

STATE OF OREGON  
COUNTY OF MORROW  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WESTLAND ENTERPRISES, LLC  
822 HIGHWAY 395 S #423  
HERMISTON OR 97838

confirms the right to use the waters of ONE 6.0 ACRE POND (TOADVIN POND) in the Umatilla Basin for IRRIGATION of 514.25 ACRES.

This right was perfected under Permit G-10550. The date of priority is MARCH 1, 1984, FOR 0.0125 CUBIC FOOT PER SECOND, AND MARCH 19, 1984, FOR 6.4175 CUBIC FEET PER SECOND. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 6.43 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of appropriation.

The point of appropriation is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	10	NW NE	400 FEET NORTH & 200 FEET WEST FROM NE CORNER OF SW NE, SECTION 10

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	24	NE NE	29.45
4 N	25 E	WM	24	NW NE	29.45
4 N	25 E	WM	24	SW NE	39.70
4 N	25 E	WM	24	SE NE	29.45
4 N	25 E	WM	24	NE NW	31.60
4 N	25 E	WM	24	NW NW	31.60
4 N	25 E	WM	24	SW NW	31.60
4 N	25 E	WM	24	SE NW	39.70

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	24	NE SW	39.70
4 N	25 E	WM	24	NW SW	31.60
4 N	25 E	WM	24	SW SW	31.60
4 N	25 E	WM	24	SE SW	31.60
4 N	25 E	WM	24	NE SE	29.30
4 N	25 E	WM	24	NW SE	29.30
4 N	25 E	WM	24	SW SE	29.30
4 N	25 E	WM	24	SE SE	29.30

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the wells at all times. The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

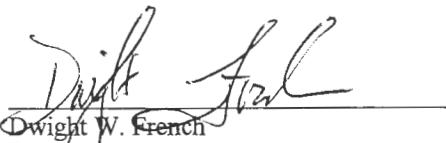
This right is for the beneficial use of water without waste.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Issued DEC 03 2010



Dwight W. French  
 Administrator Water Rights and Adjudications, for  
 Phillip C. Ward, Director  
 Water Resources Department



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

**Date Mailed: December 3, 2010**

### NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

# Mailing List for Certificate

Scheduled Mailing Date:

**Application:** G-11239

**Permit:** G-10550

**Certificate:** 86692

**Permit/Certificate Holder:**

WESTLAND ENTERPRISES, LLC  
822 HIGHWAY 395 S #423 ✓  
HERMISTON OR 97838

<p align="center"><b>Copies Mailed</b></p> <p>by: <u>Connie Vance</u> (STAFF)</p> <p>on: <u>12/3/2010</u> (DATE)</p>
--

**Copies of Final Certificate to be sent to:**

1. Watermaster District 5, Tony G. Justus(include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓

*S. file* ✓

**Other persons to receive copies: (include map):**

- 1.



# Mailing List for Certificate

Scheduled Mailing Date:

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**Certificate:** \*\*\*\*\*

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# Oregon

Theodore R. Kulongoski, 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

DATE MAILED: SEP 03 2010

### NOTICE

Reference: Permit G-10550 Application G-11239

Enclosed is a proposed certificate of water right and a map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a Claim of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French  
Administrator  
Water Rights Division

STATE OF OREGON

COUNTY OF MORROW

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WESTLAND ENTERPRISES, LLC  
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86692

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The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the wells at all times. The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

This right is for the beneficial use of water without waste.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Issued \_\_\_\_\_

**PROPOSED**

\_\_\_\_\_  
Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director  
Water Resources Department



## STATE OF OREGON

County of MORROW

### PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION G-11239 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Port of Morrow of PO Box 200, Boardman, Oregon, 97818, phone 481-2695, for use of the waters from one 6.0 acre pond (Toadvin Pond),

for the PURPOSE of irrigation of 522.0 acres

that the PRIORITY OF THE RIGHT dates from March 1, 1984 for 0.0125 cfs March 19, 1984 for 6.5125 cfs

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 6.525 cubic foot per second

measured at the point of diversion from the pond, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: 1602 feet North and 191 feet West from the Southeast Corner of the SW 1/4 NE 1/4 of Section 10, being within the NW 1/4 NE 1/4 of Section 10, Township 4 North, Range 25 East, WM, in the County of Morrow.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

*T-9600 - w/D March 1, 2005*

APPLICATION G-11239

PERMIT

G10550



page two

Township 4 North, Range 25 East, WM Section 24

NE 1/4 NE 1/4	31.25 acres
NW 1/4 NE 1/4	31.25 acres
SW 1/4 NE 1/4	36.75 acres
SE 1/4 NE 1/4	31.25 acres
NE 1/4 NW 1/4	31.25 acres
NW 1/4 NW 1/4	31.25 acres
SW 1/4 NW 1/4	31.25 acres
SE 1/4 NW 1/4	36.75 acres
NE 1/4 SW 1/4	36.75 acres
NW 1/4 SW 1/4	31.25 acres
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NE 1/4 SE 1/4	31.25 acres
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SE 1/4 SE 1/4	31.25 acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The appropriation of ground water authorized herein shall be subject to prior existing water rights for both surface and ground water.

304

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before March 7, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 87.

Complete application of the water to the proposed use shall be made on or before October 1, 19 88.

Witness my hand this 7th day of March, 19 86.

/s/ WILLIAM H. YOUNG  
WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.



## STATE OF OREGON

County of MORROW

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SEE NEXT PAGE

Township 4 North, Range 25 East, WM Section 24	NE 1/4 NE 1/4	31.25 acres
	NW 1/4 NE 1/4	31.25 acres
	SW 1/4 NE 1/4	36.75 acres
	SE 1/4 NE 1/4	31.25 acres
	NE 1/4 NW 1/4	31.25 acres
	NW 1/4 NW 1/4	31.25 acres
	SW 1/4 NW 1/4	31.25 acres
	SE 1/4 NW 1/4	36.75 acres
	NE 1/4 SW 1/4	36.75 acres
	NW 1/4 SW 1/4	31.25 acres
	SW 1/4 SW 1/4	31.25 acres
	SE 1/4 SW 1/4	31.25 acres
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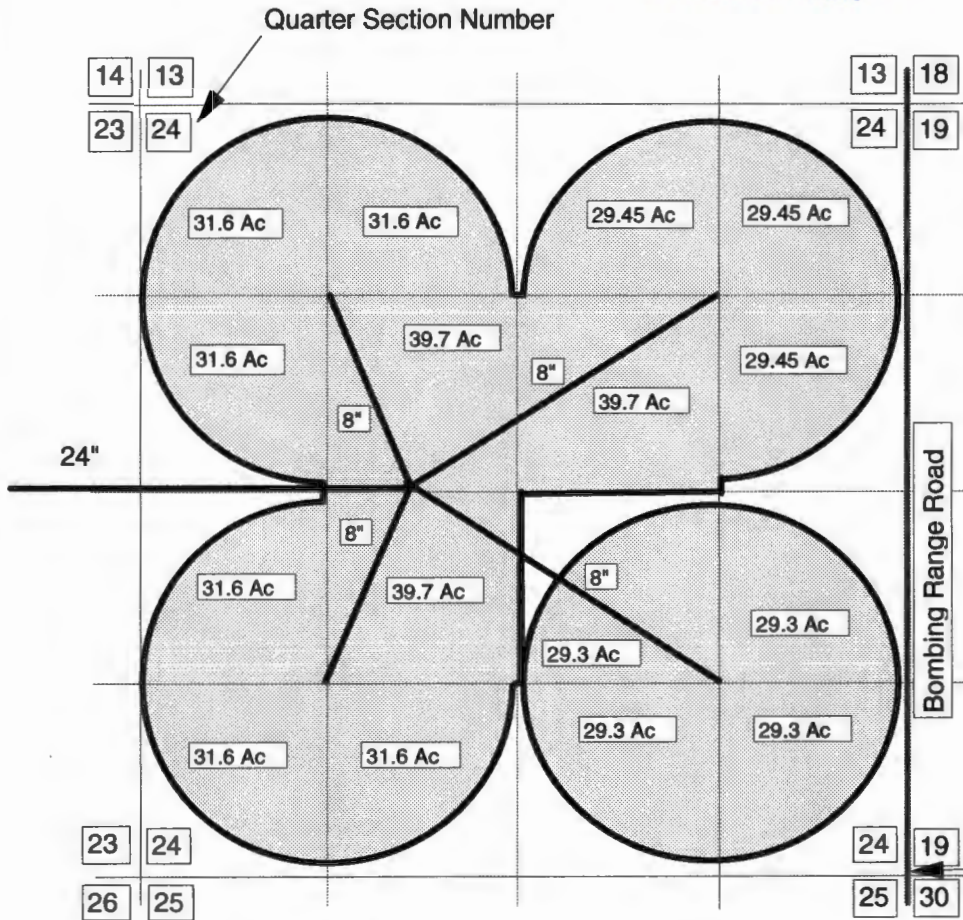
29.45		39.7	
29.45		31.6	
39.7		31.6	
29.45		31.6	
31.6		29.3	
31.6		29.3	
31.6		29.3	
39.7		29.3	262.55
			251.7
262.55		251.7	
			514.25

RECEIVED

JUL 18 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

North  
1" = 1320'



Found Brass Cap  
1939 US General  
Land Office Survey  
T4N,R26E,

**Section 24, T4N, R25E**

The point of diversion is located in Toadvin Pond 400 feet North and 200 feet West from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NW1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.



The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.

**Figure 2 Final Proof Survey**

Port of Morrow, Application G-11239, Permit G-10550



# Completion Checklist for Claims of Beneficial Use

Application # 7-11239  
Permit # 6-10550  
Transfer # \_\_\_\_\_  
Date 8-19-10  
Reviewer JW8



*PRS-2004*

## Map Review:

- Permanent quality map (mylar or linen)
- CWRE stamp and signature
- Disclaimer
- Application & permit #; or transfer #
- North arrow
- Township, range and section
- Appropriate scale (1" = 1320', 1" = 400', or scale of assessor's map)
- Source
- Point(s) of diversion
- Point(s) of diversion (coordinates)
- Conveyances (pump, pipelines, ditches, etc.)
- Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each subdivision)

## Report Review:

- Application & permit #; or transfer #
- CWRE stamp and signature
- Permittee's signature
- Time limits
- Date of survey
- Type of use
- Extent of use
- Source(s) of water
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity

\_\_\_\_\_ Calculated capacity of system

OR

- Measured amount of use
- Permit conditions
- \_\_\_\_\_ Fish screening
- \_\_\_\_\_ Meter/measuring device
- \_\_\_\_\_ Water use reporting
- \_\_\_\_\_ Other conditions

# Certificate Issuance Processing Checklist

- Map and COBU reviewed
- Conflict check (include copy of plat card printout)
- Check current ownership

Can certificate be processed further?

- Yes
- No

If "No" why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "Yes":

- Proposed
  - Final
- Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:

### Water Rights Platcard Report

NCR

Meridian: Willamette Township: 4 North Range: 25 East Section: 24 Records per Page: 100 Search New Platcards Maps! Learn about \* Mapped by Type \* Mapped by Use

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select <b>App:S 70734 *</b> Additional Info: PORT OF MORROW App: S70734		10/5/1990	IRRIGATION					31.25	31.25	36.75	31.25	31.25	31.25	31.25	36.75	36.75	31.25	31.25	31.25	31.25	36.75	31.25	31.25	
Select <b>Permit:G 10550 *</b> Additional Info: PORT OF MORROW App: G11239 Permit: G10550	T9600		IRRIGATION					31.25	31.25	36.75	31.25	31.25	31.25	31.25	36.75	31.25	31.25	31.25	31.25	36.75	36.75	31.25	31.25	
Select <b>Permit:S 37350 CN</b> Additional Info: PORT OF MORROW App: S51896 Permit: S37350		5/2/1974	IRRIGATION CN					40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
Select <b>Permit:S 47971 CN</b> Additional Info: PORT OF MORROW App: S65470 Permit: S47971		7/28/1983	IRRIGATION CN						31.25	31.25			31.25		31.25	68	36.75		36.75	31.25	31.25	36.75		
Select <b>App:S 85867 WD</b> Additional Info: RONALD MCKINNIS App: S85867		11/14/2003	IRRIGATION WD																		4.8	26	4.2	
Select <b>Inchoate: T 9600 (REG) WD</b> Additional Info: PORT OF MORROW App: G11239 Permit: G10550			IRRIGATION WD					(31.25)	(31.25)	(36.75)	(31.25)	(31.25)	(31.25)	(31.25)	(36.75)	(31.25)	(31.25)	(31.25)	(31.25)	(36.75)	(36.75)	(31.25)	(31.25)	
Select <b>Inchoate: T 9601 CF (REG) *</b> Additional Info: PORT OF MORROW App: S48821 Permit: S35694		11/5/1971	MUNICIPAL USES					(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	

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

**Port of Morrow, File G-11239****RECEIVED**

TO: Don Knauer/Oregon Water Resources Department  
FROM: Kan Hwee/CH2M HILL  
DATE: July 12, 1996

JUL 18 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

On June 12, 1996 the diversion point for Port of Morrow ~~point~~<sup>point</sup> G-11239 was re-verified in the field. The diversion point was verified to be in accordance with the Department-stated location of NW1/4 NE1/4 Section 10 T4N R25E. The final proof report should be corrected to reflect this diversion point location. Attached are the final proof survey figures showing the revised point of diversion.

Attached also is a copy of the Port of Morrow's site map showing the incorrect location of the diversion point. This map was used as reference in the earlier diversion point location. The correct diversion point location has been noted on the map.

Should you have any questions, don't hesitate to call me at 503-235-5022, ex. 4384.

**Claim of Beneficial Use and Site Report  
Toadvin Pond, Port of Morrow  
Application G-11239, Permit G-10550**

**RECEIVED**

**OCT - 3 1995**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

**For:** Port of Morrow  
P.O. Box 200  
Boardman, OR 97818  
503-481-2695

**By:** Kan Hwee, CWRE  
Mark Madison, CWRE  
CH2M HILL  
825 N.E. Multnomah, Suite 1300  
Portland, OR 97232  
503-235-5000

**Date:** The initial final proof survey was conducted on September 13, 1995 with Jerald Rea, Port of Morrow supervisor and Kan Hwee, CWRE. A proof survey for the final 27.8 acres was conducted on September 26, 1995 by Mark Madison, CWRE.

**Permit:** The permit is for irrigation of 522 acres from Toadvin Pond at a rate of 6.525 cubic foot per second.

**Proof of Survey Report**

**1. Source:**

Toadvin Pond, two vertical turbine intake pumps and two vertical turbine booster pumps.

**2. Diversion Point:**

Circular concrete diversion structure in Toadvin Pond, approximately 550 feet North and 300 feet East from the Southeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section 10, Township 4 North, Range 25 East, WM, in the County of Morrow. The point of diversion was verified with the Port's existing 1"=1000' scale water system map and found to be reasonable from examination of the intake location with respect to Toadvin Pond.

**3. General System Description:**

Water is pumped from two intake pumps to two booster pumps. Water from the intake pumps are conveyed through two separate 16-inch steel mains. The 16-inch steel mains discharge into an enclosed wetwell approximately 30-feet deep. Two booster pumps take suction from the wetwell and discharge through approximately 10-feet of 12-inch pipeline to a 34-inch transmission main for conveyance to the irrigation fields. Water is conveyed



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SALEM, OREGON

through approximately 12,000-feet of 34-inch pipeline and 8,800-feet of 24-inch pipeline to Section 24, T4N, R25E. From this point, 8-inch water lines convey water to the center of Circles 13, 14, 15, and 16. See Figure 1, system layout schematic.

Intake Pump #1 - 30/17 hp vertical turbine pump, 1190/890 rpm, ID 83-11223-221.

Intake Pump #2 - 30 hp vertical turbine pump, 1200 rpm, Model 5K4365XC2A6

Booster Pump #1 - 350 hp vertical turbine pump, 1770 rpm, Model 54-01767-353, Serial Number J521554.

Booster Pump #2 - 200 hp vertical turbine pump, 1770 rpm, ID R-6349-07-370, Serial Number 1001928N.

#### 4. Flow Meter:

An ultrasonic flow meter, Model 6468-22-1000, with three single-traverse clamp-on transducers, was used to monitor the flows. Channel #2 of the flow meter monitored flows in intake Pump #1. Channel #3 of the flow meter monitored flows in intake Pump #2. Channel #4 monitored total flows discharged through the 34-inch transmission main.

#### 5. Pump Flow Readings:

This final proof survey covers the permit for irrigation. At the time of the proof survey on September 13, 1995, both intake pumps and booster pumps were turned-on for proof reasons. The intake and booster pumps were on for approximately 25 minutes for flow recording. The discharge pressure at the booster pumps was approximately 145 psi; the suction pressure was approximately 10 psi. There were no pressure gauges on the intake pumps. Table 1 shows the two meter readings after the flows in the system stabilized.

<b>Time</b>	<b>Channel #2, gpm Intake Pump #1</b>	<b>Channel #3, gpm Intake Pump #2</b>	<b>Channel #4, gpm 34-inch Discharge Line</b>
11:00 AM	1652	3147	5073
11:15 AM	1641	3034	5011
Average	1645	3090	5040

#### 6. Place of Use:

Center-pivot irrigation systems were used to irrigate Circles 13, 14, 15, and 16. The acreage of the irrigated circles were estimated from measuring the spans of the center-pivot sprinklers. The spans were 6 5/8-inch outside diameter piping. The end span on each center-pivot sprinkler system was 20-feet long with two Rainbird 85 end guns covering approximately 40-feet. Therefore, the total end span was assumed to be capable of irrigating a total of 60-foot radius.

The center-pivot system on Circle 13 has a total irrigation radius of 1,320 feet (10 spans at 126-feet per span and an end span of 60-feet). The total irrigated acreage for Circle 13 is 125.7 acres. The center-pivot system on Circle 14 has a total irrigation radius of 1,320 feet (10 spans at 126-feet per span and an end span of 60 feet). The total irrigated acreage for Circle 14 is 125.7 acres. The center-pivot system on Circle 15 has an irrigation radius of 1,278 feet (7 spans at 126-feet per span, 2 spans at 168-feet per span, and an end span of 60 feet). The total irrigated acreage for Circle 15 is 117.8 acres. The center-pivot system on Circle 16 has a total irrigation radius of 1,275 feet (9 spans at 135-feet per span and an end span of 60 feet). The total irrigated acreage for Circle 16 is 117.2 acres.

Circles 13, 14, 15, and 16 were not irrigated at the time of the September 13 proof survey. However, signs of irrigated crops were evident in the circles. There was evidence that potatoes were harvested in Circle 13. Small potato remnants were lying on the ground in Circle 13. Workers were harvesting onions in Circle 14. Circle 15 contained onions that had not been harvested. Circle 16 had evidence of recently harvested wheat. Wheat stubble were still on Circle 16.

Field 17 was not irrigated at the time of the September 13 proof survey. Potato and onion harvest equipment were on the field. Workers were using Field 17 as a staging area for loading onions. A traveling big-gun sprinkler mounted on a tractor trailer (with a 1000-foot coil of 4-inch hose), a set-move big gun sprinkler, and hand lines were on site.

On September 26, a proof survey was conducted for Field 17 by Mark Madison, CWRE. The traveling big-gun sprinkler system was observed irrigating Field 17. The system was operating at 80 psi and had a 250-foot diameter spray pattern that moved continuously as the hose pulled the traveling big-gun across the field. A field of approximately 27.8 acres was irrigated.

#### **7. Survey Tie:**

A brass cap was found at the intersection of sections 19, 24, 25, and 30. The brass cap is the 1939 US General Land Office Survey, T4N R26E, Section 19, 24, 25, and 30 marker. This marker was found on the east side of Bombing Range Road.

#### **8. System Capacity:**

The duty of water for the permit is 1/80 cfs per acre. Since 514.2 acres were found to have been beneficially irrigated, the maximum Q allowed is:

$$514.2 \text{ acres} \times 1/80 \text{ cfs/acre} \times 449 \text{ gpm/cfs} = 2,885.9 \text{ gpm}$$

The system is capable of delivering the full duty allowed for 514.2 acres, 2,885.9 gpm.

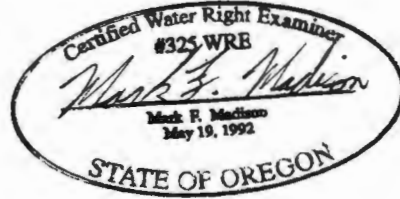
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**9. Claim of Beneficial Use**

The final proof survey and inspection of Permit G-10550 were performed on September 13, 1995 by Kan Hwee and September 26, 1995 by Mark Madison. The facts contained in this report and accompanying final proof map are correct to the best of our knowledge.



I, Gary Neal, acting agent for the Port of Morrow, agree with the findings of this report and submit it as my claim of beneficial use of water from Toadvin Pond, for irrigation purposes in accordance with Application G-11239 and Permit G-10550.

Name: Gary Neal

Date: 9-29-95

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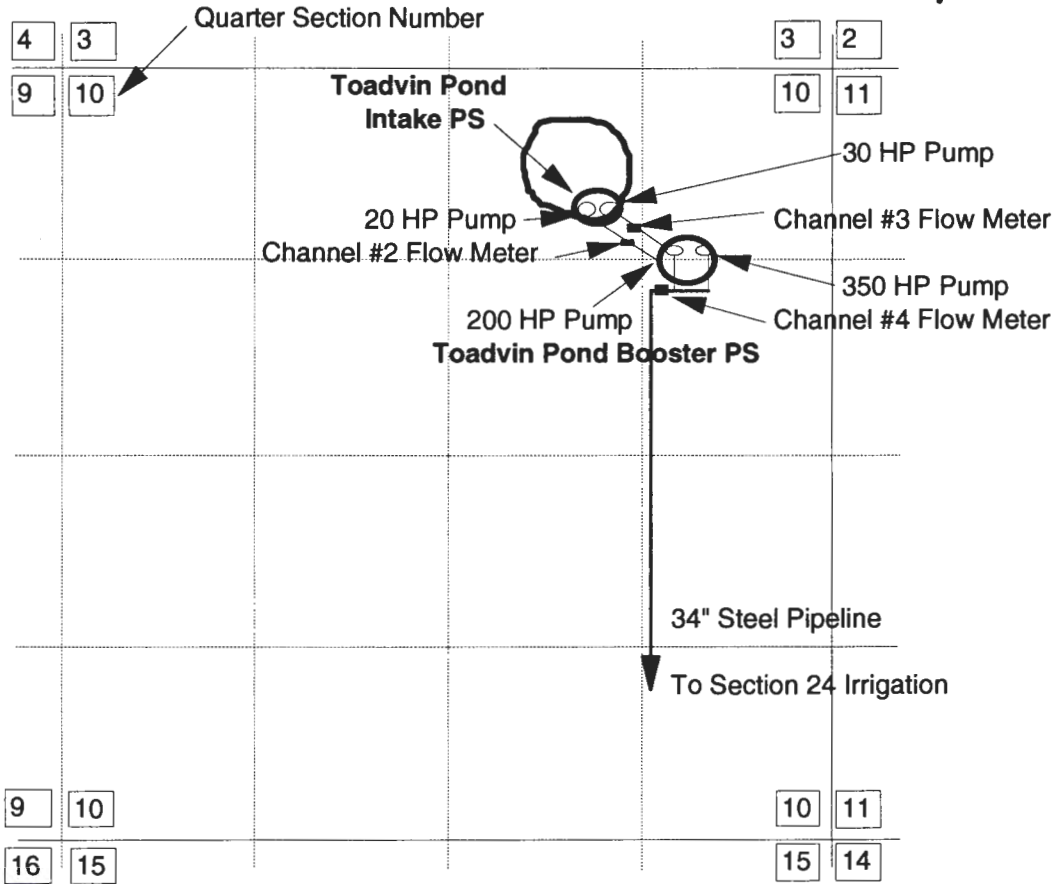
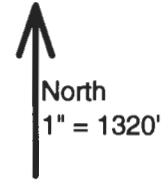
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**Section 10, T4N, R25E**

The point of diversion is located in Toadvin Pond 400 feet North and 200 feet West from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NW1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.



