unless a suitable mitigation proposal is provided for October prior to issuance of the Proposed Final Order.
Mitigation Proposal: ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use.

Required Flow Mitigation of 49.45 cfs plus a net benefit (for Habitat Category 2) for October be protected instream at the point or reach above Bonneville Dam located at approximately River Mile 146.

As mitigation, the applicant may propose to divert water during October only when the 7-day rolling average of the mean daily gage height, or tailwater elevation, below Bonneville Dam is equal to or greater than the height of 11.5 feet or equal to or greater than the stage height set by the Action Agencies once set (usually late December), whichever is greater. If this mitigation is selected, the permittee should contact the Army Corps of Engineers representative of the Technical Management Team to identify the stage height set by the Action Agencies (contact information can be found on the meeting agendas here: http://www.nwd-wc.usace.army.mil/tmt/) . To monitor mean daily stage at this location, the permittee will use the official project tailwater elevation gage (USGS gage station #14128870 Columbia River below Bonneville Dam, OR). Real-time data from this station is available online at the United States Geological Survey website: http://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency_cd=USGS&referred_module=sw . ODFW recommends the permittee maintain a spreadsheet of the 7-day rolling average of the mean daily gage height for the period when the permittee is withdrawing water in October, which will be available to WRD upon request.

Ongoing surveys indicate the importance of maintaining water levels in the Ives/Pierce Island complex below Bonneville Dam to provide for ESA-listed chum salmon migration, spawning, incubation, and emergence. As tailwater elevations below Bonneville Dam are directly correlated with the amount of chum spawning habitat available, the Federal Columbia River Power System Biological Opinion set targets for chum salmon spawning, incubation, and emergence from November through early April. In accordance, ODFW recommends a tailwater elevation of 11.5' as the minimum necessary to support chum migration, spawning, incubation, and emergence from October – April 14th.

ODEQ
Limit Period of Use: Water use shall be limited to the period when source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C

Continuous water temperature measuring device shall be installed at the proposed pump location prior to water use may begin. The permittee shall maintain the device in good working order.

S-88651
November 1 - February 29

ODFW
Screening
Limit Period of Use: December - February unless a suitable mitigation proposal is provided for November prior to issuance of the Proposed Final Order.
Mitigation Proposal: ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use.

Required Flow Mitigation of 49.444 cfs plus a net benefit (for Habitat Category 2) for November be protected instream at the point or reach above Bonneville Dam located at approximately River Mile 146 .

As mitigation, the applicant may propose to divert water during November only when the 7-day rolling average of the mean daily gage height, or tailwater elevation, below Bonneville Dam is equal to or greater than the height of 11.5 feet or equal to or greater than the stage height set by the Action Agencies once set (usually late December), whichever is greater. If this mitigation is selected, the permittee should contact the Army Corps of Engineers representative of the Technical Management Team to identify the stage height set by the Action Agencies (contact information can be found on the meeting agendas here: http://www.nwd-wc.usace.army.mil/tmt/) . To monitor mean daily stage at this location, the permittee will use the official project tailwater elevation gage (USGS gage station #14128870 Columbia River below Bonneville Dam, OR). Real-time data from this station is available online at the United States Geological Survey website: http://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency_cd=USGS&referred_module=sw . ODFW recommends the permittee maintain a spreadsheet of the 7-day rolling average of the mean daily gage height for the period when the permittee is withdrawing water in November, which will be available to WRD upon request.

Ongoing surveys indicate the importance of maintaining water levels in the Ives/Pierce Island complex below Bonneville Dam to provide for ESA-listed chum salmon migration, spawning, incubation, and emergence. As tailwater elevations below Bonneville Dam are directly correlated with the amount of chum spawning habitat available, the Federal Columbia River Power System Biological Opinion set targets for chum salmon spawning, incubation, and emergence from November through early April. In accordance, ODFW recommends a tailwater elevation of 11.5' as the minimum necessary to support chum migration, spawning, incubation, and emergence from October – April 14th.

ODEQ
Limit Period of Use: Water use shall be limited to the period when source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C.

Continuous water temperature measuring device shall be installed at the proposed pump location prior to water use may begin. The permittee shall maintain the device in good working order.

S-88652
March 1 - April 14/Oct 1 - Oct 31/Nov 1 - Feb 28

ODFW
Screening
Limit Period of Use: December through April 14th unless a suitable mitigation proposal is provided for October and November prior to issuance of the Proposed Final Order.
Mitigation Proposal: ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use.