The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.

**Figure 3 Final Proof Survey - Point of Diversion**

Port of Morrow, Application G-11239, Permit G-10550

**Final Order**  
**Extension of Time for Permit Number G-10550**

**Appeal Rights**

**This is a final order other than contested case.** Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

**Application History**

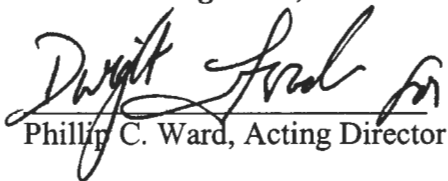
On APRIL 15, 2004, the PORT OF MORROW submitted an application to the Department for an extension of time for permit number G-10550. The Department issued permit number G-10550 on MARCH 7, 1986. The permit called for completion of construction of the water development project by OCTOBER 1, 1987, and complete application of water to the full beneficial use by OCTOBER 1, 1988. In accordance with OAR 690-315-0050(2), on JUNE 15, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2004. The protest period closed JULY 30, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

**Order**

The extension of time for Application Number G-11239, Permit Number G-10550, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2004. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2004.

**DATED: August 10, 2004**

  
Phillip C. Ward, Acting Director



**If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.**

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



**PORT OF MORROW**

MORROW COUNTY OREGON  
P.O. Box 200, Boardman, OR 97818  
(503) 481-PORT (503) 481-DOCK

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JUN 19 1989

June 13, 1989

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SALEM, OREGON

Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Re: Reference File G11239

According to terms of permit G10550, complete application of water to beneficial use was to have been made by October 1, 1988. This was not possible due to a shortage of water in Toadvin Pond. Water is still in short supply as of the date of this letter. Availability of recharge water is very uncertain. At present, it is impossible to complete the irrigation project.

Certain acreage will have to be withdrawn from the original permit application. The legal description of the parcels is as follows:

- T 4N, R 25E WM meridan, Section 24
- NW 1/4 SE 1/4 36.75 ACRES
- NE 1/4 SE 1/4 31.25
- SW 1/4 SE 1/4 31.25
- SE 1/4 SE 1/4 31.25

This makes a total of 130.50 acres that need to be withdrawn. The total acres being irrigated is 391.50 acres. The total acreage listed in the original permit was 522.0 acres.

If favorable weather conditions in the future prevail to bring sufficient recharge water in the Pond, it is possible that original plans for irrigating the additional acreage might be considered. Application for water for the withdrawn acres will be resubmitted at that time.

Sincerely,

*Jerald Rea* D.K.

Jerald Rea,  
Utility and Farm Supervisor

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C  
LHM

COMMISSIONERS:	LARRY LINDSAY President	JOHN BRISTOW Vice-President	STAFF:	R. L. MILLER Gen. Manager
KENT GOODYEAR Secretary	MATTHEW DOHERTY Treasurer	WM. P. SHARKEY Member	DON WALTER Director Marine/Marketing	SHIRLEY THOMPSON Director Admin. Services

**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

In the Matter of the Application )  
for an Extension of Time for )  
Permit #G-10550, Water Right )      PROPOSED FINAL ORDER  
Application #G-11239 )  
(Port of Morrow) )

**Permit Information**

**Application File #G-11239 / Permit #G-10550**

Basin: #07 - Umatilla Basin / Watermaster District: #05  
Date of Priority: March 1, 1984 for 0.0125 cubic foot per second (cfs)  
and March 19, 1984 for 6.5125 cfs

**Authorized Use of Water**

Source of Water:      Toadvin Pond, in the Columbia River Basin  
Purpose or Use:        Irrigation of 522.0 acres  
Maximum Rate:        6.525 cfs of water

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

***Please read this Proposed Final Order in its entirety.***

This Proposed Final Order applies only to Permit #G-10550, water right Application #G-11239. A copy of Permit #G-10550 is enclosed as Attachment 1.

# Summary of Proposed Final Order for Extension of Time

## The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1987, to October 1, 2004; and
- grant the extension for complete application of water from October 1, 1988, to October 1, 2004.

## AUTHORITY

**ORS 537.230 and ORS 537.630(1)** provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).

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

**OAR 690-315-0040** provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.



## **FINDINGS OF FACT**

### **Background**

1. Permit #G-10550 was granted by the Water Resources Department on March 7, 1986. The permit authorizes the use of up to 6.525 cfs of water from Toadvin Pond, within the Columbia River Basin, for irrigation of 522.0 acres. The permit specified that construction of the water system was to be completed by October 1, 1987, and that complete application of water was to be made on or before October 1, 1988.
2. The permit holder submitted an "Application for Extension of Time" to the Department on April 15, 2004, requesting the time in which to complete construction of the water system be extended from October 1, 1987, to October 1, 2004, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-10550 be extended from October 1, 1988, to October 1, 2004. This is the second permit extension requested for Permit #G-10550.
3. Notification of the permit holder's extension of time request for Permit G-10550 was published on the Department's Public Notice dated April 20, 2004. No public comment on the extension application was received.

### **Review Criteria [OAR 690-315-0040(1)(2)]**

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248<sup>1</sup>, 537.630 and 539.010(5).

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<sup>1</sup> ORS 537.248 applies to reservoir permits only.

**Other Governmental Requirements [ORS 537.230(2)]**

4. Delay in the development of this project was not caused by any other governmental requirements.

**Start of Construction [ORS 537.630]**

5. Construction of the diversion works and water system began within the time specified in the permit, being March 7, 1987.

**Financial Investment [ORS 539.010(5)]**

6. As of April 15, 2004, the permit holder had invested a total of \$260,000 into the project, consisting of construction of the diversion structure and installation of a meter, pumps, water distribution lines, and center-pivot irrigation systems. No additional investment is anticipated for the completion of this project.

**Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1), 537.630(1) and 539.010(5)]**

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

**Amount of Construction**

7. The following construction was completed within the time allowed in the permit or previous extension:
  - a. Construction of the diversion works and water system began within the time specified in the permit, being March 7, 1987. The work thus far consists of construction of the diversion structure and installation of a meter, pumps, water distribution lines, and center-pivot irrigation systems.



### Beneficial Use of Water

8. The following beneficial use was made of the water during the permit or previous extension time limits:
  - a. Since the issuance of Permit #G-10550 on March 7, 1986, 6.525 cfs of water has been diverted from Toadvin Pond for irrigation of 522.0 acres. Full beneficial use of water under Permit #G-10550, however, did not occur until after the time specified in the permit, being October 1, 1988.
  - b. Delay of full beneficial use of water under Permit #G-10550 was due to unusually dry years which prevented the permit holder from diverting the full amount necessary to complete application of water to all of the irrigation circles within the timeframe specified in the permit.

### Compliance with Conditions

9. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The record does not raise concerns about the permit holder's compliance with conditions.

### Financial Investments

10. Financial investments made toward developing the beneficial water use.
  - a. As of April 15, 2004, the permit holder had invested approximately 100 percent of the total projected cost for complete development of this project. A total of \$260,000 has been invested into the project, consisting of construction of the diversion structure and installation of a meter, pumps, water distribution lines, and center-pivot irrigation systems. No additional investment is anticipated for the completion of this project.

### **The Market and Present Demands for Water** *[ORS 539.010(5) and OAR 690-315-0040(4)]*

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.
  - a. The Department determined on April 26, 2004, that this use of ground water has the potential for substantial interference with surface water, namely the Columbia River. The Department also determined that ground water is likely available in the amounts requested without injury to prior water rights and within the capacity of the ground water resource.
  - b. The permitted point of diversion, authorized under Permit #G-10550, is not located within the boundaries of any designated ground water limited area.
  - c. The permitted point of diversion, authorized under Permit #G-10550, is not located within or above the designated boundaries of any state scenic waterway.
12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
  - a. The permitted point of diversion, authorized under Permit #G-10550, is located within an area that has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish.
  - b. The permitted point of diversion, authorized under Permit #G-10550, is located within the Columbia River Basin. The Columbia River has been designated by the Oregon Department of Environmental Quality as a water quality limited waterway.
13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
  - a. The permitted point of diversion is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.

14. Economic investment in the project to date.
  - a. As of April 15, 2004, the permit holder had invested approximately 100 percent of the total projected cost for complete development of this project. A total of \$260,000 has been invested into the project, consisting of construction of the diversion structure and installation of a meter, pumps, water distribution lines, and center-pivot irrigation systems. No additional investment is anticipated for the completion of this project.
15. Other economic interests dependent on completion of the project.
  - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
  - a. None have been identified.

**Fair Return Upon Investment [ORS 539.010(5)]**

17. Use of the permitted water development will result in reasonable returns upon the investment made to date.

**Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]**

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

18. As of April 15, 2004, the remaining work to be completed consists of completion of construction and full beneficial use of water accomplished within the valid timeframes of Permit #G-10550.
19. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by unusually dry years which prevented the permit holder from diverting the full amount necessary to complete application of water to all of the irrigation circles within the timeframe specified in the permit.

20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2004, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #G-10550 is both reasonable and necessary.

### **CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Completion of construction and full application of water to beneficial use can be completed by October 1, 2004<sup>2</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

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

## **Proposed Order**

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #G-10550 from October 1, 1987, to October 1, 2004.

Extend the time for complete application of water to beneficial use under Permit #G-10550 from October 1, 1988, to October 1, 2004.

DATED: June 15, 2004



Dwight French  
Water Rights Section Manager

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

## **Proposed Final Order Hearing Rights**

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, July 30, 2004***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;

- f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - B. The applicant submitted a timely request for a contested case hearing.

**If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:**

**Water Rights Section  
Oregon Water Resources Department  
725 NE Summer Street, Suite A  
Salem, OR 97301-1271  
Fax #: (503)986-0901**

**If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.**

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her telephone number is (503)986-0824.**

**If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503)986-0900.**



# APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

I, PORT OF MORROW by RONALD V. MCKINNIS, PORT ENGINEER  
NAME

#2 MARINE DRIVE, P.O. BOX 200 BOARDMAN OOR 97818 541-481-7678  
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-11239, Permit No. G-10550,  
do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of  
the equipment necessary to the use of water, which time now expires on October 1, 1987,  
be extended to October 1, 2004,

**and/or** the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time  
now expires on October 1, 1988, be extended to October 1, 2004.

**NOTE:** The extension of time requested should be long enough to finish the project. Should  
this request be approved, it will be the Department's expectation that you will  
complete your project within the new time period allowed. Future extensions may  
not be granted.

Attached is an instruction sheet to assist you in completing the information on the  
permit extension application form. Oregon Water Law and Administrative Rules  
requires this information to be considered by the Water Resources Department  
when reviewing a permit extension application. All items must be completed or the  
application will be returned. Please feel free to provide the Department with any  
additional information that would aid us in making our decision. Please use  
additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any  
questions, you may contact the Department at (503) 986-0900, and request  
assistance from the Water Rights Division, permit extensions personnel.

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1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?  
YES

---

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?  
YES

---

A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review.**)

---

A METER HAS BEEN INSTALLED TO COMPLY WITH THE PERMIT CONDITIONS  
THE METER IS READ REGULARY TO COMPLETE MONTHLY WATER USE REPORTS

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B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

---

N/A COMPLETE

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3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:  
THE TOTAL DEVELOPMENT HAS BEEN COMPLETED AS OF THE DATE OF THE  
LAST EXTENSION, WHICH WAS NOT COMPLETED BY THE DEPARTMENT.  
CLAIM OF BENEFICIAL USE WAS SUBMITTED IN SEPTEMBER, 1995  
WATER USE REPORTS HAVE BEEN SUBMITTED THROUGH SEPTEMBER, 2003

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B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

SEE (A.) ABOVE

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

BENEFICIAL USE OF WATER TO 6.525 CFS CONSISTENT WITH PERMIT LIMITS  
OR 1/80 CFS. PER ACRE OF IRRIGATED LANDS  
PER CLAIM OF BENEFICIAL USE MADE ON SEPTEMBER OF 1995

B) Number of Acres Irrigated (if an irrigation permit):

522 ACRES AS PER MAP ON 9-1995 OR PER MAP SUBMITTED 12-2003

5. Cost of project to date \$260,000. Estimated remaining cost to complete the project 0.00.

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

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B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

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C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

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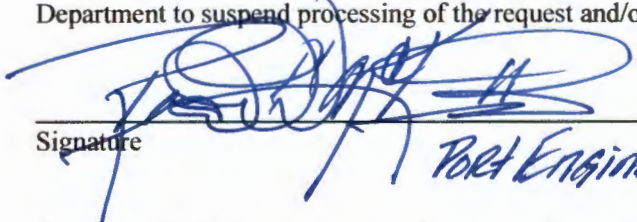
---

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.  
THE ORIGINAL INTAKE STRUCTURE WAS LOCATED IN TOADVIN POND  
WHERE SOME UNUSUALLY DRY YEARS PREVENTED THE TOTAL VOLUME OF  
NECESSARY TO COMPLETE ONE OF THE PROPOSED CIRCLES.  
FOLLOWING YEARS WERE ADEQUATE TO COMPLETE THE DEVELOPMENT  
AND TYHERE HAVE BEEN FEW PROBLEMS WITH WATER QUANTITY SINCE.

---

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I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

  
\_\_\_\_\_  
Signature

04-13-04  
\_\_\_\_\_  
Date

*Port Engineer*

For an application to be complete, it must be accompanied with the required fee. See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

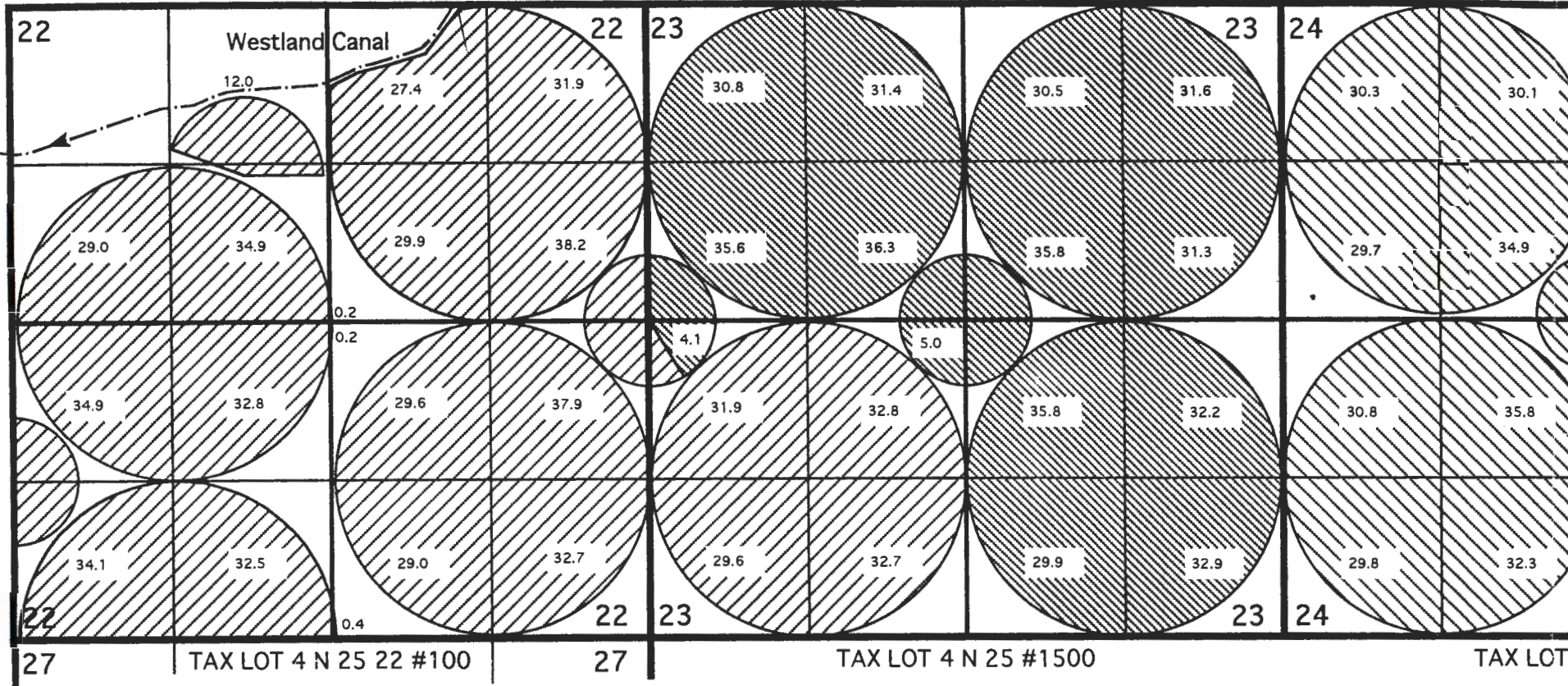
**MAIL COMPLETED APPLICATION and FEE TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE, SUITE A  
SALEM, OREGON 97301-1271

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TOWNSHIP 4 NORTH, RANGE 25, EAST W.M.



WATER RIGHTS TRANSFERED TO THESE LOCATIONS FOR PERMIT #G-6876 (594.6 Acres)

WATER RIGHTS VERIFIED AT THESE LOCATIONS FOR PERMIT #G-10550 (489.5 Acres)

WATER RIGHTS TRANSFERED TO THESE LOCATIONS FOR PERMIT #35694 (403.2 Acres)

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE THE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

MORROW COUNTY  
OREGON  
SCALE 1" = 1320'

WATER RIGHTS TI  
IN NAME  
*Port of M*

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Verified Water Right  
#202 WA  
RONALD V. Mc  
NOV. 29, 11  
STATE OF O  
Exp. 12-31-0

**PORT OF MORROW**

Date	Invoice Number	Invoice Description	Account		
4/13/2004	SEC24	SECTION 24 WATER RIGHT EXTENS	540.1370.00	\$250.00	25972 \$250.00

**RECEIVED  
OVER THE COUNTER**

Vendor: WAT06      Check #: 25972      Check Date: 4/13/2004      \$250.00      \$250.00



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **66600**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Port of Morrow  
BY: \_\_\_\_\_

APPLICATION	<u>G-11239</u>
PERMIT	
TRANSFER	

CASH:  CHECK:#  25972 OTHER: (IDENTIFY)

TOTAL REC'D \$ \_\_\_\_\_

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ 250.00

**RECEIVED  
OVER THE COUNTER** 4611

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **66600** DATED: 4/15/04 BY: Susan Baker

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

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

## Mailing List for Extension FO Copies

Application #G-11239  
Permit #G-10550

FO Date: August 10, 2004

Original mailed to:

Port of Morrow  
Attn: Ron McKinnis  
PO Box 200  
Boardman, OR 97818

Copies Mailed

By: [Signature]  
(SUPPORT STAFF)  
on: 8/10/04  
(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #G-11239 / Permit #G-10550 ✓
2. WRD - Watermaster District: #5 - Tony Justus, Pendleton ✓
3. WRD - Regional Manager: NCR - Mike Ladd, Pendleton ✓
4. ODFW - Biologist District: #5, Tim Bailey, Pendleton ✓
5. WRD - Kelly Starnes, Permit Amendments (RE: #T-9600) ✓
6. WRD - Support Staff, Salem...Permit record update ✓

Other interested parties:

7. NONE

CASEWORKER: LJJ

S:\groups\wr\extensions\F O\Done\2004 final orders\g11239.wpd

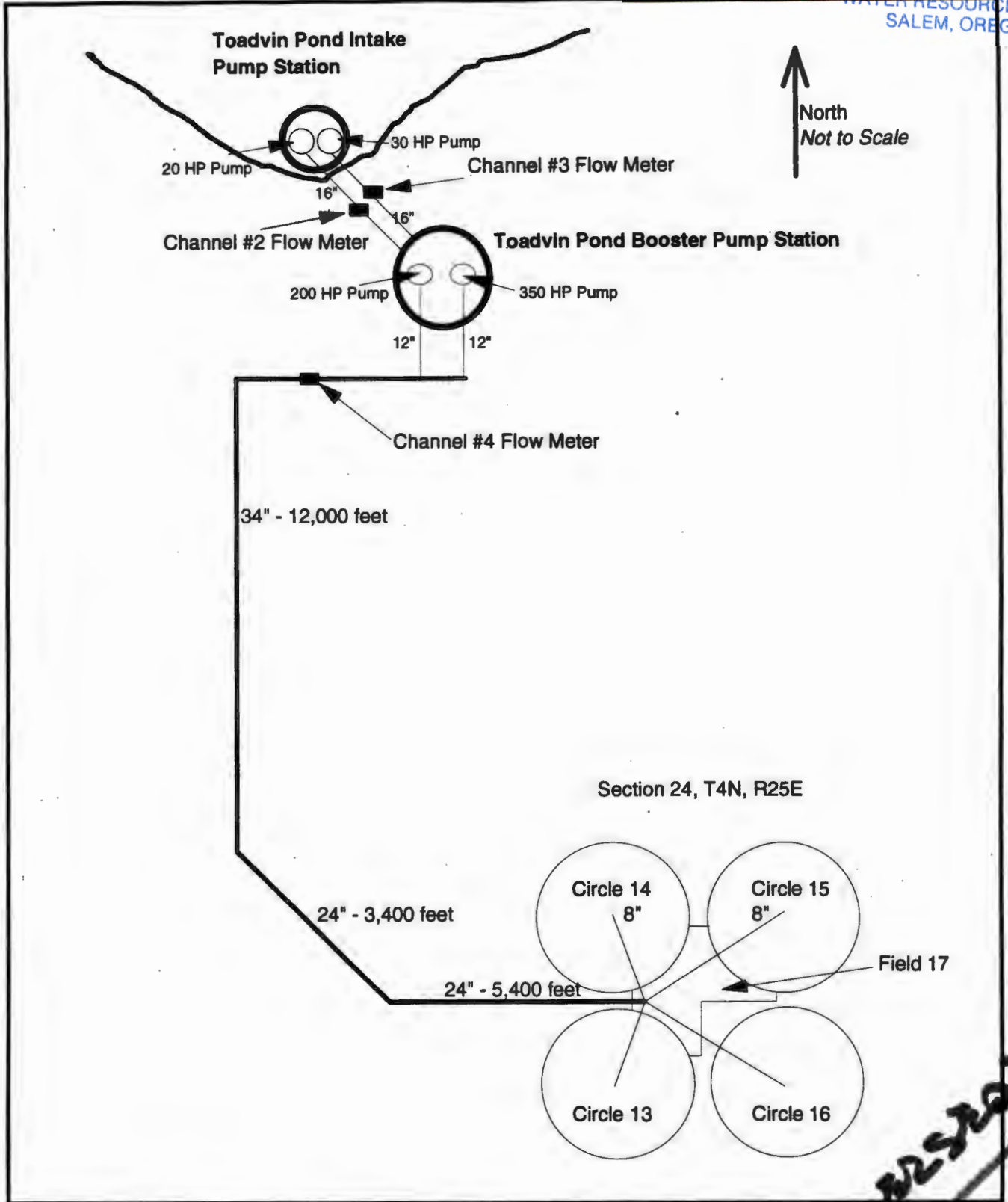


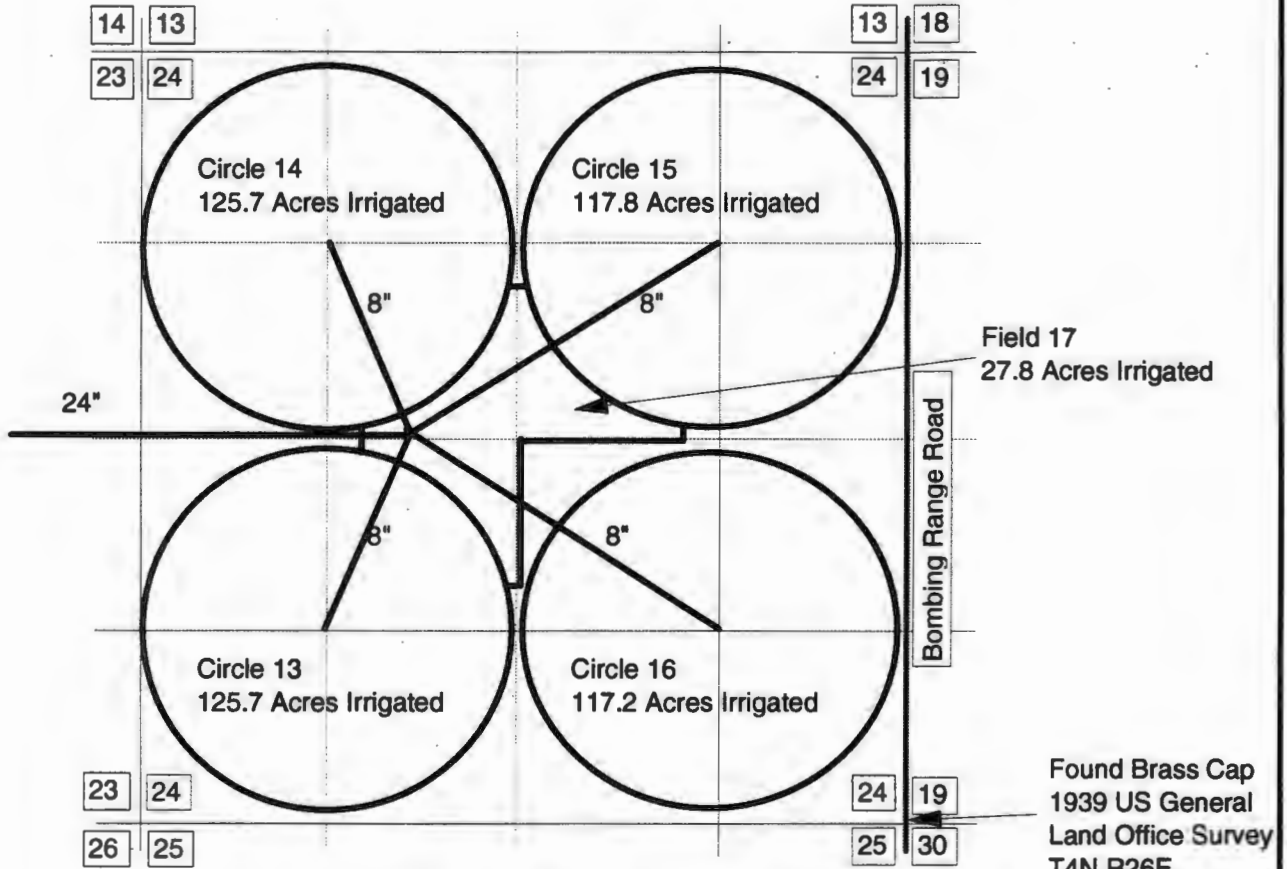
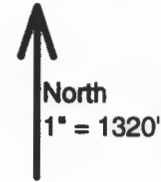
Figure 1 Toadvin Pond Irrigation System Schematic  
Port of Morrow Final Proof Survey

*Supervisor*



OCT 03 1995

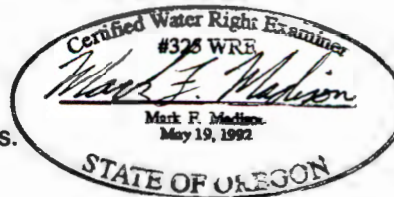
WATER RESOURCES DEPT  
SALEM, OREGON



**Section 24, T4N, R25E**

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Southeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.



Found Brass Cap  
1939 US General  
Land Office Survey  
T4N,R26E,  
24|19  
25|30

**Figure 2 Final Proof Survey**

Port of Morrow, Application G-11239, Permit G-10550

*Super Seal*

# Extension "Final Order" Checklist

Application # G-11239 / Permit # G-10550

Permit Holder's Name Port of Morrow; Attn: Ron McKinnis  
PO Box 200, Beardman, OR 97818

This Final Order is processed under:  Div. 315 Rules -or-  ~~Div. 320 Rules~~

- ✓ 1. Date Extension Request submitted: 4-15-04
- ✓ 2. Date permit was issued: 3-7-86
- ✓ 3. Original "B" Date from permit: 10-1-87  
(Date for completion of construction)
- ✓ 4. Original "C" Date from permit: 10-1-88  
(Date for complete application of water)
- ✓ 5. Extension PFO Date: 6-15-04
- ✓ 6. WRD recommends extending "B" Date to: 10-1-2004  
and extending the "C" Date to: 10-1-2004
- ✓ 7. Any conditions from PFO: No
- ✓ 8. Protest Deadline Date from PFO: 7-30-2004
- ✓ 9. Any written Protests or written Comments received within the Protest period? **Yes / No**

Reviewer's Name: [Signature]

Date: 8-9-04



INTEROFFICE MEMO  
WATERMASTER DISTRICT # 4  
Water Resources Department

TO: DON KNAUER

DATE: May 22, 1996

FROM: JUNE MILLER *June*

SUBJECT: APPLICATION G-11239, PERMIT G10550, IN THE NAME OF PORT  
OF MORROW.

PLEASE LET ME KNOW IF I NEED TO DRAFT THE FINAL PROOF MAP FROM THE  
FINAL PROOF SURVEY THAT I DID ON THIS PERMIT.

THANKS

**RECEIVED**

MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

CWRE FOLLOW UP SURVEY

DATE OF SURVEY 5/15/96

A# G-11239 P# G-10550

IN THE NAME OF: PORT OF MORROW

INFO: TAKEN FROM MY FINAL PROOF SURVEY, CONDUCTED 5/19/94 AND OBSERVATION OF ASCS 1992 SLIDE DATED JULY 8, 1992, FLIGHT C-R8/C9R, PRINT # 33.

GERALD REA, EMPLOYEE OF THE PORT  
RON MC KINNIS, ENGINEER  
GARY NEAL, PORT MANAGER

SOURCE: A 6.0 ACRE POND (TOADVIN POND)

THE CWRE REPORT IS IN AGREEMENT WITH MY PREVIOUS SURVEY REPORT WITH THE EXCEPTION OF THE POD LOCATION AND THE # OF ACRES ALLOWED.

THE POINT OF DIVERSION IS LOCATED IN THE NW 1/4 NE 1/4, SECTION 10.

THE ACRES IRRIGATED BY THE OCT 1988 COMPLETION DATE FOR THE PERMIT ARE THE CIRCLES INDICATED BY THE CWRE REPORT AND DIAGRAM AS CIRCLES # 13, 14 AND 15. THEY ARE LOCATED IN THE NW 1/4, NE 1/4 AND SW 1/4, SECTION 24.

THE CENTER PIVOT THAT IRRIGATES THE SE 1/4 WAS PUT IN PLACE IN THE SPRING OF 1992, PER INFO ON MAY 19, 1994, FROM AN EMPLOYEE OF MYRL CARLSON. CARLSON LEASES THIS FROM THE PORT OF MORROW.

THIS CENTER PIVOT, REFERENCED AS CIRCLE 16, DID SHOW ON THE SLIDE AS BEING DEVELOPED. THE AERIAL PHOTO WE HAVE ON FILE FOR THIS AREA, FROM A 1989 FLIGHT, PHOTO # 41050-1208-36L, DOES NOT INDICATE ANY IRRIGATION IN THE SE 1/4 OF SEC.

FIELD # 17 WAS NOT DEVELOPED AT THE TIME OF MY PREVIOUS SURVEY AND DID NOT SHOW UP AS BEING DEVELOPED IN THE SLIDE DESCRIBED ABOVE.

THE CWRE REPORT DOES NOT INDICATE ANY DATES THE IRRIGATION PRACTICES BEGAN FOR ANY OF THE ACRES PROPOSED.

IN MY FINAL PROOF SURVEY, I ALLOWED ACRES UNDER THE CP'S LOCATED IN THE NW 1/4, NE 1/4 AND SW 1/4. THESE ARE DEFINED ON THE 1989 AERIAL PHOTO.

ENCLOSED ARE COPIES OF MY FINAL PROOF REPORT, AERIAL PHOTO # 41059-1208-36L AND 89R, AND THE BOARDMAN 7 1/2 INCH QUAD MAP, DATED 1962.

THIS POND DOES NOT SHOW UP ON THE QUAD MAP, BUT IS ON AERIAL PHOTO # 41059-1208-89R. THIS IS A DUG POND.

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PAGE 2

A# G-11239 P# G-10550

PHOTO 89R IS THE SAME FLIGHT TIME AND SERIES AS PHOTO 36L WHICH IDENTIFIES THE POU.

JUNE MILLER  
FIELD INSPECTOR

*June 5/22/96*

COMMENTS: GERALD REA, WHO I INTERVIEWED IN THE FINAL PROOF SURVEY I DID, REFERRED ME TO RON ME KINNIS, THE PORTS ENGINEER. I SPOKE WITH RON ON THE PHONE ON MAY 16, 1996 AND TOLD HIM OF MY FINDINGS.

HE WOULD LIKE US TO SEND A LETTER TO GARY NEAL, EXPLAINING THE PORTION OF THE ACRES NOT ALLOWED.

I SPOKE WITH DON KNAUER ON THE TELEPHONE ON 5/21/96. THERE MAY BE AN EXTENSION OF TIME ON FILE FOR THIS PERMIT THAT I AM NOT AWARE OF.

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MAY 24 1996  
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MAY 24 1996

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CWRE Follow-up

10: JUNE RIVER  
Field INSPECTOR



STATE OF OREGON

County of MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION G-11239 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Port of Morrow of PO Box 200, Boardman, Oregon, 97818, phone 481-2695, for use of the waters from one 6.0 acre pond (Toadvin Pond),

for the PURPOSE of Irrigation of 522.0 acres

that the PRIORITY OF THE RIGHT dates from March 1, 1984 for 0.0123 cfs March 19, 1984 for 6.3125 cfs 6.4155

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 6.43 cubic foot per second

measured at the point of diversion from the pond, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: 1602 feet North and 191 feet West from the Southeast Corner of the SW 1/4 NE 1/4 of Section 10, being within the NW 1/4 NE 1/4 of Section 10, Township 4 North, Range 25 East, WM, in the County of Morrow.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

PLEASE CHECK THE  
DIVERSION POINT  
LOCATION CAREFULLY  
THANKS.

-TR  
letter to  
Gary ABERNETHY  
Port Morrow  
Ron McK  
Cave for  
Port

1992 sub showed  
July 8 1992 CP SE 1/4  
C-R8/C9R print 33

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Township 4 North, Range 25 East, WM Section 24

NE 1/4 NE 1/4	31.25 acres
NW 1/4 NE 1/4	31.25 acres
SW 1/4 NE 1/4	36.75 acres
SE 1/4 NE 1/4	31.25 acres
NE 1/4 NW 1/4	31.25 acres
NW 1/4 NW 1/4	31.25 acres
SW 1/4 NW 1/4	31.25 acres
SE 1/4 NW 1/4	36.75 acres
NE 1/4 SW 1/4	36.75 acres
NW 1/4 SW 1/4	31.25 acres
SW 1/4 SW 1/4	31.25 acres
SE 1/4 SW 1/4	31.25 acres
NE 1/4 SE 1/4	31.25 acres
NW 1/4 SE 1/4	36.75 acres
SW 1/4 SE 1/4	31.25 acres
SE 1/4 SE 1/4	31.25 acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to ~~1/80~~ of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed ~~2.0~~ acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The appropriation of ground water authorized herein shall be subject to prior existing water rights for both surface and ground water.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include ~~an air line and pressure gauge or an access port for measuring line~~, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, ~~meter~~, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. OK

Actual construction work shall begin on or before March 7, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 87.

Complete application of the water to the proposed use shall be made on or before October 1, 19 88.

Witness my hand this 7th day of March, 19 86.

/s/ WILLIAM H. YOUNG  
WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

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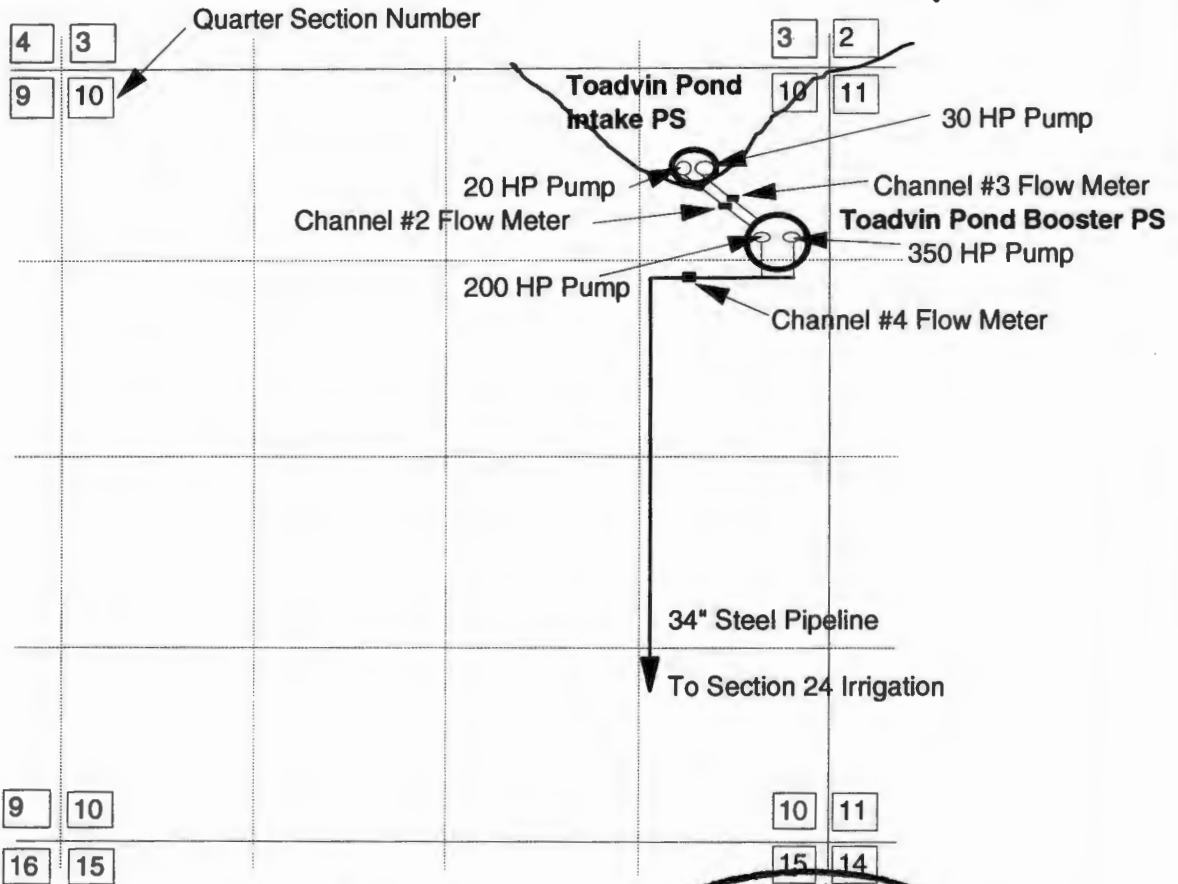
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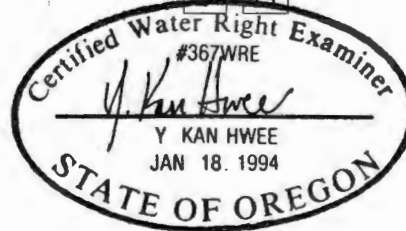
North  
1" = 1320'



**Section 10, T4N, R25E**

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.



*Y. Kan Hwee*

**Figure 3 Final Proof Survey - Point of Diversion**

Port of Morrow, Application G-11239, Permit G-10550

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MAY 24 1996

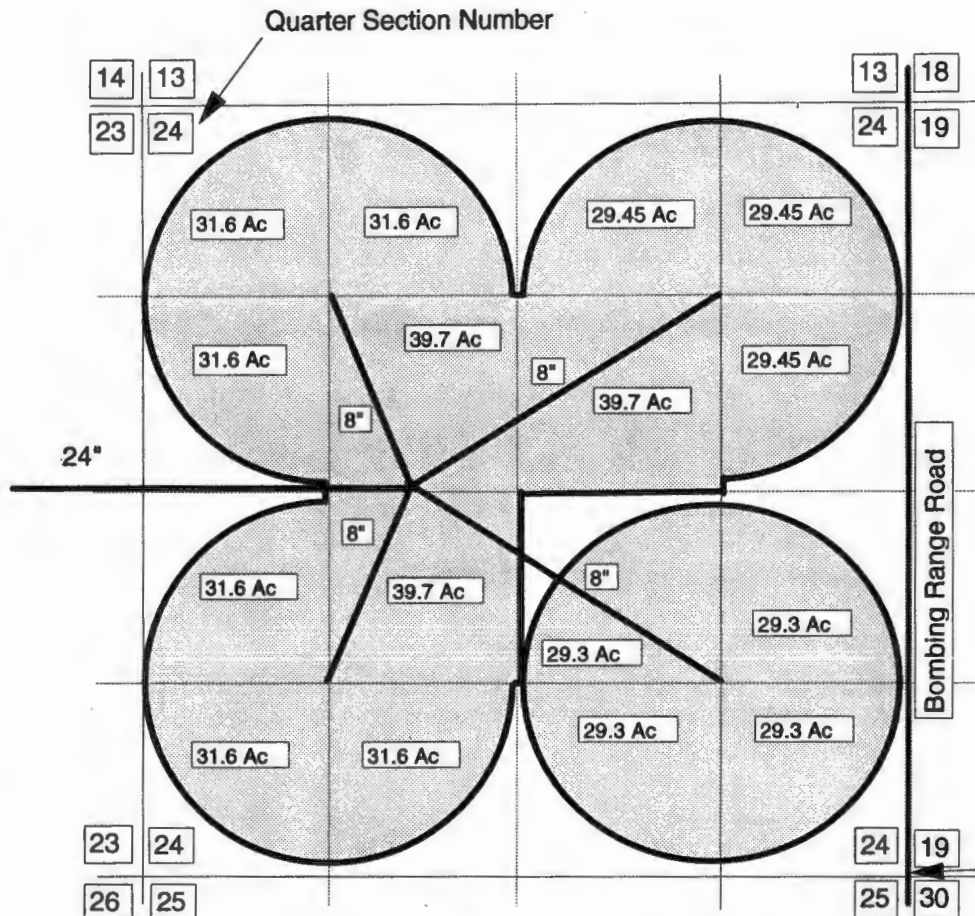
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*AWNE*

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North  
1" = 1320'



Section 24, T4N, R25E

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.

Certified Water Right Examiner  
#367WRE  
*Y. Kan Hwee*  
Y KAN HWEE  
JAN 18, 1994  
STATE OF OREGON

Found Brass Cap  
1939 US General  
Land Office Survey  
T4N, R26E,  
24 19  
25 30

*Superseded*

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Figure 2 Final Proof Survey

Port of Morrow, Application G-11239, Permit G-10550

MAY 24 1996  
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**DEC 18 1995**

**WATER RESOURCES DEPT.  
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**Appendix A  
Toadvin Pond Water Right Proof Survey Acreage  
Section 24, T4N, R25E**

<b>1/4 1/4 Section</b>	<b>Acreage (Ac)</b>
NW1/4 NW1/4	31.6
SW1/4 NW1/4	31.6
NE1/4 NW1/4	31.6
SE1/4 NW1/4	39.7
NW1/4 SW1/4	31.6
SW1/4 SW1/4	31.6
NE1/4 SW1/4	39.7
SE1/4 SW1/4	31.6
NW1/4 NE1/4	29.45
SW1/4 NE1/4	39.7
NE1/4 NE1/4	29.45
SE1/4 NE1/4	29.45
NW1/4 SE1/4	29.3
SW1/4 SE1/4	29.3
NE1/4 SE1/4	29.3
SE1/4 SE1/4	29.3
<b>Total</b>	<b>514.2</b>

**RECEIVED**

**MAY 24 1996**

**WATER RESOURCES DEPT.  
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**Claim of Beneficial Use and Site Report  
Toadvin Pond, Port of Morrow  
Application G-11239, Permit G-10550**

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OCT - 3 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

**For:** Port of Morrow  
P.O. Box 200  
Boardman, OR 97818  
503-481-2695

**RECEIVED**

MAY 24 1996

**By:** Kan Hwee, CWRE  
Mark Madison, CWRE  
CH2M HILL  
825 N.E. Multnomah, Suite 1300  
Portland, OR 97232  
503-235-5000

WATER RESOURCES DEPT.  
SALEM, OREGON

2 351342  
CH 2 M Hill  
out of Port land

**Date:** The initial final proof survey was conducted on September 13, 1995 with Jerald Rea, Port of Morrow supervisor and Kan Hwee, CWRE. A proof survey for the final 27.8 acres was conducted on September 26, 1995 by Mark Madison, CWRE.