Required Flow Mitigation of 4.0 cfs plus a net benefit (for Habitat Category 2) for October and November be protected instream at the point or reach above Bonneville Dam located at approximately River Mile 146 .

As mitigation, the applicant may propose to divert water during October and November only when the 7-day rolling average of the mean daily gage height, or tailwater elevation, below Bonneville Dam is equal to or greater than the height of 11.5 feet or equal to or greater than the stage height set by the Action Agencies once set (usually late December), whichever is greater. If this mitigation is selected, the permittee should contact the Army Corps of Engineers representative of the Technical Management Team to identify the stage height set by the Action Agencies (contact information can be found on the meeting agendas here: http://www.nwd-wc.usace.army.mil/tmt/) . To monitor mean daily stage at this location, the permittee will use the official project tailwater elevation gage (USGS gage station #14128870 Columbia River below Bonneville Dam, OR). Real-time data from this station is available online at the United States Geological Survey website: http://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency_cd=USGS&referred_module=sw . ODFW recommends the permittee maintain a spreadsheet of the 7-day rolling average of the mean daily gage height for the period when the permittee is withdrawing water in October and November, which will be available to WRD upon request.

Ongoing surveys indicate the importance of maintaining water levels in the Ives/Pierce Island complex below Bonneville Dam to provide for ESA-listed chum salmon migration, spawning, incubation, and emergence. As tailwater elevations below Bonneville Dam are directly correlated with the amount of chum spawning habitat available, the Federal Columbia River Power System Biological Opinion set targets for chum salmon spawning, incubation, and emergence from November through early April. In accordance, ODFW recommends a tailwater elevation of 11.5' as the minimum necessary to support chum migration, spawning, incubation, and emergence from October – April 14th.

ODEQ
Limit Period of Use: Water use shall be limited to the period when source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C.

Continuous water temperature measuring device shall be installed at the proposed pump location prior to water use may begin. The permittee shall maintain the device in good working order.

S-88653
March 1 - April 14/Oct 1 - Oct 31/Nov 1 - Feb 28

ODFW
Screening
Limit Period of Use: December through April 14th unless a suitable mitigation proposal is provided for October and November prior to issuance of the Proposed Final Order.
Mitigation Proposal: ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use.

Required Flow Mitigation of 4.0 cfs plus a net benefit (for Habitat Category 2) for October and November be protected instream at the point or reach above Bonneville Dam located at approximately River Mile 146 .

As mitigation, the applicant may propose to divert water during October and November only when the 7-day rolling average of the mean daily gage height, or tailwater elevation, below Bonneville Dam is equal to or greater than the height of 11.5 feet or equal to or greater than the stage height set by the Action Agencies once set (usually late December), whichever is greater. If this mitigation is selected, the permittee should contact the Army Corps of Engineers representative of the Technical Management Team to identify the stage height set by the Action Agencies (contact information can be found on the meeting agendas here: http://www.nwd-wc.usace.army.mil/tmt/) . To monitor mean daily stage at this location, the permittee will use the official project tailwater elevation gage (USGS gage station #14128870 Columbia River below Bonneville Dam, OR). Real-time data from this station is available online at the United States Geological Survey website: http://waterdata.usgs.gov/or/nwis/dv/?site_no=14128870&agency_cd=USGS&referred_module=sw . ODFW recommends the permittee maintain a spreadsheet of the 7-day rolling average of the mean daily gage height for the period when the permittee is withdrawing water in October and November, which will be available to WRD upon request.

Ongoing surveys indicate the importance of maintaining water levels in the Ives/Pierce Island complex below Bonneville Dam to provide for ESA-listed chum salmon migration, spawning, incubation, and emergence. As tailwater elevations below Bonneville Dam are directly correlated with the amount of chum spawning habitat available, the Federal Columbia River Power System Biological Opinion set targets for chum salmon spawning, incubation, and emergence from November through early April. In accordance, ODFW recommends a tailwater elevation of 11.5' as the minimum necessary to support chum migration, spawning, incubation, and emergence from October – April 14th.

ODEQ
Limit Period of Use: Water use shall be limited to the period when source water meets temperature criteria. No water shall be diverted under this right unless the stream temperature in the Columbia River at the proposed pump location is at or below 20C.

Continuous water temperature measuring device shall be installed at the proposed pump location prior to water use may begin. The permittee shall maintain the device in good working order.