**Permit:** The permit is for irrigation of 522 acres from Toadvin Pond at a rate of 6.525 cubic foot per second.

**Proof of Survey Report**

**1. Source:**

Toadvin Pond, two vertical turbine intake pumps and two vertical turbine booster pumps.

**2. Diversion Point:**

Circular concrete diversion structure in Toadvin Pond, approximately 550 feet North and 300 feet East from the Southeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section 10, Township 4 North, Range 25 East, WM, in the County of Morrow. The point of diversion was verified with the Port's existing 1"=1000' scale water system map and found to be reasonable from examination of the intake location with respect to Toadvin Pond.

**3. General System Description:**

Water is pumped from two intake pumps to two booster pumps. Water from the intake pumps are conveyed through two separate 16-inch steel mains. The 16-inch steel mains discharge into an enclosed wetwell approximately 30-feet deep. Two booster pumps take suction from the wetwell and discharge through approximately 10-feet of 12-inch pipeline to a 34-inch transmission main for conveyance to the irrigation fields. Water is conveyed

OK  
Boardman Board  
Annual  
4/10/91 - 12/08 89R  
located AS on  
permit.

nw ne

OK

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OCT 03 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

through approximately 12,000-feet of 34-inch pipeline and 8,800-feet of 24-inch pipeline to Section 24, T4N, R25E. From this point, 8-inch water lines convey water to the center of Circles 13, 14, 15, and 16. See Figure 1, system layout schematic.

Intake Pump #1 - 30/17 hp vertical turbine pump, 1190/890 rpm, ID 83-11223-221.  
Intake Pump #2 - 30 hp vertical turbine pump, 1200 rpm, Model 5K4365XC2A6

*OK*

Booster Pump #1 - 350 hp vertical turbine pump, 1770 rpm, Model 54-01767-353, Serial Number J521554.

Booster Pump #2 - 200 hp vertical turbine pump, 1770 rpm, ID R-6349-07-370, Serial Number 1001928N.

**4. Flow Meter:**

An ultrasonic flow meter, Model 6468-22-1000, with three single-traverse clamp-on transducers, was used to monitor the flows. Channel #2 of the flow meter monitored flows in intake Pump #1. Channel #3 of the flow meter monitored flows in intake Pump #2. Channel #4 monitored total flows discharged through the 34-inch transmission main.

**5. Pump Flow Readings:**

This final proof survey covers the permit for irrigation. At the time of the proof survey on September 13, 1995, both intake pumps and booster pumps were turned-on for proof reasons. The intake and booster pumps were on for approximately 25 minutes for flow recording. The discharge pressure at the booster pumps was approximately 145 psi; the suction pressure was approximately 10 psi. There were no pressure gauges on the intake pumps. Table 1 shows the two meter readings after the flows in the system stabilized.

Table 1 Flow Meter Readings			
Time	Channel #2, gpm Intake Pump #1	Channel #3, gpm Intake Pump #2	Channel #4, gpm 34-inch Discharge Line
11:00 AM	1652	3147	5073
11:15 AM	1641	3034	5011
Average	1645	3090	5040

**6. Place of Use:**

Center-pivot irrigation systems were used to irrigate Circles 13, 14, 15, and 16. The acreage of the irrigated circles were estimated from measuring the spans of the center-pivot sprinklers. The spans were 6 5/8-inch outside diameter piping. The end span on each center-pivot sprinkler system was 20-feet long with two Rainbird 85 end guns covering approximately 40-feet. Therefore, the total end span was assumed to be capable of irrigating a total of 60-foot radius.

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WATER RESOURCES DEPT.  
SALEM, OREGON

*Circle 16 + field 17 not  
irrigated within date  
of Oct 1988*



The center-pivot system on Circle 13 has a total irrigation radius of 1,320 feet (10 spans at 126-feet per span and an end span of 60-feet). The total irrigated acreage for Circle 13 is 125.7 acres. The center-pivot system on Circle 14 has a total irrigation radius of 1,320 feet (10 spans at 126-feet per span and an end span of 60 feet). The total irrigated acreage for Circle 14 is 125.7 acres. The center-pivot system on Circle 15 has an irrigation radius of 1,278 feet (7 spans at 126-feet per span, 2 spans at 168-feet per span, and an end span of 60 feet). The total irrigated acreage for Circle 15 is 117.8 acres. The center-pivot system on Circle 16 has a total irrigation radius of 1,275 feet (9 spans at 135-feet per span and an end span of 60 feet). The total irrigated acreage for Circle 16 is 117.2 acres.

Circles 13, 14, 15, and 16 were not irrigated at the time of the September 13 proof survey. However, signs of irrigated crops were evident in the circles. There was evidence that potatoes were harvested in Circle 13. Small potato remnants were lying on the ground in Circle 13. Workers were harvesting onions in Circle 14. Circle 15 contained onions that had not been harvested. Circle 16 had evidence of recently harvested wheat. Wheat stubble were still on Circle 16.

Field 17 was not irrigated at the time of the September 13 proof survey. Potato and onion harvest equipment were on the field. Workers were using Field 17 as a staging area for loading onions. A traveling big-gun sprinkler mounted on a tractor trailer (with a 1000-foot coil of 4-inch hose), a set-move big gun sprinkler, and hand lines were on site.

On September 26, a proof survey was conducted for Field 17 by Mark Madison, CWRE. The traveling big-gun sprinkler system was observed irrigating Field 17. The system was operating at 80 psi and had a 250-foot diameter spray pattern that moved continuously as the hose pulled the traveling big-gun across the field. A field of approximately 27.8 acres was irrigated.

#### **7. Survey Tie:**

A brass cap was found at the intersection of sections 19, 24, 25, and 30. The brass cap is the 1939 US General Land Office Survey, T4N R26E, Section 19, 24, 25, and 30 marker. This marker was found on the east side of Bombing Range Road.

#### **8. System Capacity:**

The duty of water for the permit is 1/80 cfs per acre. Since 514.2 acres were found to have been beneficially irrigated, the maximum Q allowed is:

$$514.2 \text{ acres} \times 1/80 \text{ cfs/acre} \times 449 \text{ gpm/cfs} = 2,885.9 \text{ gpm}$$

The system is capable of delivering the full duty allowed for 514.2 acres, 2,885.9 gpm.

**RECEIVED**

OCT 03 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

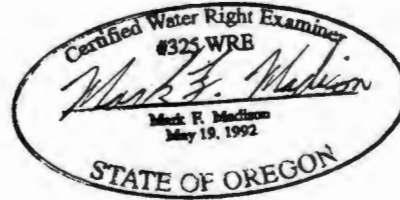
**RECEIVED**

MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

**9. Claim of Beneficial Use**

The final proof survey and inspection of Permit G-10550 were performed on September 13, 1995 by Kan Hwee and September 26, 1995 by Mark Madison. The facts contained in this report and accompanying final proof map are correct to the best of our knowledge.



I, Gary Neal, acting agent for the Port of Morrow, agree with the findings of this report and submit it as my claim of beneficial use of water from Toadvin Pond, for irrigation purposes in accordance with Application G-11239 and Permit G-10550.

Name: Gary Neal

Date: 9-29-95

**RECEIVED**

OCT 03 1995

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SALEM, OREGON

**RECEIVED**

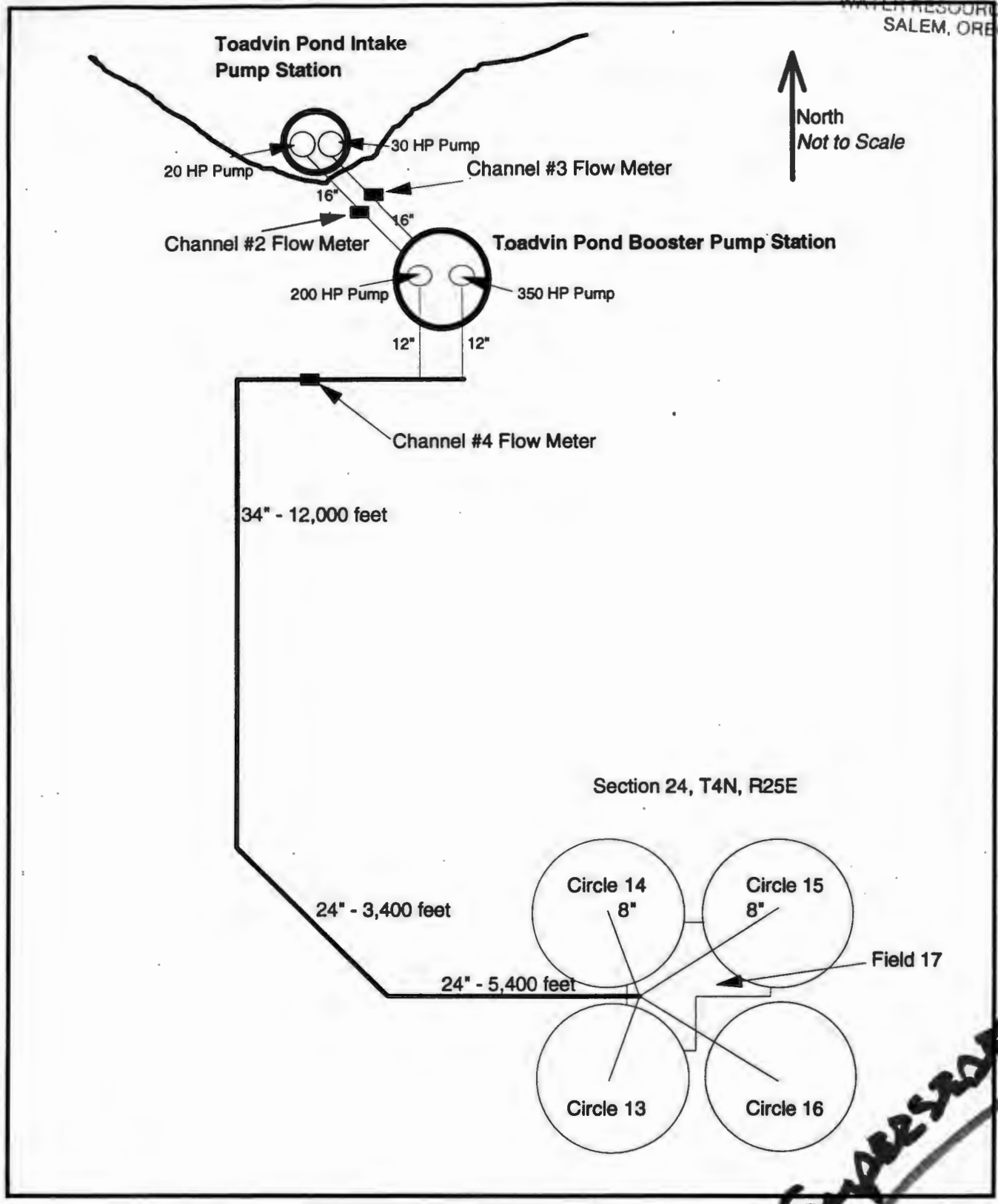
MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

OCT 03 1995

WATER RESOURCES DEPT  
SALEM, OREGON



North  
Not to Scale

Section 24, T4N, R25E

**SPARSD**

**Figure 1 Toadvin Pond Irrigation System Schematic**  
Port of Morrow Final Proof Survey

RECEIVED

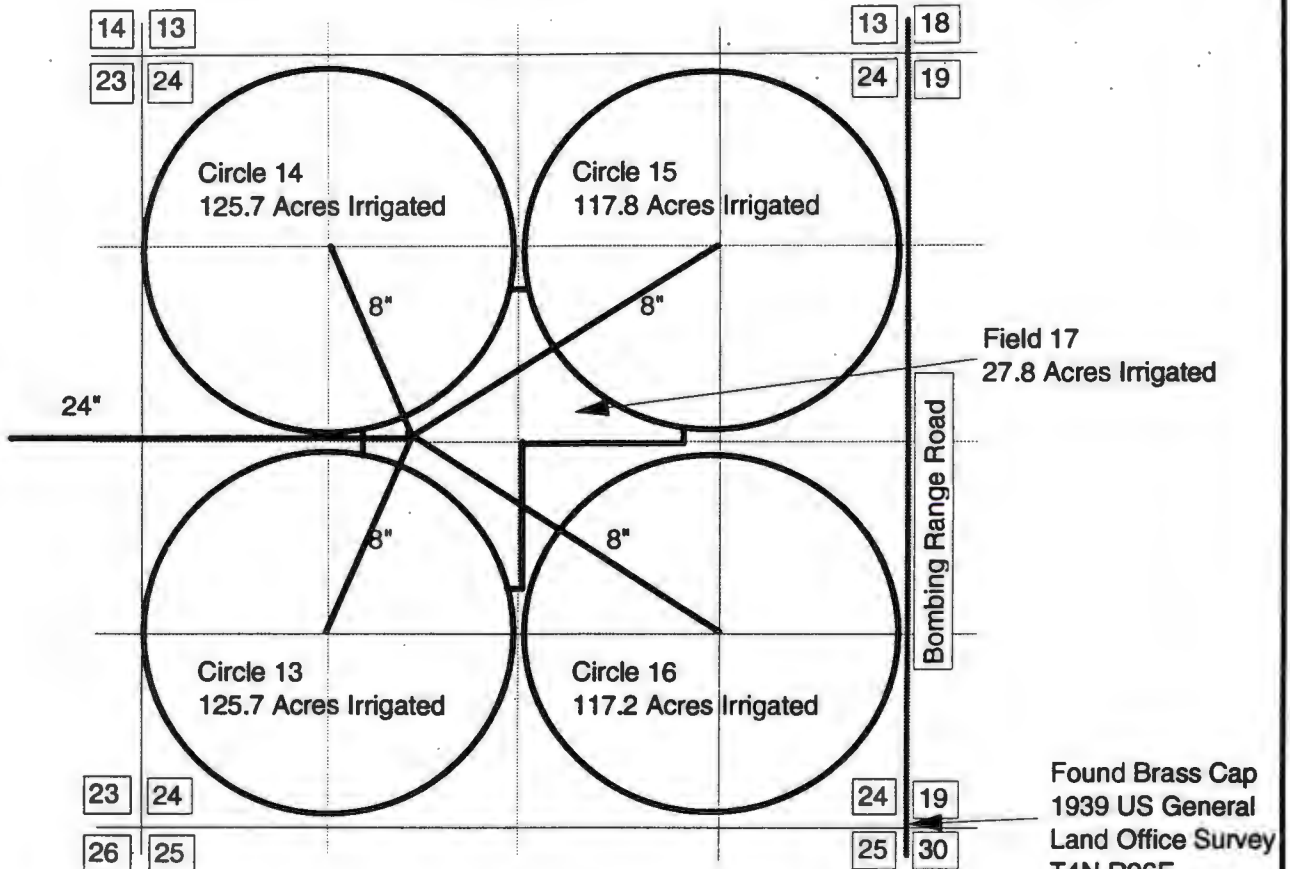
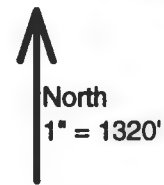
MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



OCT 03 1995

WATER RESOURCES DEP  
SALEM, OREGON



Section 24, T4N, R25E

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Southeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.



Found Brass Cap  
1939 US General  
Land Office Survey  
T4N,R26E,  
24 19  
25 30

**SOLD**

Figure 2 Final Proof Survey

Port of Morrow, Application G-11239, Permit G-10550

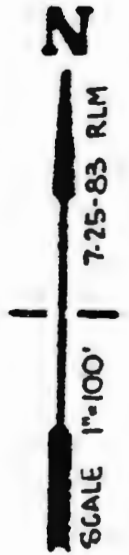
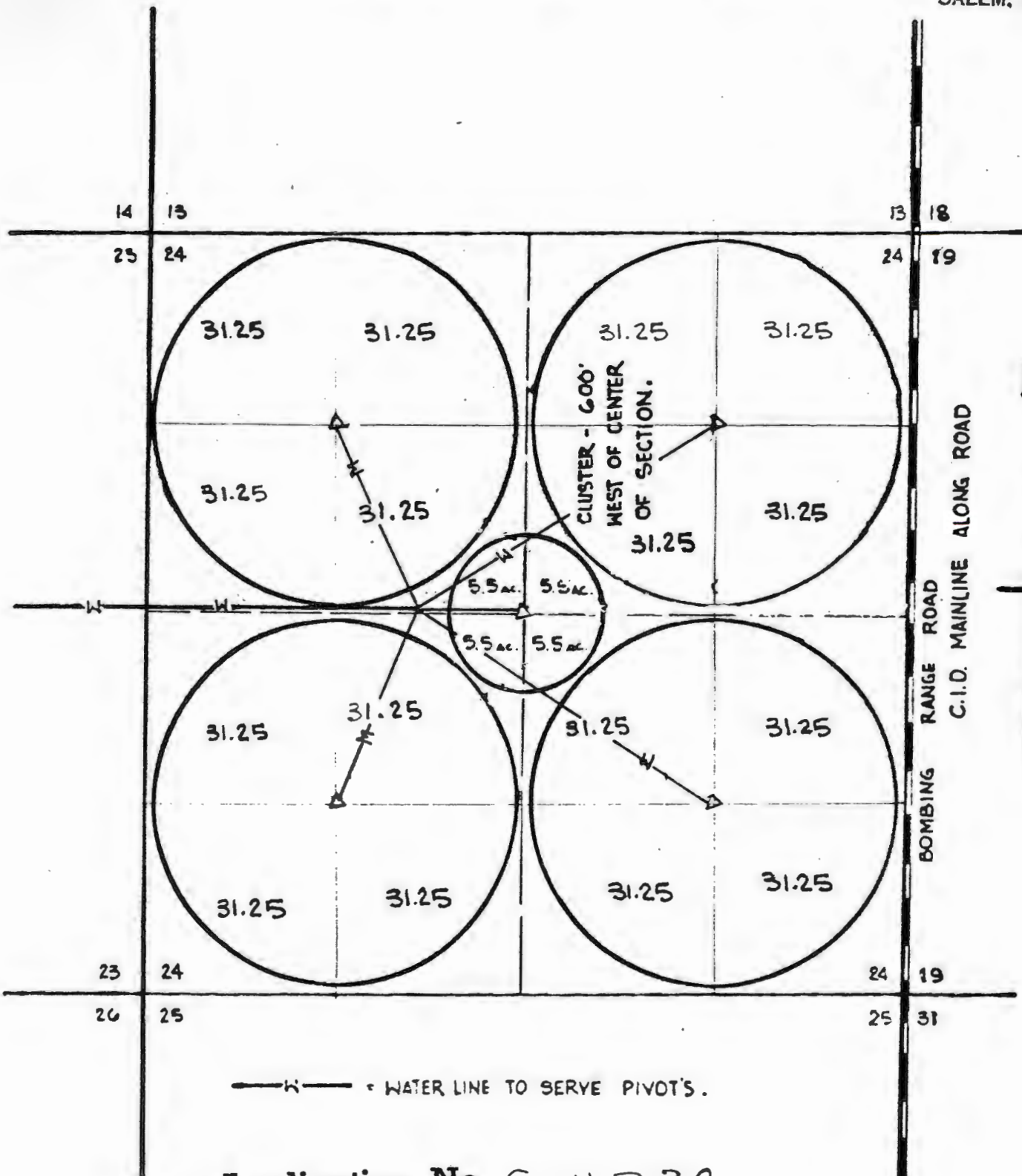
MAY 24 1996

RECEIVED

MAR 19 1984

WATER RESOURCES DEP  
SALEM, OREGON

SECTION 24, T.4 N., R.25 E. W.M.



—W— • WATER LINE TO SERVE PIVOT'S.

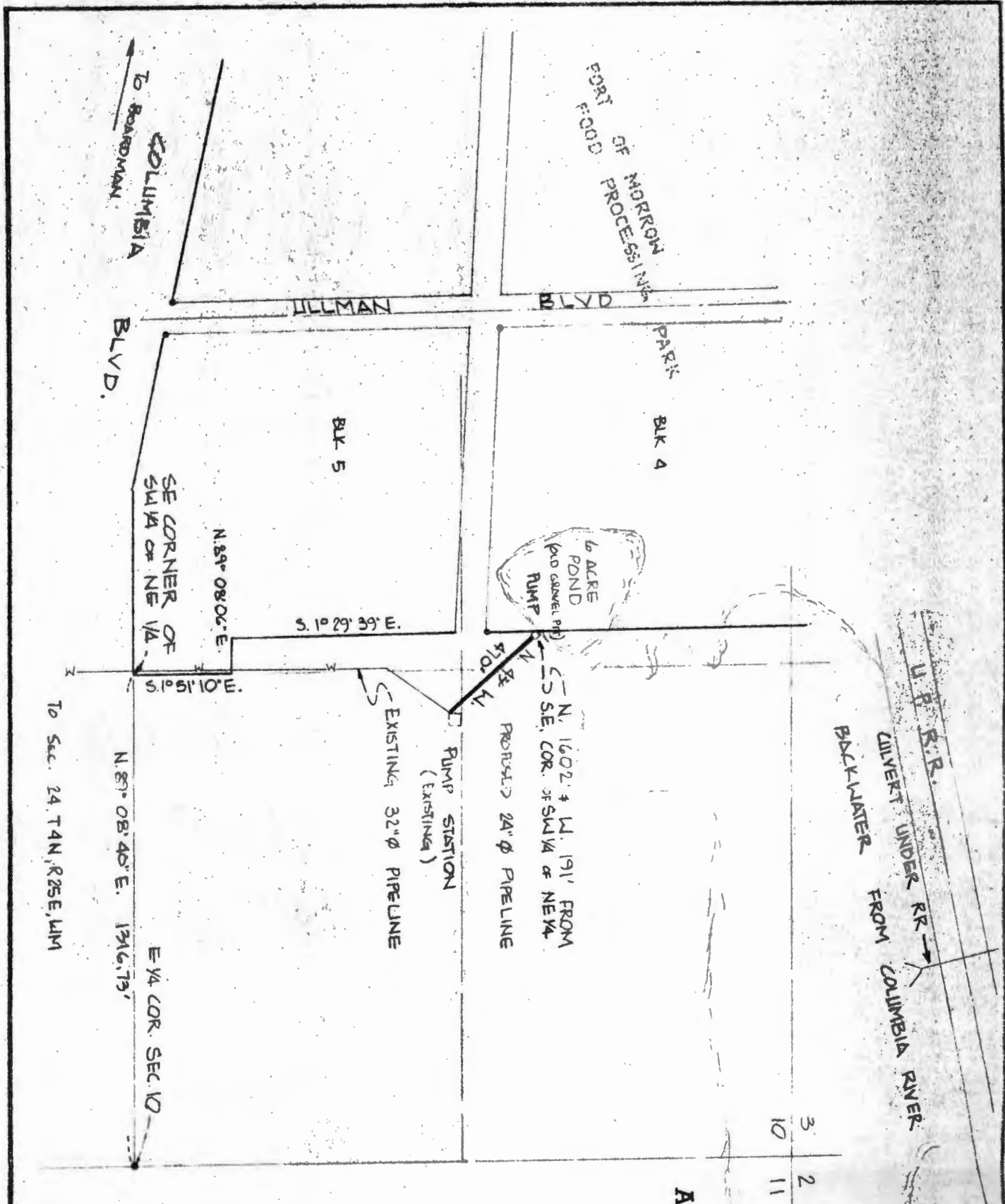
Application No. G-11 239  
Permit No. G10550

RECEIVED

MAY 24 1996

WATER RESOUR.  
SALEM, OREG.





TO SEC. 24 T4N R25E W1M

COLUMBIA BLVD.

TO BOARDMAN

SE CORNER OF SW 1/4 OF NE 1/4.

N. 84° 08' 00" E.

S. 1° 29' 39" E.

S. 1° 51' 10" E.

N. 81° 08' 45" E. 1316.75'

E 1/4 COR. SEC. 10

HILLMAN BLVD

PARK BLVD

BLK 5

BLK 4

6 ACRE POND (AND GAVEL POND) RUMP

EXISTING 32" Ø PIPELINE

PUMP STATION (EXISTING)

PROPOSED 24" Ø PIPELINE

N. 16° 02' 31" W. 191' FROM S. SE. COR. OF SW 1/4 OF NE 1/4.

U. F. R. R.  
 CULVERT UNDER RR →  
 BACKWATER FROM COLUMBIA RIVER

3	2
10	11

AJ

5-19-1994 Final Proof Survey

Port of Morrow

A # G-11239 P # G-10550

Info: Gerald Rea, Employee, Port of Morrow

Source: A Pond, Known as Toadvin Pond

Diversion: By pumps on SE End of Pond

Two 30 HP turbine pumps, one with US Motor, One GE Turbine pump, both setting on SE edge of pond. 12" intake, out to 16" steel to two booster pumps located south of railroad tracks. Approx. 400' SE of turbines on pond.

Booster pumps  
350 HP US motor with turbine  
200 HP US motor with turbine

*POD located NW NE, Sec 10.*

*As on permit.*

Main Line 34 " steel with cement grout inside. Approx 21,960', lays south to section 22 then turns East to center of section 24.

Here you have 4 10" steel main lines that feed 4 center pivots.

The CP's in NW 1/4, NE 1/4 and SW 1/4 are Pierce CP's and have been in place prior to the C date on the permit. The CP in SE 1/4 was put in the spring of 1992 and is a Zimmerman model. The acreage under this CP is not included. There is no CP in the center of this section.

Use: Wheat is being grown in the 3 CP's that are allowed.

Tie : Aerial 41049-NAPP 1208-89R for POD  
Aerial 41049-NAPP 1208-36L for POU

Lift 200', taken off the Boardman quad map.

4 CP's use 4000 GPM all low pressure type, allow only 3 CP under irrigation.

June Miller  
Field Inspector

*June Miller*

comments: 1989 aerial photo does not show CP in SE 1/4 Sec 24. Employ of Myrl Carlson, who leases this from Port of Morrow, told me CP in SE was put in place the Spring of 1992.

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MAY 24 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON



1207 79R



RECEIVED

MAY 24 1985

AIR RESERVE CENTER  
SALEM, OREGON



36 L

OWELL P#G 9811

MORNING 01093

P.O.

24

P#G 10550

RECEIVED

MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



100 FEET (WASH. I)

42'30" 290

PLAN R 25E

2075 1 NW (BLALOCK ISLAND)

STUD  
Sect 10  
INWNE

Port of Marion

ORE  
7.5 MINUT  
2 220 000 FEET





# Oregon

Theodore R. Kulongoski, 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

August 31, 2005

Westland Enterprises, LLC  
c/o Robert Levy  
822 Highway 395 S. #423  
Hermiston, Oregon 97838

Reference: Application G-11239, Permit G-10550  
Transfer T-9599  
Transfer T-9601

Regarding Application G-11239, Permit G-10550, the assignment from Port of Morrow to Westland Enterprises, LLC c/o Robert Levy has been recorded in the records of the Water Resources Department.

Regarding Transfer T-9599 and Transfer T-9601, the partial assignment from Port of Morrow to Westland Enterprises, LLC c/o Robert Levy has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 76969 covering the recording fee of \$100.00 is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure: Receipt 76969

cc: Watermaster 5  
Port of Morrow  
Data Center, OWRD  
Sarah Henderson - for Transfers  
Mary Rohling  
File





From January to 24

RECEIVED

AUG 30 2005

WATER RESOURCES DEPT  
SALEM, OREGON

# REQUEST FOR ASSIGNMENT

**Port of Morrow**

(Name of Applicant / Permit / Transfer Holder)

P.O. Box 200                      Boardman,                      OR                      97818                      (541)481-7678  
(Mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

## CHECK ONE

- our**
- ...hereby assign **all my interest** in and to application/permit/transfer;
  - ...hereby assign **all my interest** in and to a **portion** of application/permit/transfer;  
(You must include a map showing the portion of the application/permit/transfer to be assigned.)
  - ... hereby assign **a portion of my interest** in and to the entire application/permit/transfer;

Application # G-11239 , Permit # G-10550 , Transfer # N/A

-OR-

GR Statement # N/A , GR Certificate of Registration # N/A

as filed in the office of the Water Resources Director, to:

**Westland Enterprises LLC c/o Robert Levy**

(Name of New Owner)

822 HWY 395 S #423                      Hermiston                      OR                      97838                      (541)481-6045  
(Mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

**NOTE:**      *If there are other owners of the property described in this Application, Permit, Transfer, or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.*

I hereby certify that I have notified all owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 25<sup>th</sup> day of August, 2005.

Applicant/Permit holder Ray Neal General Manager  
Applicant/Permit holder \_\_\_\_\_

*Handwritten signature/initials*

### DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.  
 Fee receipt # 76869  
 For Director by Jerry Sauter, Program Analyst in Water Rights Division *Jerry Sauter*

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ **\$25 for the first page, and**
- ◆ **\$5 for each additional page.**  
[as required by ORS 536.050(1)(d)]

**WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE, SUITE A  
SALEM, OREGON 97301-1271**

25

RECEIVED  
AUG 30 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

# REQUEST FOR ASSIGNMENT

## Port of Morrow

(Name of Applicant / Permit / Transfer Holder)

P.O. Box 200                      Boardman,                      OR                      97818                      (541)481-7678  
(Mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

### CHECK ONE

- ...hereby assign **all my interest** in and to application/permit/transfer;
- ...hereby assign **all our interest** in and to a **portion** of application/permit/transfer;  
(You must include a map showing the portion of the application/permit/transfer to be assigned.)
- ... hereby assign **a portion of my interest** in and to the entire application/permit/transfer;

Application # N/A, Permit # N/A, Transfer # T-9601

-OR-

GR Statement # N/A, GR Certificate of Registration # N/A

as filed in the office of the Water Resources Director, to:

## Westland Enterprises LLC c/o Robert Levy

(Name of New Owner)

822 HWY 395 S #423                      Hermiston                      OR                      97838                      (541)481-6045  
(Mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

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Witness my hand this 25<sup>th</sup> day of August, 2005.

Applicant/Permit holder Mary Neal, General Manager

Applicant/Permit holder \_\_\_\_\_

Ok: APR 16/04 P. SAUER  
J. H. S. 8/30/05

### DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.  
Fee receipt # 76969  
For Director by Jerry Sauer, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form must be submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
  - ◆ \$5 for each additional page.
- [as required by ORS 536.050(1)(d)]

**WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE, SUITE A  
SALEM, OREGON 97301-1271**



RECEIVED  
AUG 30 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

# REQUEST FOR ASSIGNMENT

Port of Morrow

(Name of Applicant / Permit / Transfer Holder)

P.O. Box 200                      Boardman,                      OR                      97818                      (541)481-7678  
(Mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

## CHECK ONE

- ...hereby assign **all my interest** in and to application/permit/transfer;
- ...hereby assign **all our interest** in and to a **portion** of application/permit/transfer;  
(You must include a map showing the portion of the application/permit/transfer to be assigned.)
- ... hereby assign **a portion of my interest** in and to the entire application/permit/transfer;

Application # N/A, Permit # N/A, Transfer # T-9599

-OR-

GR Statement # N/A, GR Certificate of Registration # N/A

as filed in the office of the Water Resources Director, to:

Westland Enterprises LLC c/o Robert Levy

(Name of New Owner)

822 HWY 395 S #423                      Hermiston                      OR                      97838                      (541)481-6045  
(Mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

**NOTE:** *If there are other owners of the property described in this Application, Permit, Transfer, or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.*

I hereby certify that I have notified all owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 25<sup>th</sup> day of August, 2005.

Applicant/Permit holder Harry Keaf General Manager

Applicant/Permit holder \_\_\_\_\_

*dk - Malcom Phelan  
8/30/2005*

### DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.  
- Fee receipt # 76969  
- For Director by Jerry Sauter, Program Analyst in Water Rights Division *Jerry Sauter*

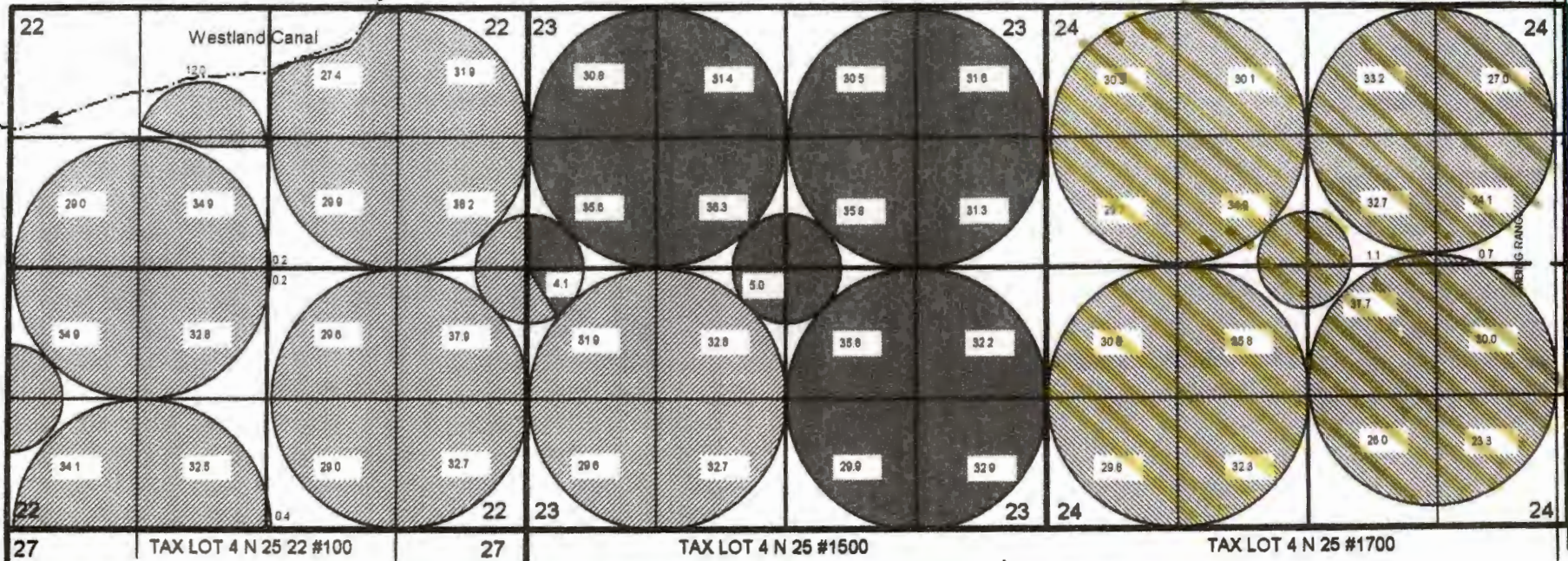
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- ◆ \$25 for the first page, and
  - ◆ \$5 for **each** additional page.
- [as required by ORS 536.050(1)(d)]*

**WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE, SUITE A  
SALEM, OREGON 97301-1271**



TOWNSHIP 4 NORTH, RANGE 25, EAST W.M.



-  WATER RIGHTS TRANSFERRED TO THESE LOCATIONS FOR PERMIT #G-6876 (594.6 Acres)  
Sump Well #3 POA - Located 1248 Ft. North & 1110 Ft. West from the East 1/4 Corner of Section 10
-  WATER RIGHTS VERIFIED AT THESE LOCATIONS FOR PERMIT #G-10550 (489.5 Acres)  
TOADVIN POND POA - Located 1197 Ft. South & 1340 Ft. West from the Northeast Corner of Section 10
-  WATER RIGHTS TRANSFERRED TO THESE LOCATIONS FOR PERMIT #35694 (403.2 Acres)  
to be Irrigated from Div. Pt. 3 - TOADVIN POND POA - (Surface Water POD to Ground Water POA)  
TOADVIN POND POA - Located 1197 Ft. South & 1340 Ft. West from the Northeast Corner of Section 10

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE THE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

MORROW COUNTY  
OREGON  
SCALE 1" = 1320'



WATER RIGHTS ~~TRANSFER~~ MAP  
IN NAME OF  
Port of Morrow

RECEIVED  
AUG 3 0 2005  
WATER RESOURCES DEPT  
SALEM, OREGON



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **76969**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Westland Enterprises LLC  
BY: \_\_\_\_\_

APPLICATION	<u>below</u>
PERMIT	
TRANSFER	

CASH:  CHECK:# X 93191 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$  
OTHER: (IDENTIFY) \$

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS  
0407 COPY & TAPE FEES \$ G 11239 - \$30.00  
0410 RESEARCH FEES \$ T 9661 - \$35.00  
0408 MISC REVENUE: (IDENTIFY) assign \$ 100.00  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$

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

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **76969**

DATED: 8/30/05 BY: X Albin

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

**WESTLAND ENTERPRISES LLC**

**Water Resources Department**

8/26/2005

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/25/2005	Bill	Record T-9599 Assign	30.00	30.00		30.00
8/25/2005	Bill	Record G-11239 Assig	40.00	40.00		40.00
8/25/2005	Bill	Record T-9601 Assign	30.00	30.00		30.00
					Check Amount	100.00

Banner Checking

100.00



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Applications            )     ORDER WITHDRAWING TRANSFER  
T-9600, T-9627 and T-9628, Umatilla         )     APPLICATIONS  
County, Oregon                                     )

Transfer Application T-9600, in the name of Port of Morrow, was filed November 14, 2003.

Temporary Transfer Applications T-9627 and T-9628, in the name of Port of Morrow, were filed January 12, 2004.

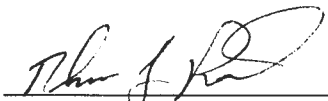
On April 13, 2004, Ronald McKinnis requested, in writing, on behalf of the applicant, that Transfer Application T-9600 be withdrawn.

On September 24, 2004, Lisa Mittelsdorf requesting, in writing, on behalf of the applicant, that Transfer Applications T-9627 and 9628 be withdrawn

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

Transfer Applications T-9600, T-9627, and T-9628, in the name of Port of Morrow, are withdrawn and of no further force of effect. Any unearned fees will be refunded.

Dated at Salem, Oregon this 1<sup>st</sup> day of MARCH, 2005.

  
\_\_\_\_\_  
Phillip C. Ward  
Director

Mailing date: MAR 24 2005

This is an order other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**STATE OF OREGON  
Water Resources Department  
158 12th St. N.E.  
Salem, OR 97310**

-----  
**MEMORANDUM**

DATE : 9/19/96

TO: Bernadette Williams  
FROM: Donn Miller  
SUBJECT: Possibility of New Ground Water Appropriation from Toadvin Pond for Primary Irrigation of Lands Cited in Permit G-10550

After reading through the file of application G-11239, I've reached the following initial conclusions:

- The proposed withdrawal is greater than 5 cfs from Toadvin Pond.
- Toadvin Pond develops ground water from an unconfined alluvial (sand and gravel) aquifer.
- Toadvin Pond is about 400 feet from Messner Pond, a backwater of the Columbia R.
- Toadvin Pond is less than 1/2 mile from the Columbia River.
- Toadvin Pond is hydraulically connected to Messner Pond and the Columbia River.
- Withdrawals from Toadvin Pond have the potential for substantial interference with the Columbia River directly under OAR 690-09-040(4)(b) and Messner Pond/Columbia River under OAR 690-09-040(4)(a).
- The requested quantity is likely to be available in the requested quantity without injury to existing ground water rights.

A permit on the use would need to reflect the potential for substantial interference with the Columbia River and Messner Pond.

**As is the section's policy, this what-if analysis is intended to be helpful but not binding since it is not an actual application review.**



# STATE OF OREGON

County of **MORROW**

## PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION **G-11239** and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to **Port of Morrow of PO Box 200, Boardman, Oregon, 97818, phone 481-2695, for use of the waters from one 6.0 acre pond (Toadvin Pond),**

for the PURPOSE of **irrigation of 522.0 acres**

that the PRIORITY OF THE RIGHT dates from **March 1, 1984 for 0.0125 cfs March 19, 1984 for 6.5125 cfs** *514.2* *0.0123* *6.4155*

and is limited to the amount of water which can be applied to beneficial use and shall not exceed **6.525 cubic foot per second** *6.43*

measured at the point of diversion from the **pond**, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: **1602 feet North and 191 feet West from the Southeast Corner of the SW 1/4 NE 1/4 of Section 10, being within the NW 1/4 NE 1/4 of Section 10, Township 4 North, Range 25 East, WM, in the County of Morrow.**

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

*note  
App -*

page two

Township 4 North, Range 25 East, WM Section 24

NE 1/4 NE 1/4	31.25 acres
NW 1/4 NE 1/4	31.25 acres
SW 1/4 NE 1/4	36.75 acres
SE 1/4 NE 1/4	31.25 acres
NE 1/4 NW 1/4	31.25 acres
NW 1/4 NW 1/4	31.25 acres
SW 1/4 NW 1/4	31.25 acres
SE 1/4 NW 1/4	36.75 acres
NE 1/4 SW 1/4	36.75 acres
NW 1/4 SW 1/4	31.25 acres
SW 1/4 SW 1/4	31.25 acres
SE 1/4 SW 1/4	31.25 acres
NE 1/4 SE 1/4	31.25 acres
NW 1/4 SE 1/4	36.75 acres
SW 1/4 SE 1/4	31.25 acres
SE 1/4 SE 1/4	31.25 acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The appropriation of ground water authorized herein shall be subject to prior existing water rights for both surface and ground water.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep <sup>OK</sup> a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before March 7, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 87.

Complete application of the water to the proposed use shall be made on or before October 1, 19 88.

Witness my hand this 7th day of March, 19 86.

/s/ WILLIAM H. YOUNG  
WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.



STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF MORROW  
1 MARINE DRIVE  
P.O. BOX 200  
BOARDMAN, OREGON 97818

503-481-7678

to use the waters of ONE WELL in the COLUMBIA RIVER BASIN for INDUSTRIAL USES.

This Permit is issued approving Application G-11992. The date of priority is DECEMBER 4, 1989. The use is limited to not more than 4.46 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, SECTION 10, T 4 N, R 25 E, W.M.; WELL 4 - 1220 FEET SOUTH AND 1200 FEET WEST FROM NE CORNER, SECTION 10.

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

A description of the proposed place of use under the permit is as follows:

NW 1/4 SW 1/4  
SW 1/4 SW 1/4  
SE 1/4 SW 1/4  
SECTION 2

N 1/2 NE 1/4  
SECTION 9

S 1/2 SW 1/4  
S 1/2 SE 1/4  
SECTION 3

NE 1/4  
NW 1/4  
N 1/2 SW 1/4  
NW 1/4 SE 1/4  
SECTION 10

S 1/2 SE 1/4  
SECTION 4

NW 1/4  
SECTION 11

TOWNSHIP 4 NORTH, RANGE 25 EAST, W.M.

This permit is subject to the following conditions:

1. If the Ground Water Section finds that use under this permit has resulted in a demonstrable interference with senior rights, the Port of Morrow shall make a reasonable effort to perform or participate in the restoration efforts for the well use of senior right holders. The Water Resources Director shall determine what constitutes a reasonable effort.
2. Within two years of permit issuance, the Port shall prepare a report for the Water Resources Commission which specifies the Port's water conservation program. The report shall indicate the means of creating efficiencies of existing Port water use and the measures which the Port may implement to ensure that inefficiencies are not built into the Port's future uses.
3. Within two years of permit issuance, the Port shall prepare a plan/timetable for the Water Resources Commission which shall indicate the steps which the Port intends to pursue to obtain a long-term water supply. A satisfactory plan/timetable and adherence to it will be important in the Water Resources Director's consideration of approval of additional Port well permits. The Port of Morrow understands that sole reliance on deep basalt ground water for a long-term water supply is unacceptable.
4. The appropriation shall be regulated if the well displays a static water level of 200 feet below current land surface. Such regulation may include shutting down the use.

7-50  
 Port of Morrow  
 Food Processing Plant  
 Appel 7698  
 Permit 7158  
 Industrial  
 3.0 cfs

6/1/90  
 7-50

5. The permittee shall maintain a record of levels of the water in the well and record water level measurements whenever well use ceases for more than two days. One measurement shall be made immediately before the resumption of pumping in order to reflect maximum water level recovery. The permittee shall notify the Ground Water Section after each measurement period, reporting water level measurements stating the time of measurement and time of pumping cessation.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before MARCH 9, 1991, and shall be completed on or before October 1, 1991. Complete application of the water to the use shall be made on or before October 1, 1992.

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

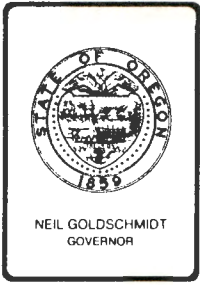
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices beyond those developed by the permittee under the special conditions noted above.

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

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

Issued this date, MARCH 9, 1990.

*William H. Young*  
Water Resources Department  
William H. Young  
Director



## *Water Resources Department*

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

June 20, 1989

Port of Morrow  
Attn: Jerald Rea, Utility and Farm Supervisor  
PO Box 200  
Boardman, Oregon 97818

REFERENCE: File G-11239

We have received your notice that complete application of water has been made under permit G-10550 .

At a later date, a representative of this office will make an inspection and survey of your project.

You will be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector. Any use described in the permit that was not made will not be included in the certificate.

In the meantime, the permit you hold is valid evidence of your right so long as you continue to use the water.

If you have any questions, please contact the Survey/Certificate Section at 378-3739.







Application # G-11239 / Permit # G-10550

## Route Slip ... Extension of Time

*per Division 315 Rules... (Extensions received on July 1, 2001 or after)*

- ◆ **WRIG...**  
Money Received on: \$250.<sup>00</sup> on 4-15-04
- ◆ **Lisa Juul...**  
Extension Completeness: OK  
( If **NOT** complete, send certified letter requesting add'l information. )

***If Extension Appl complete and \$250 fee submitted, route to...***

- ◆ **Jonnine Fuss...**

Publish on Public Notice (initial 30-day comment): 4/20/04 J

**Update "cdatewext.DB" Database:**

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

***At the close of the Initial 30-day Comment Period...***

- ◆ **Lisa Juul...**

Pull files for Ext PFO review: \_\_\_\_\_

Extension PFO completed: \_\_\_\_\_

***Once Extension PFO signed by Dwight French...***

- ◆ **Jonnine Fuss...**

Prepare Ext PFO for mailing to applicant: \_\_\_\_\_

Mail to those who commented ***and*** paid copy fee: \_\_\_\_\_

Include Ext PFO on weekly Public Notice: \_\_\_\_\_

# EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-11239 / Permit #: G-10550

Permittee's Name: Port of Morrow

Permittee's Mailing Address: PO Box 200, Beardman, OR 97818

POD Location: Township 4-N Range 25-E Section 10  $\frac{1}{4}$   $\frac{1}{4}$  NWNE

Drainage Basin: \_\_\_\_\_ County: Morrow Watermaster District #: \_\_\_\_\_

- ✓ 1. Has the applicant submitted the appropriate fees?  Yes /  No \$250.00 on 4-15-04  
\*\*\*If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)  
\*\*\***(NOTE:** Any missing Extension information that is needed before an Extension PFO can be completed???)
- ✓ 2. Has the applicant completely filled out the Extension Application form?  Yes /  No  
\*\*\*If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
- ✓ 3. Date Permit was issued: 3-7-86 Priority Date: 3-1-84 for 0.0125 cfs  
3-19-84 for 6.5125 cfs
- ✓ 4. Source: Toadvin Pond in the Columbia River Basin
- ✓ 5. Use: Irrigation of 522.0 acres
- ✓ 6. "Q": 6.525 cfs
- ✓ 7. Orig "A" Date: 3-7-87 Orig "B" Date: 10-1-87 Orig "C" Date: 10-1-88
- ✓ 8. Conditions of Permit: \_\_\_\_\_
  - Shall install & maintain a weir, meter or other suitable measuring device.
  - Shall keep a complete record of the amount of ground water withdrawn.
- ✓ 9. Extension request received: 4-15-04 Request Number (...1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>): 2<sup>nd</sup> ~~10550~~ - 1<sup>st</sup> Ext Denied
- ✓ 10. Last Authorized "B" Date: 10-1-87 Last Authorized "C" Date: 10-1-88
- ✓ 11. Proposed "B" Date: 10-1-2004 Proposed C Date: 10-1-2004
- ✓ 12. Amount Invested to date: \$260,000.00 Estimated Total Cost: \$260,000.00  
(\*\*\*Estimated Remaining Cost: \$0.00 )



✓ 13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.  Yes / No \*\*\*If "No"..... What permit terms and/or conditions have not been met?

• "A" Date met

- Meter installed
- Water Use Reports submitted

✓ 14. Work on the water development project completed to date includes: (see also COBY rcd on 10-395)

- Have used 6.525 cfs — However full beneficial use after "C" Date. on 522. AC.
  - pumps installed
  - meter installed
- Diversion structure built
  - water distribution lines installed.
  - center-pivot Irrigation systems installed.

✓ 15. The work remaining to be completed consists of: \_\_\_\_\_

- Completing within valid "B" & "C" Dates under permit in order to prove up & get certified.

✓ 16. Progress in perfecting the permit is being held up by: \_\_\_\_\_

- Unusually dry years prevented appropriation of total volume necessary to complete one of the irrigation circles. → Have since used the full amount on all lands — after "C" Date.

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

**Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]**

- The amount of construction completed within the time allowed in the permit or previous extension;
- The amount of beneficial use made of the water during the permit or previous extension time limits;
- Water right permit holder conformance with the permit or previous extension conditions; and
- Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 100% of the construction.
- Permit holder has beneficially used 100% of the total permitted quantity of water.
- Has the permit holder complied with conditions?  Yes / No  
—If No, reasons why not? \_\_\_\_\_
- Permit holder has invested approximately 100% of the total estimated cost to complete the project.
- Other: however did not complete within valid timeframes of the permit

Need to accomplish beneficial use in valid timeframes of permit.

✓ 18. Determination of the market and the present demand for water or power to be supplied: \_\_\_\_\_

**Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:**

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? \_\_\_\_\_
- within or above a state scenic waterway? NO
- within a ground water limited/critical area? NO
- within or above a segment that has been identified as a federal wild and scenic river? NO
- within an area that ODFW has identified as an ST&E Area? YES
- within an area that ODFW has identified as a LOW Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? YES
- Other: \_\_\_\_\_

• Pond has potential for substantial interference with Columbia River but water is available & won't injure existing rights.  
— see Div 9 GW Review on 4-26-04.

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

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

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

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

5-year Progress Report Checkpoints

Other: \_\_\_\_\_

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

**COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

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

**COBU Requirement - Surface Water - post July 9, 1987**

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

**COBU Requirement - Ground Water - post July 9, 1987**

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

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: ~~6-15-04~~ 6-15-04 Reviewer's Name: [Signature]

Protest Deadline Date: ~~7-30-04~~ 7-30-04 Date: 5-7-04



# Water Use Report

Printed  
5-7-04

RONALD MCKINNIS  
PORT OF MORROW  
PO BOX 200 #2 MARINE DR  
BOARDMAN OR 97818

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
12969	TOADVIN		G 10550	G 11239		03/01/1984	4.0N	25.0E	10	IR	0.0125		TOADVIN POND	
12969	TOADVIN		G 10550	G 11239		03/19/1984	4.0N	25.0E	10	IR	6.5125		TOADVIN POND	

Water Year	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
2003	AFT	123.92818	34.51588	4.52048	0.0	0.0	157.04158	236.29584	209.85115	247.67837	223.19779	215.67285	376.31118
2002	AFT	55.5992	1.82906	0.0	0.0	0.0	8.37501	129.08393	182.92158	200.15037	164.79975	102.20039	196.08101
2001	AFT	201.38714	0.0	0.0	27.09222	0.0	42.59321	181.08638	88.94583	148.54994	197.5725	198.46862	123.16096
2000	AFT	56.41245	48.56222	11.69249	0.0	0.0	62.5748	83.41261	95.72809	12.28172	52.81264	2.65152	139.74835
1999	AFT	16.86972	10.25625	1.56206	36.92189	0.0	0.0	184.99616	112.99352	291.31502	58.94123	48.99493	153.49393
1998	AFT	13.20699	5.58109	0.0	0.0	0.0	49.69587	146.01043	156.06352	226.73193	201.75847	219.63787	138.03897
1997	AFT	4.31026	0.0	0.0	1.07595	0.0	0.0	120.48488	98.1562	0.0	35.4258	161.12935	200.39957
1996	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	273.74558	251.64953	224.02946	3.36136
1995	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	104.31179	33.38959	133.75786	228.50391	40.58002
1994	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	552.0
1993	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1992	AFT	68.42	68.42	68.42	68.42	68.42	68.42	68.42	68.42	68.42	68.42	68.42	68.42
1991	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1988	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
12970	PORT WELL #1	68545	G 7158	G 7698		02/04/1977	4.0N	25.0E	10	IM	3.0		A WELL	COLUMBIA R

Water Year	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
2003	AFT	128.72487	81.30428	94.66625	134.74604	92.19272	87.72134	93.87755	104.73837	92.86481	75.68513	44.49593	71.17385
2002	AFT	115.17262	57.51726	35.39358	113.28525	101.28586	114.83504	113.42028	100.84701	88.60825	105.75725	40.58922	110.47414
2001	AFT	135.32607	92.49654	98.50851	111.90425	85.45649	95.24321	93.75786	100.56774	103.1671	115.86619	109.25886	109.05017
2000	AFT	96.84824	79.09467	112.10065	126.57357	119.76983	109.85729	140.66288	112.91084	114.70308	97.52033	137.28095	107.79806
1999	AFT	129.5903	151.72011	147.3899	159.75755	137.2564	156.6058	117.93463	60.92987	100.5125	102.01012	138.55761	118.58216
1998	AFT	123.67653	98.54227	76.23753	139.36166	142.43056	157.96532	58.56068	68.46708	56.22525	127.47276	146.16848	96.26515
1997	AFT	79.51511	64.64324	90.56314	95.9736	48.60518	141.29814	150.54166	108.45481	83.05048	98.03897	14.03283	112.48427
1996	AFT	82.6904	43.18551	62.50728	60.0491	98.88982	133.29676	114.36243	103.76655	72.21318	67.72748	98.11723	86.73162
1995	AFT	79.64707	66.26668	72.58861	86.42013	66.1071	104.20131	72.40448	79.2205	89.40309	79.30949	84.71689	66.61654
1994	AFT	110.27159	85.969	102.86634	126.89274	60.69663	61.08945	95.92143	144.6463	63.91284	10.28571	125.77259	98.80006
1993	AFT	17.56636	40.16265	34.11385	35.20331	52.85253	46.73315	21.16924	46.6595	33.91437	55.76492	55.74344	43.27144
1992	AFT	137.6615	110.47721	120.1964	66.37716	45.33988	43.77781	39.54887	23.88522	45.13426	59.25118	34.74604	22.09298
1991	AFT	177.97759	164.55117	147.21497	195.46417	150.94982	104.6862	124.51741	152.60702	153.82844	117.31164	162.63925	126.62267
1990	AFT	228.47414	192.82338	186.01135	202.74973	176.91268	160.63833	175.54396	169.09314	179.6348	122.77428	180.85315	149.3632
1989	AFT	231.45312	126.25441	159.26039	199.79745	212.64999	241.114	81.13549	66.62881	84.47445	66.01503	130.81172	217.05999
1988	AFT	192.40831	192.40831	192.40831	192.40831	192.40831	192.40831	192.40831	192.40831	192.40831	192.40831	192.40831	192.40831

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
12971	FARM WELL #1	57216	G 6640	G 7221		01/13/1976	4.0N	25.0E	12	IR	1.25		PORT WELL #4	COLUMBIA R

Water Year	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
2003	AFT	4.94951	0.0	0.0	0.0	0.0	28.13564	0.0	0.0	0.0	0.0	0.0	0.0
2002	AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	25.55777	10.72579	4.75065	50.49869	33.03974
2001	AFT	0.0	0.0	0.0	0.0	0.0	14.83308	11.68988	31.83815	22.19664	129.41864	114.30302	36.0232
2000	AFT	0.0	0.0	0.0	0.0	0.0	0.0	100.37052	24.13907	103.30182	123.7856	126.02822	48.33112
1999	AFT	10.59505	0.0	0.0	0.0	0.0	0.0	61.09817	78.7566	117.87003	136.28777	130.81366	19.56201
1998	AFT	0.0	0.0	0.0	0.0	0.0	0.0	17.366	77.14163	36.92561	48.25925	3.10757	0.0
1997	AFT	4.25568	0.0	0.0	0.0	0.0	0.0	25.26921	112.25465	53.7346	70.31587	0.0	0.0
1996	AFT	47.73074	0.0	0.0	0.0	0.0	0.0	23.82122	80.52244	87.88601	103.24885		



**Water Right Conditions  
Tracking Slip**

Groundwater/Hydrology Section

FILE # G-11239

ROUTED TO: WR's

TOWNSHIP/

RANGE-SECTION: 4N/25E-10

CONDITIONS ATTACHED? (Yes)  (No)

REMARKS OR FURTHER INSTRUCTIONS:

Dick Bailey sought expedited  
review for the permit extension  
matter per Lisa Juel.

Reviewer: D. Mall





**Permit Extension Ground Water Review**

**NOTE:** Dick Bailey requests that this review be expedited.

Date: April 22, 2004

To: Doug Woodcock, Ground Water Section Manager

From: Lisa Juul, Permit Extension Review

Subject: Ground Water Review Needed for File #G-11239 / Permit #G-10550

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

**NOTE:** Original Division 9 review completed by: Dann Miller - See 9-19-96 Memo.

No Division 9 Ground Water Review Done.... *please see below*

Located within a **Critical** Ground Water Area

Located within a Ground Water **Limited** Area

Located within a Ground Water **Study** Area

5-Year Limited Permit

Other: Please See Questions Below

4/26/04  
Dann Miller

**For Ground Water / Hydrology Staff Use:**

-YES

-NO

Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.

*See Review*

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

1. Should any additional conditions be added to this permit? NO

2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? NO

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

4. Other issues or concerns? NO



**PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS**

TO: Water Rights Section Date 4/26/04  
 FROM: Ground Water/Hydrology Section Down Miller  
 SUBJECT: Application G- 11239 Reviewer's Name  
 Supersedes review of \_\_\_\_\_ Date of Review(s)

**PUBLIC INTEREST PRESUMPTION; GROUNDWATER**

**OAR 690-310-130 (1)** The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

**A. GENERAL INFORMATION:** Applicant's Name: Port of Morrow County: Morrow

A1. Applicant(s) seek(s) 6.455 cfs from 1 Pond well(s) in the Columbia / Umatilla Basin, \_\_\_\_\_ subbasin Quad Map: Boardman

A2. Proposed use: Irrigation Seasonality: Irrigation Season

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	NOT A WELL	Toadvin Pd	Alluvium	6.455	4N/25E-10 NWNE	1602' N, 191' W to SE cor of SWNE Sec 10
2						
3						
4						
5						

\* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	265	-	-	-	0-20	-	-	-	-	-	-	-

Use data from application for proposed wells.

A4. **Comments:** Toadvin Pond is the result of gravel mining. It is reportedly 6 acres in area and 20-24 feet deep.

A5.  Provisions of the Umatilla Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water  are, or  are not, activated by this application. (Not all basin rules contain such provisions.)  
 Comments: \_\_\_\_\_

A6.  Well(s) # \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, tap(s) an aquifer limited by an administrative restriction.  
 Name of administrative area: \_\_\_\_\_  
 Comments: \_\_\_\_\_



---

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**B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070**

B1. Based upon available data, I have determined that ground water\* for the proposed use:

- a.  is over appropriated,  is not over appropriated, or  cannot be determined to be over appropriated during any period of the proposed use. \* This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b.  will not or  will likely be available in the amounts requested without injury to prior water rights. \* This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c.  will not or  will likely to be available within the capacity of the ground water resource; or
- d.  will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
  - i.  The permit should contain condition #(s) \_\_\_\_\_;
  - ii.  The permit should be conditioned as indicated in item 2 below.
  - iii.  The permit should contain special condition(s) as indicated in item 3 below;

- B2. a.  Condition to allow ground water production from no deeper than \_\_\_\_\_ ft. below land surface;
- b.  Condition to allow ground water production from no shallower than \_\_\_\_\_ ft. below land surface;
- c.  Condition to allow ground water production only from the \_\_\_\_\_ ground water reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
- d.  Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B3. Ground water availability remarks: This gravel pit is deep and hydraulically connected to the Columbia River. The distance from Toddin Pond to Messner Pond (effectively a Columbia River backwater) is about 100'. The connection should be very strong as these are both gravel pit excavations.

The level of the Columbia River has been very stable since the placement of the John Day Dam and the formation of Lake Waballa. This creates a base of stability in this low-lying environment near the river

**C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**

**C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
POND	Alluvium	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Basis for aquifer confinement evaluation:** The aquifer is shallow and so is the SWL. The materials are coarse. The fining in the final order says that the aquifer is unconfined.

**C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than 1/4 mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.**

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
POND	1	Columbia R. / Messner Rd	265ft	265ft	100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Basis for aquifer hydraulic connection evaluation:** This is gravel pit area for both ponds.

**Water Availability Basin the well(s) are located within:** Apparently none per WARS options

**C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked  box indicates the well is assumed to have the potential to cause PSI.**

Well	SW #	Well < 1/4 mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
Pond	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	NA	NA	<input type="checkbox"/>	NA	<input type="checkbox"/>	95%	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>



		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>



(D) = (A) > (C)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100	%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

**Basis for impact evaluation:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C4b. **690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.**

- C5.  **If properly conditioned**, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:
- i.  The permit should contain condition #(s) \_\_\_\_\_;
  - ii.  The permit should contain special condition(s) as indicated in "Remarks" below;

C6. **SW / GW Remarks and Conditions** The sw/gw connection is intense for the following reasons: gravel/alluvial environment, short distance to river + associated backwater, and little reason to impose significant streambed cloggings

The final order contains a finding that says that the level of Messner Pond is 2-4 feet lower than Toadskin Pond. This doesn't make sense to me and I question the accuracy of the finding. Such a difference would diminish the strength of connection.

**References Used:** Lower Umatilla Basin Report  
File G-11239  
Topo



**D. WELL CONSTRUCTION, OAR 690-200**

D1. Well #: \_\_\_\_\_ Logid: \_\_\_\_\_

D2. **THE WELL does not meet current well construction standards based upon:**

- a.  review of the well log;
- b.  field inspection by \_\_\_\_\_;
- c.  report of CWRE \_\_\_\_\_;
- d.  other: (specify) \_\_\_\_\_

*Not  
a well*

D3. **THE WELL construction deficiency:**

- a.  constitutes a health threat under Division 200 rules;
- b.  commingles water from more than one ground water reservoir;
- c.  permits the loss of artesian head;
- d.  permits the de-watering of one or more ground water reservoirs;
- e.  other: (specify) \_\_\_\_\_

D4. **THE WELL construction deficiency is described as follows:** \_\_\_\_\_

D5. **THE WELL** a.  was, or  was not constructed according to the standards in effect at the time of original construction or most recent modification.

b.  I don't know if it met standards at the time of construction.

D6.  **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

D7.  Well construction deficiency has been corrected by the following actions: \_\_\_\_\_

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\_\_\_\_\_, 200\_\_\_\_.  
(Enforcement Section Signature)

D8.  **Route to Water Rights Section (attach well reconstruction logs to this page).**



BOARDMAN QUADR  
OREGON-WASHING  
7.5 MINUTE SERIES (TOP

291 2075 1 NW (WEST OF PATERSON) 292 293 40' 294 2 220 000 FEET (OREG)





final order  
limiting acreage

July 11, 1996

PORT OF MORROW  
PO BOX 200  
BOARDMAN, OR 97818

to 391.5 AC  
No. FINAL ORDER 5-7-04  
PERHAPS DENYING  
Extension Request only  
Permit still valid.  
Steve B.

REFERENCE: File G 11239

We have received your application for extension of the time limit to make complete application of water under Permit G 10550.

We find we must deny your request. Your letter of June 13, 1989 (copy enclosed) authorized the "withdrawal" of 130.5 acres and informed us that the total area being irrigated was 391.5 acres. Since that time, the amount of irrigation allowed under this permit has been limited to 391.5 acres. In effect the 130.5 acres were cancelled under that permit, based upon your request.

This letter is a final order with respect to your June 13, 1996, request for extension of the time limits for Permit G 10550.

If you have any questions, please contact Dallas Miller in the Water Rights Section at 378-3739 ext 272 or me at ext 265.

Sincerely,

Steve Applegate  
Water Rights Division Administrator

cc: Ronald McKinnis  
June Miller, Canyon City



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



May 29, 1996

Y KAN HWEE C/O CH2M HILL  
825 NE MULTNOMAH SUITE 1300  
PORTLAND OR 97232

re: file G-11239 in the name of Port of Morrow

Dear Mr. Hwee,

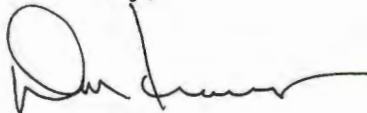
A question has come up in regards to the location of the diversion point used for this water right. There is a discrepancy between the Departments location of the diversion point and your location of the diversion point.

I am sending copies of the application map showing the div. pt. within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  section 10 T4N R25E, a WRD final proof report and aerial photo showing the div. pt. location within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  same section, a WRD "CWRE follow-up inspection" report showing the location of the div. pt. within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  same section, and a copy of the first page of your final proof report and the div. pt. map showing the div. pt within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  section 10 T 4N R25E.

Would you describe the surveying techniques you used to locate the diversion point? Would you send me a copy of the "Ports existing 1"=1000' scale water system map" ? Can you explain why there is a discrepancy between the WRD diversion point location and your diversion point location?

You have 60 days in which to respond. If you have any questions, please give me a call.

Sincerely,



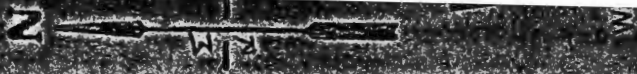
Don Knauer  
Program Representative

cc: Port of Morrow



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

Application  
Permit



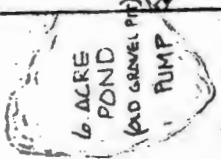
U.P. R.R.  
CULVERT UNDER RR →  
FROM COLUMBIA RIVER  
BACK WATER

3 2  
10 11

BLK 4

BLK 5

PART OF MORROW  
PROCESING  
BLVD



N. 1602' ± W. 191' FROM  
S. SE. COR. OF SW 1/4 OF NE 1/4

PROPOSED 24" Ø PIPELINE

PUMP STATION  
(EXISTING)

EXISTING 32" Ø PIPELINE

S. 10° 51' 00" E.

N. 89° 08' 00" E.

SE CORNER OF  
SW 1/4 OF NE 1/4.

E 1/4 COR. SEC. 10

N. 89° 08' 40" E. 1316.73'

To Sec. 24, T4N, R25E, W1M

COLUMBIA  
TO BOARDMAN

BLVD.

ILLMAN



5-19-1994 Final Proof Survey

Port of Morrow

A # G-11239 P # G-10550

Info: Gerald Rea, Employee, Port of Morrow

Source: A Pond, Known as Toadvin Pond

Diversion: By pumps on SE End of Pond

Two 30 HP turbine pumps, one with US Motor, One GE Turbine pump, both setting on SE edge of pond. 12" intake, out to 16" steel to two booster pumps located south of railroad tracks. Approx. 400' SE of turbines on pond.

Booster pumps

350 HP US motor with turbine

200 HP US motor with turbine

*POD located NW NE, Sec 10.*

*AS on permit.*

Main Line 34 " steel with cement grout inside. Approx 21,960', lays south to section 22 then turns East to center of section 24.

Here you have 4 10" steel main lines that feed 4 center pivots.

The CP's in NW 1/4, NE 1/4 and SW 1/4 are Pierce CP's and have been in place prior to the C date on the permit. The CP in SE 1/4 was put in the spring of 1992 and is a Zimmerman model. The acreage under this CP is not included. There is no CP in the center of this section.

Use: Wheat is being grown in the 3 CP's that are allowed.

Tie : Aerial 41049-NAPP 1208-89R for POD  
Aerial 41049-NAPP 1208-36L for POU

Lift 200', taken off the Boardman quad map.

4 CP's use 4000 GPM all low pressure type, allow only 3 CP under irrigation.

June Miller  
Field Inspector

*June Miller*

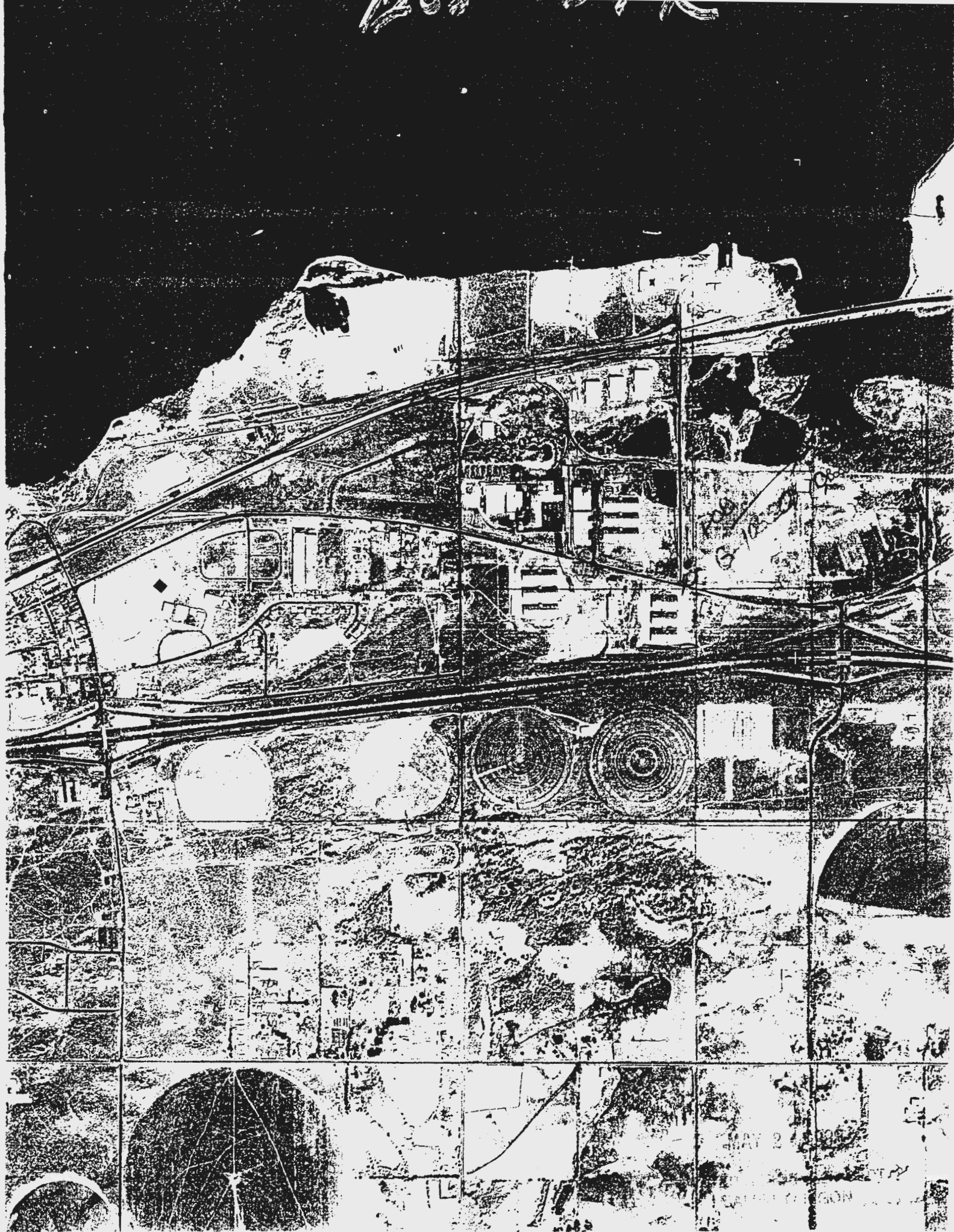
comments: 1989 aerial photo does not show CP in SE 1/4 Sec 24. Employ of Myrl Carlson, who leases this from Port of Morrow, told me CP in SE was put in place the Spring of 1992.

**RECEIVED**

MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON





CWRE FOLLOW UP SURVEY

DATE OF SURVEY 5/15/96

A# G-11239 P# G-10550

IN THE NAME OF: PORT OF MORROW

INFO: TAKEN FROM MY FINAL PROOF SURVEY, CONDUCTED 5/19/94 AND OBSERVATION OF ASCS 1992 SLIDE DATED JULY 8, 1992, FLIGHT C-R8/C9R, PRINT # 33.

GERALD REA, EMPLOYEE OF THE PORT  
RON MC KINNIS, ENGINEER  
GARY NEAL, PORT MANAGER

SOURCE: A 6.0 ACRE POND (TOADVIN POND)

THE CWRE REPORT IS IN AGREEMENT WITH MY PREVIOUS SURVEY REPORT WITH THE EXCEPTION OF THE POD LOCATION AND THE # OF ACRES ALLOWED.

THE POINT OF DIVERSION IS LOCATED IN THE NW 1/4 NE 1/4, SECTION 10.

THE ACRES IRRIGATED BY THE OCT 1988 COMPLETION DATE FOR THE PERMIT ARE THE CIRCLES INDICATED BY THE CWRE REPORT AND DIAGRAM AS CIRCLES # 13, 14 AND 15. THEY ARE LOCATED IN THE NW 1/4, NE 1/4 AND SW 1/4, SECTION 24.

THE CENTER PIVOT THAT IRRIGATES THE SE 1/4 WAS PUT IN PLACE IN THE SPRING OF 1992, PER INFO ON MAY 19, 1994, FROM AN EMPLOYEE OF MYRL CARLSON. CARLSON LEASES THIS FROM THE PORT OF MORROW.

THIS CENTER PIVOT, REFERENCED AS CIRCLE 16, DID SHOW ON THE SLIDE AS BEING DEVELOPED. THE AERIAL PHOTO WE HAVE ON FILE FOR THIS AREA, FROM A 1989 FLIGHT, PHOTO # 41050-1208-36L, DOES NOT INDICATE ANY IRRIGATION IN THE SE 1/4 OF SEC.

FIELD # 17 WAS NOT DEVELOPED AT THE TIME OF MY PREVIOUS SURVEY AND DID NOT SHOW UP AS BEING DEVELOPED IN THE SLIDE DESCRIBED ABOVE.

THE CWRE REPORT DOES NOT INDICATE ANY DATES THE IRRIGATION PRACTICES BEGAN FOR ANY OF THE ACRES PROPOSED.

IN MY FINAL PROOF SURVEY, I ALLOWED ACRES UNDER THE CP'S LOCATED IN THE NW 1/4, NE 1/4 AND SW 1/4. THESE ARE DEFINED ON THE 1989 AERIAL PHOTO.

ENCLOSED ARE COPIES OF MY FINAL PROOF REPORT, AERIAL PHOTO # 41059-1208-36L AND 89R, AND THE BOARDMAN 7 1/2 INCH QUAD MAP, DATED 1962.

THIS POND DOES NOT SHOW UP ON THE QUAD MAP, BUT IS ON AERIAL PHOTO # 41059-1208-89R. THIS IS A DUG POND.

**RECEIVED**

MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



**Claim of Beneficial Use and Site Report**  
**Toadvin Pond, Port of Morrow**  
**Application G-11239, Permit G-10550**

**RECEIVED**

OCT - 3 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

**For:** Port of Morrow  
P.O. Box 200  
Boardman, OR 97818  
503-481-2695

**RECEIVED**

MAY 24 1996

**By:** Kan Hwee, CWRE  
Mark Madison, CWRE  
CH2M HILL  
825 N.E. Multnomah, Suite 1300  
Portland, OR 97232  
503-235-5000

WATER RESOURCES DEPT.  
SALEM, OREGON

**Date:** The initial final proof survey was conducted on September 13, 1995 with Jerald Rea, Port of Morrow supervisor and Kan Hwee, CWRE. A proof survey for the final 27.8 acres was conducted on September 26, 1995 by Mark Madison, CWRE.

**Permit:** The permit is for irrigation of 522 acres from Toadvin Pond at a rate of 6.525 cubic foot per second.

**Proof of Survey Report**

**1. Source:**

Toadvin Pond, two vertical turbine intake pumps and two vertical turbine booster pumps.

**2. Diversion Point:**

Circular concrete diversion structure in Toadvin Pond, approximately 550 feet North and 300 feet East from the Southeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section 10, Township 4 North, Range 25 East, WM, in the County of Morrow. The point of diversion was verified with the Port's existing 1"=1000' scale water system map and found to be reasonable from examination of the intake location with respect to Toadvin Pond.

**3. General System Description:**

Water is pumped from two intake pumps to two booster pumps. Water from the intake pumps are conveyed through two separate 16-inch steel mains. The 16-inch steel mains discharge into an enclosed wetwell approximately 30-feet deep. Two booster pumps take suction from the wetwell and discharge through approximately 10-feet of 12-inch pipeline to a 34-inch transmission main for conveyance to the irrigation fields. Water is conveyed

*OK*  
*Boardman Diversion  
Annual  
4/10/95 - 10/28/95  
located AS on  
Permit.*

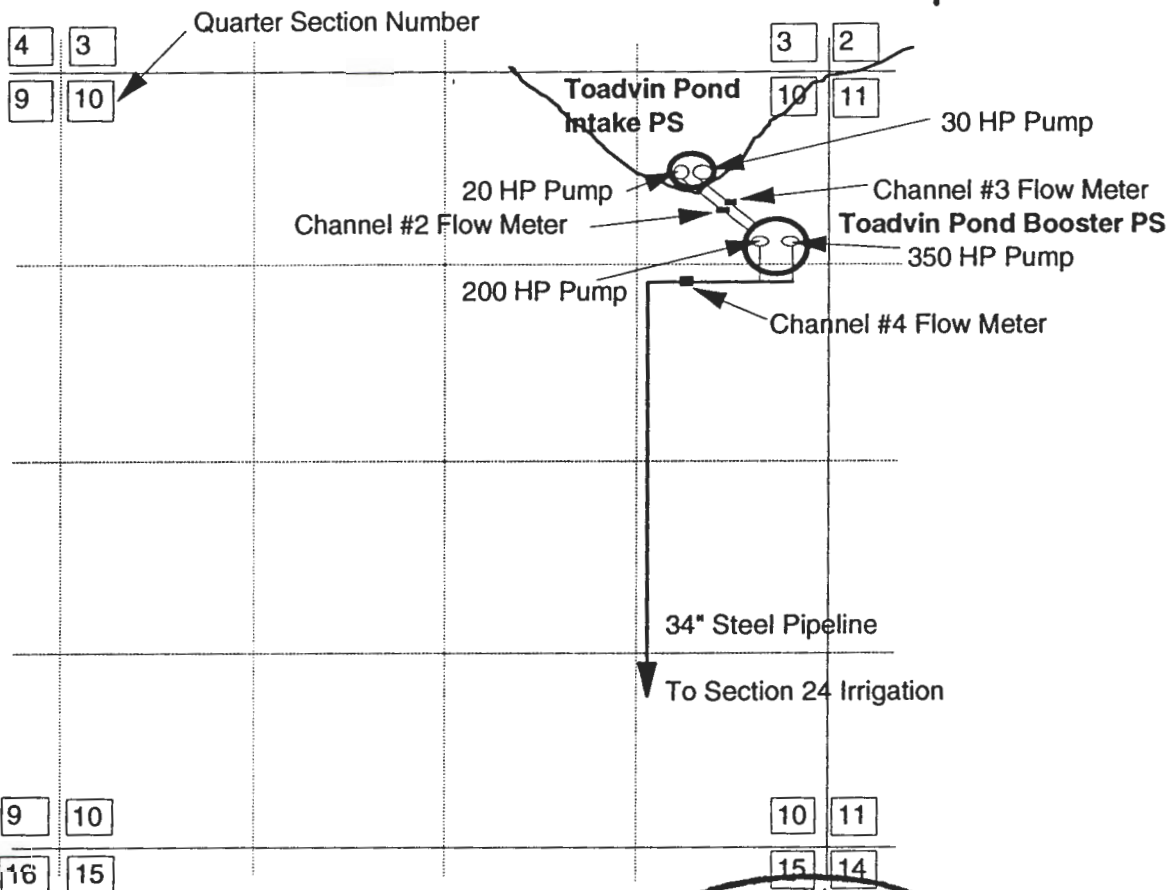
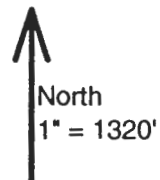
*nw ne*

*OK*



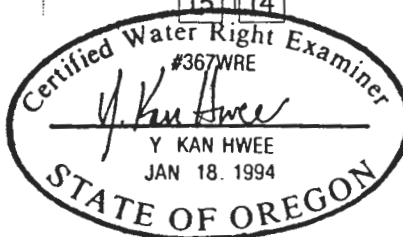
RECEIVED

DEC 18 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON



**Section 10, T4N, R25E**

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.



The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.

**Figure 3 Final Proof Survey - Point of Diversion**

Port of Morrow, Application G-11239, Permit G-10550

RECEIVED

MAY 24 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Application for Extension of Time

RECEIVED

TO THE WATER RESOURCES DIRECTOR OF OREGON

JUN 13 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

I, Port of Morrow  
Name  
P.O. Box 200, One Marine Drive  
Mailing Address  
Boardman Oregon 97818  
City State Zip

record owner of water permit No. G-10550, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19\_\_, be extended to October 1, 19\_\_;  
and/or the time in which to

accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time, now expires on October 1, 1993 be extended to October 1, 1993

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year THE BENEFICIAL USE OF THE FULL WATER RIGHT FOR IRRIGATION OF 514.2 ACRES WAS COMPLETED BY OCTOBER 1, 1993 - SEE ATTACHED

(2) prior to this past year SEE ATTACHED

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) IRRIGATION OF 514.2 ACRES WAS MADE PRIOR TO THE OCTOBER 1, 1993 IF THE FULL EXTENSION OF TIME IS ALLOWED - SEE ATTACHED

(If additional space is required, attach separate sheet)

Larry Neal General Manager  
(If signing for a corporation please identify your title)

Dated June 13, 1996

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 FOR EACH PERMIT TO:

WATER RESOURCES DEPARTMENT  
150 12TH STREET NE  
SALEM OR 97331

RECEIVED  
OVER THE COUNTER

RECEIVED

JUN 13 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Port of Morrow

Ref. Water Rights Permit Extension Application  
Permit #G-10550

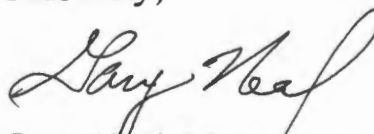
In 1988 the beneficial use of water was to be complete and the Claim of Beneficial use was to be submitted by October 1, 1989.

The Port was able to complete development of about 375 acres of the permit by October 1, of 1988. The lack of water from the Point of Appropriation created by the dryer than normal years prevented the development of the full permit. Correspondence between the Port of Morrow and the Department was continuing as evidenced by the letters in the permit file as late as 1991. This correspondence dealt with strategies of the complete development of the water right permit. The water availability improved over the next couple of years and the full development was completed by October 1, 1992 when the last of the circle Irrigation systems was installed. The full development of the Claim of beneficial use was made by October 1, 1993 and has been used in that full capacity do this date.

In the summer of 1995 a Final Proof Report was completed by CH2MHill and submitted to the Department. This Claim was for the 514.2 Acres of total Irrigated Land. In 1992 a field member of the Department also conducted a Final Proof survey of the Permit Development and she found that the present development was approximately the 514.2 acres but in checking the history of the development found that some of the acreage were not complete by the October 1, 1988 completion deadline.

The Port of Morrow was acting in good faith to complete the permit development and in doing so was also cooperating with the Department. It is for this reason that we feel that the granting for an extension of time for five years to allow the complete permit to be Certificated would be an appropriate gesture on the Department's behalf. Thank you for this consideration.

Sincerely,



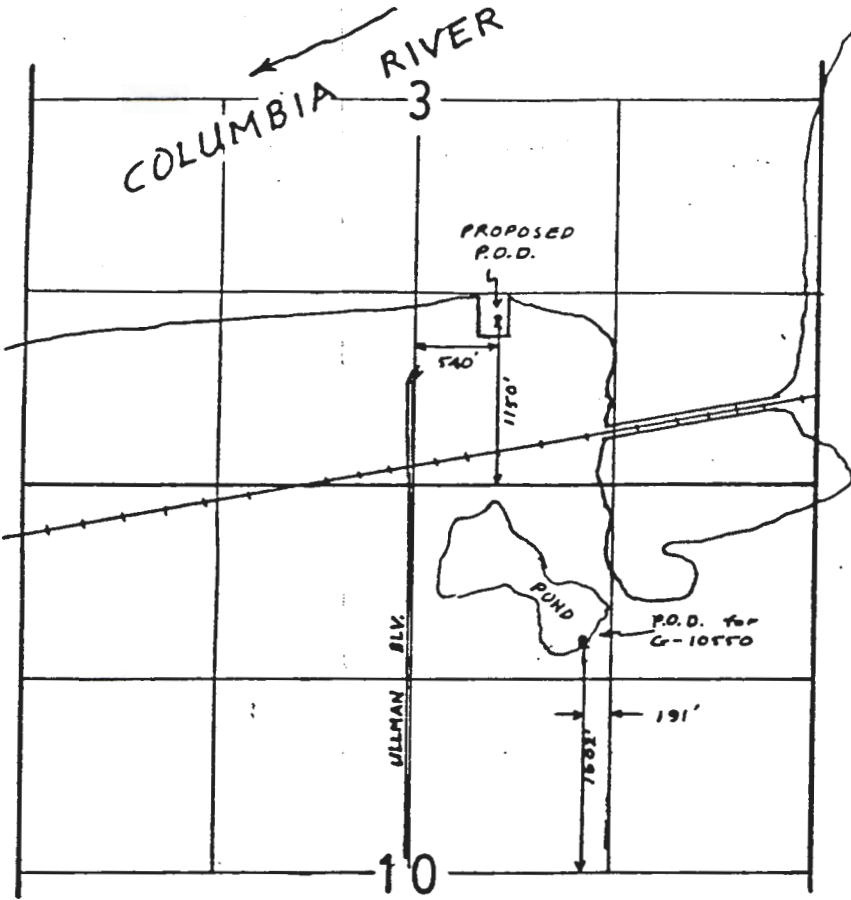
Gary Neal, Manager  
Port of Morrow



T4 N, R25E, W.M. MORROW CO., OR.

SURFACE WATER APPLICATION  
MAP FOR THE PORT OF MORROW

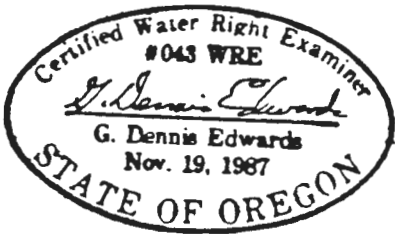
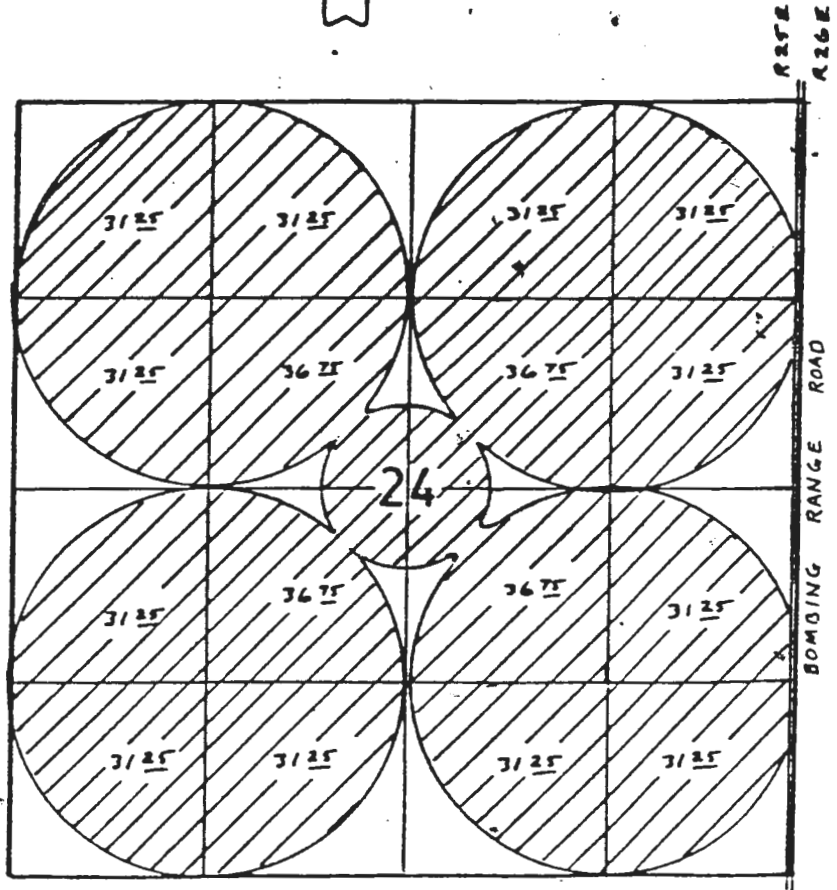
This map is for identifying  
the location of water rights  
only and is not intended to  
show property lines or dimensions.



SCALE: 1" = 1320'



PLACE OF USE FOR G-10550  
& FOR THE APPLICATION FOR  
SURFACE WATER FROM  
COLUMBIA RIVER



5/30/90 Job # W9005033

EDWARDS SURVEYING P.O. BOX 763  
567-3336 HERMISTON, OREGON

G-11239

Port of Morrow  
Ron McKinnis  
541-481-2695

Spoke with Ron on the phone - explained  
the problem with "C" DATE Oct 1, 1988 -  
lands actually developed - June 13, 1989 letter  
from James Lea.

Talked about possibility of extension of  
time applications -

Talked about DWP point location - WRO vs CURR

Told him I will wait on proposed cert  
til I hear from the Port of Morrow -

Told him to contact the CURR about DWP  
discrepancy.

ded

5/29/96



"C" DATE OCT 1, 1988

LETTER FROM JERALD REA JUNE 13, 1988 - NOT ALL LAND  
WAS DEVELOPED DUE TO SURFACE OR WATER

JUNE MILLER, WRD - OLD FINAL PLAN 5-19-94 - ~~SHOWS~~ <sup>ANNUALS</sup>  
ONLY LAND DEVELOPED BY 10-1-88 BEING: NW<sup>4</sup>, NE<sup>4</sup>, SW<sup>4</sup>  
REPORT SAYS SE<sup>4</sup> DEVELOPED <sup>BY</sup> ~~BY~~ <sup>BY</sup> ~~BY~~ <sup>BY</sup> 92' NOTHING IN  
THE CENTER OF THE SECTION.

FINAL PLAN SURVEY BY CAZMILL SEPT, 1995 - SHOWS  
ALL LAND DEVELOPED

- 2 PROBLEMS: 1.) WITH LAND WAS ACTUALLY DEVELOPED  
MAY NEED EXTENSIONS?
- 2.) LOCATION OF DIVERSION POINT?  
WRD SHOWS AS PERMITTED - LAND WAS  
ANOTHER LOCATION



December 19, 1995

Y KAN HWEE CH2M HILL  
825 NE MULTNOMAH SUITE 1300  
PORTLAND OR 97232

re: file G-11239 permit G-10500

Dear Mr. Hwee,

This will acknowledge the receipt of the map and claim of beneficial use report you have completed or corrected. Thanks for your attention to this matter.

Please contact me if you have any questions.

Sincerely,



Don Knauer  
Program Representative

cc: Port of Morrow



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

**MEMORANDUM**

---

**CH2M HILL**

**TO:** Don Knauer/Oregon Water Resources Department

**COPIES:** Mark Madison/CH2M HILL

**FROM:** Kan Hwee/CH2M HILL

**DATE:** December 14, 1995

**SUBJECT:** Toadvin Pond Final Proof Survey Map

**PROJECT:** 117191.C0.ZZ

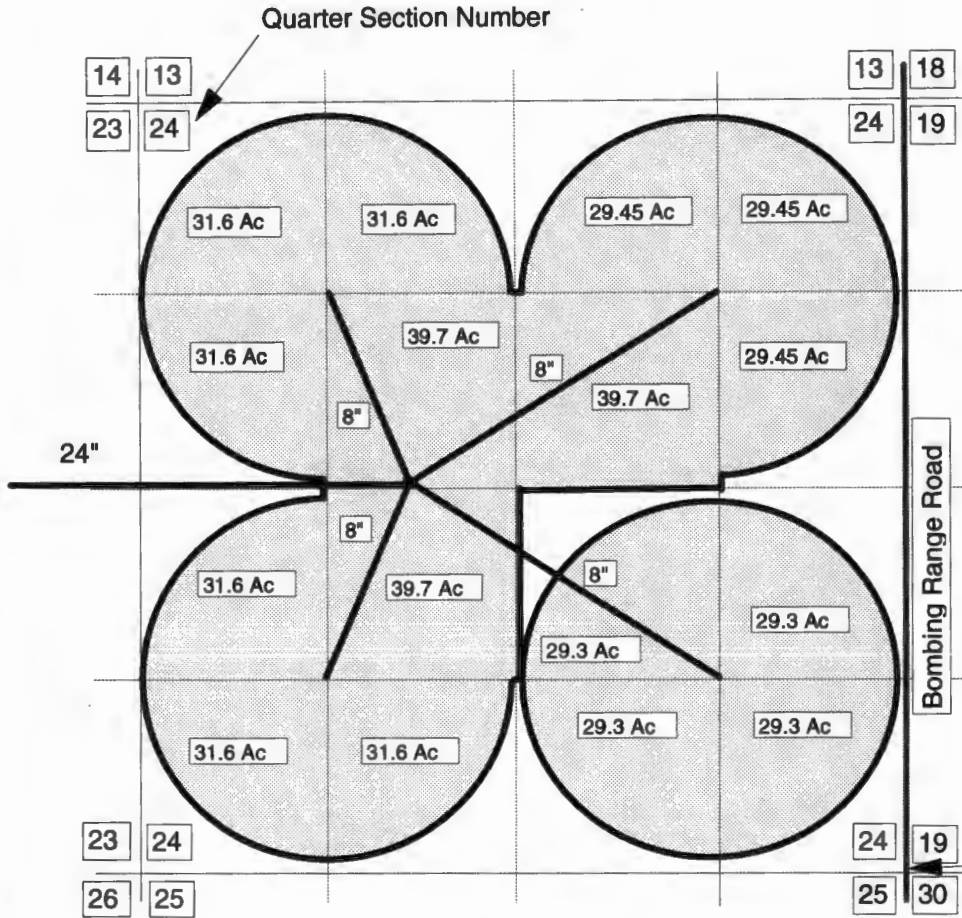
**RECEIVED**  
**DEC 18 1995**  
WATER RESOURCES DEPT.  
SALEM, OREGON

Enclosed is the additional information you requested for final proof survey of file G-11239, permit G-10500. If you have any questions, please call me at 503-235-5022, x 4384.

RECEIVED

DEC 18 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

North  
1" = 1320'



Section 24, T4N, R25E

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.



Found Brass Cap  
1939 US General  
Land Office Survey  
T4N, R26E,  
24 19  
25 30

*Superseded*

Figure 2 Final Proof Survey

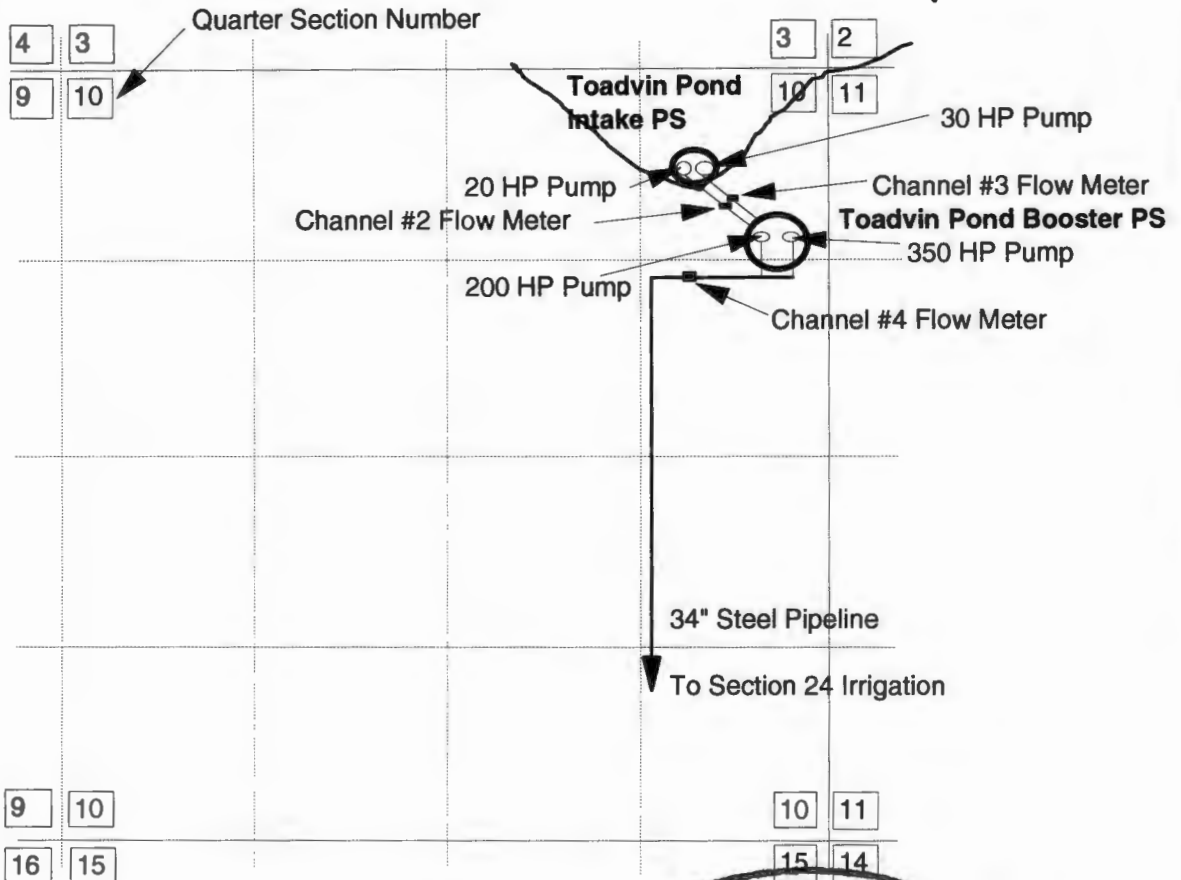
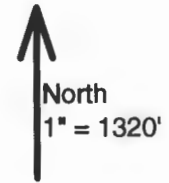
Port of Morrow, Application G-11239, Permit G-10550



RECEIVED

DEC 18 1995

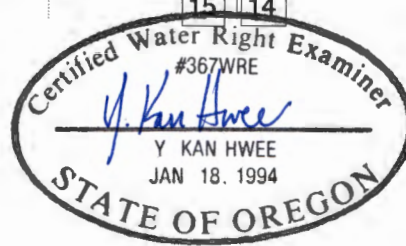
WATER RESOURCES DEPT.  
SALEM, OREGON



**Section 10, T4N, R25E**

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.



*Supervisor*

**Figure 3 Final Proof Survey - Point of Diversion**

Port of Morrow, Application G-11239, Permit G-10550

**RECEIVED**

**DEC 18 1995**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

**Appendix A  
Toadvin Pond Water Right Proof Survey Acreage  
Section 24, T4N, R25E**

<b>1/4 1/4 Section</b>	<b>Acreage (Ac)</b>
NW1/4 NW1/4	31.6
SW1/4 NW1/4	31.6
NE1/4 NW1/4	31.6
SE1/4 NW1/4	39.7
NW1/4 SW1/4	31.6
SW1/4 SW1/4	31.6
NE1/4 SW1/4	39.7
SE1/4 SW1/4	31.6
NW1/4 NE1/4	29.45
SW1/4 NE1/4	39.7
NE1/4 NE1/4	29.45
SE1/4 NE1/4	29.45
NW1/4 SE1/4	29.3
SW1/4 SE1/4	29.3
NE1/4 SE1/4	29.3
SE1/4 SE1/4	29.3
<b>Total</b>	<b>514.2</b>

November 16, 1995

---

WATER  
RESOURCES  
DEPARTMENT

---

KAN HWEE & MARK MADISON  
CH2M HILL  
825 NE MULTNOMAH SUITE 1300  
PORTLAND OR 97232

re: file G-11239 permit G-10500

Dear Sirs,

The claim of beneficial use and supporting map were received by the Department on October 3, 1995. Our review finds:

The map must establish the location of the point of diversion as required by OAR 690-11-070-(5). You have written the location of the diversion point on the map but you must also show the location by  $\frac{1}{4}$   $\frac{1}{4}$  section. You may add this to the map or prepare an attachment or second sheet.

You must identify the irrigated acreage amounts by  $\frac{1}{4}$   $\frac{1}{4}$  section (or DLC or Government Lot) as required by ORS 537.140 (4) and OAR 690-11-070-(5)-(c). You have shown a total acreage by field. You must show the acreage amounts in each  $\frac{1}{4}$   $\frac{1}{4}$  section.

You must show the area of irrigation use by shading or hatching as required by OAR 690-11-070-(5)-(c) and OAR 690-14-170-(1).



---


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



I am returning the map and report for completion or correction. You have 60 days from the date of this letter to return the map.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer", with a long horizontal flourish extending to the right.

Don Knauer  
Program Representative

cc: Port of Morrow

October 19, 1995

ATTN: GARY NEAL, ACTING AGENT  
PORT OF MORROW  
PO BOX 200  
BOARDMAN, OR 97818

REFERENCE: File G-11239

This will acknowledge that your claim of beneficial use and map in the name of PORT OF MORROW were received on OCTOBER 3, 1995. These will be reviewed in the future to insure they are complete and correct.

Please contact me if you have any questions.

Sincerely,

*Don Knauer* JCB

DON KNAUER  
Program Representative

DEK:tcb

cc: KAN HWEE, CWRE #367  
MARK MADISON, CWRE #325



---

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

**SENDER:** Complete items 1 and 2 when additional services and 4.  
Put your address in the "RETURN TO" space on the reverse side. Failure to do this card from being returned to you. The return receipt fee will provide you the name of the delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.  
1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery  
↑(Extra charge)↑ ↑(Extra charge)↑

3. Article Addressed to:  
Port of Morrow  
Attn: Bob Miller  
PO Box 200  
Boardman, Oregon 97818

4. Article Number  
56526

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**  
8. Addressee's Address (ONLY if requested and fee paid)

5. Signature - Addressee  
X

6. Signature - Agent  
X Brandon E. McKuley

7. Date of Delivery  
4-17-89

PS Form 3811, Mar. 1987  
G11239 \* U.S.G.P.O. 1987-178-268

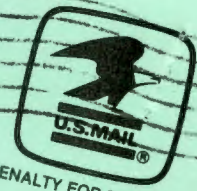
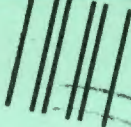
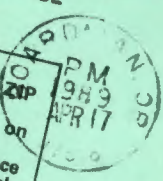
qu DOMESTIC RETURN RECEIPT




SPECIAL BUSINESS SERVICE

**SENDER INSTRUCTIONS**

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN TO 

Print Sender's name, address, and ZIP Code in the space below.

**WATER RESOURCES DEPT.**  
**3850 PORTLAND ROAD N.E.**  
**SALEM, OREGON 97310**

---



---



---



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

378-3739

April 13, 1989

Port of Morrow  
Attn: Bob Miller  
P.O. Box 200  
Boardman, Oregon 97818

Reference File: G-11239

According to the terms of your Permit G-10550 complete application of water was to have been made by October 1, 1988.

Complete application of water means the application of water to beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 25, 1988.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit."

In accordance with the provision of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit may be canceled without further notice.

If you are no longer interested in the project described by the permit, we would appreciate being advised. If the property involved has been sold and any part of the project was completed, you should assign the permit to the new owner. An assignment form will be furnished upon request.

If additional information is needed, please contact the Survey/Mapping Section.

CERTIFIED - RETURN RECEIPT REQUESTED

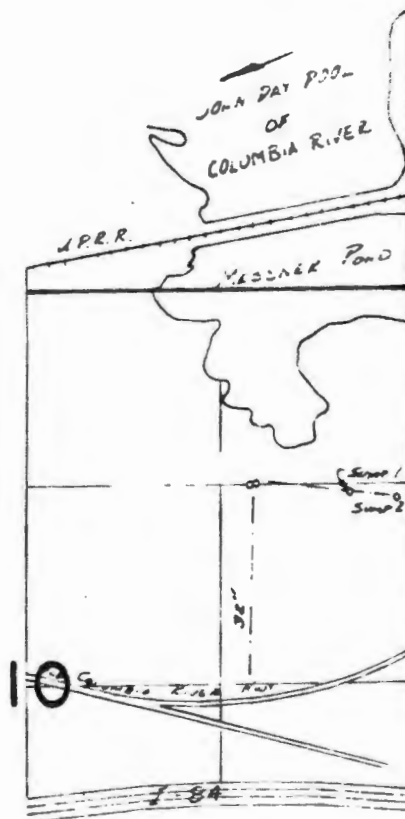
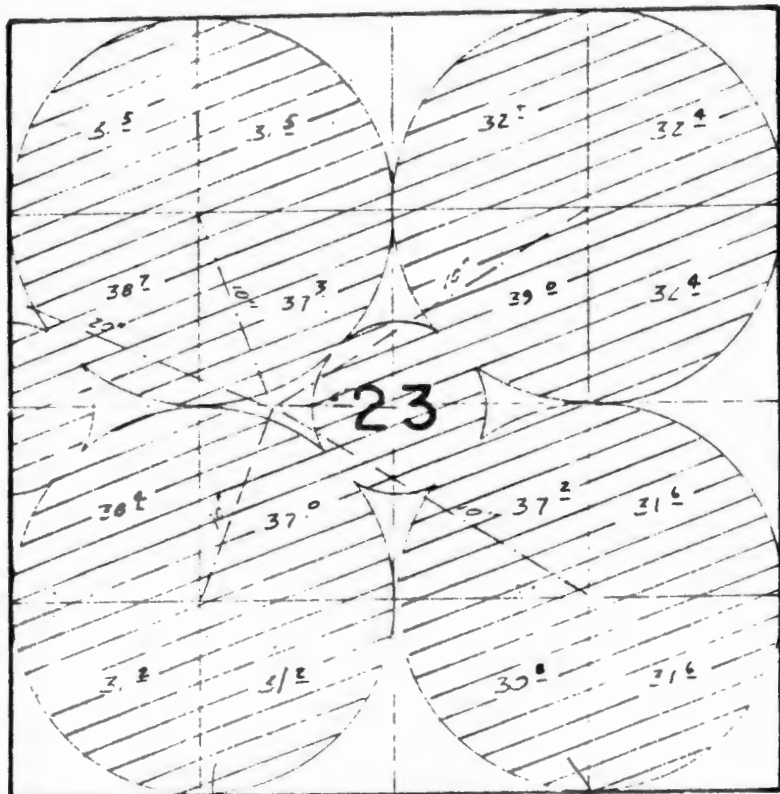
T. 4N., R. 25E.,

W.M.

RECEIVED

MAR 1 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. *G-11239*  
Permit



Samp 1 Loc. 1300' N & 440' W From E 1/4 Cor. Sec. 10  
Samp 2 Loc. 1250' N & 100' W From E 1/4 Cor. Sec. 10

**FINAL PROOF SURVEY**  
UNDER

G-9263                      G-8619  
Application No. 60950, Permit No. 45468...  
IN NAME OF

**CONN. LIFE GEN. LIFE INS CO. & MERLE CARLSON**

Surveyed *May 2*, 19*83*, by *E. L. Carlson*

ES/R  
7-1-83-PAS 74 77-278 5-3-83

... the facts herein stated are true.

IN WITNESS WHEREOF I have hereunto set my hand this ..... day of .....



T. 4N., R. 25E.,

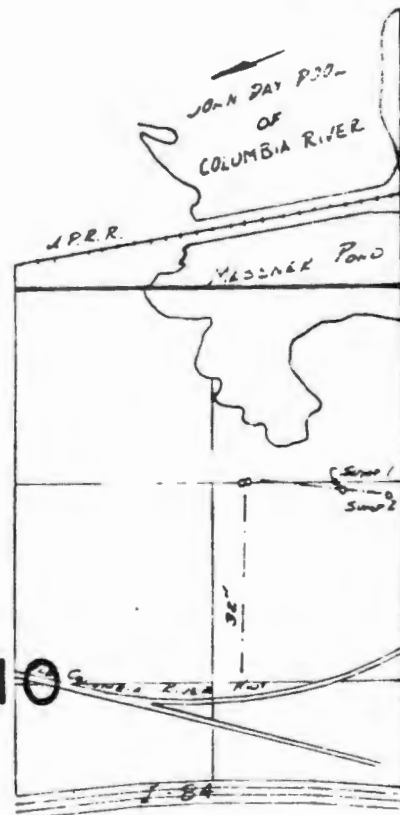
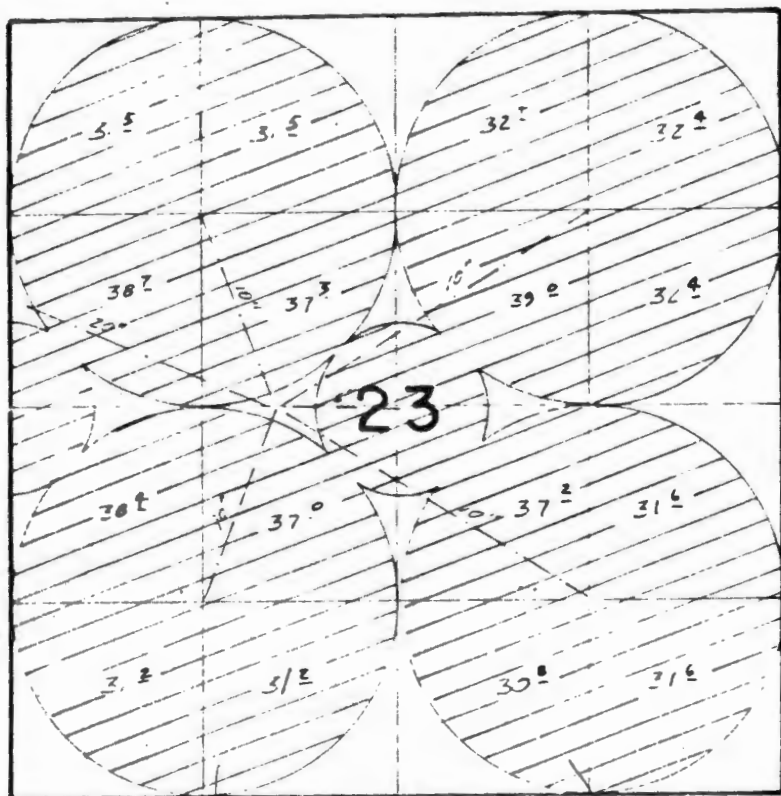
W.M.

RECEIVED

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. *D-11239*  
Permit No.



Sample 1 1300' N & 440' W From E 1/4 Cor. Sec. 10  
Sample 2 1250' N & 100' W From E 1/4 Cor. Sec. 10

**FINAL PROOF SURVEY**  
UNDER

G9263                      G8619  
Application No. 60950 Permit No. 45468...  
IN NAME OF

CONN. LIFE GEN. LIFE INS CO. & MERLE CARLSON

Surveyed *May 2, 1983*, by *R. L. Church*

ESIR  
JUL 28 1983 PAS TC 370-278 5-3-83

IN WITNESS WHEREOF, I have hereunto set my hand this ..... day of .....

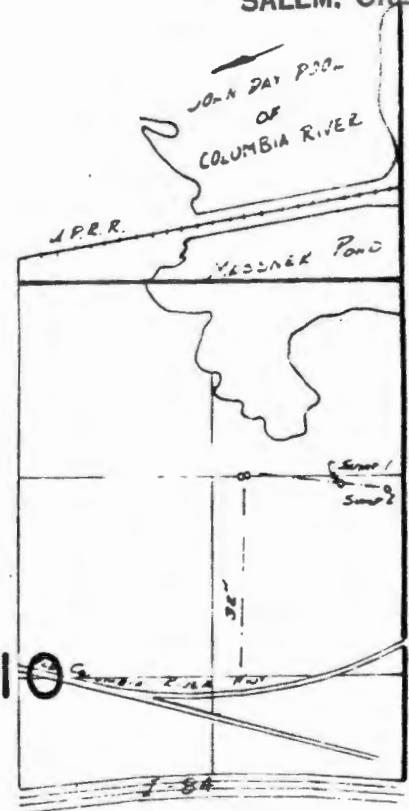
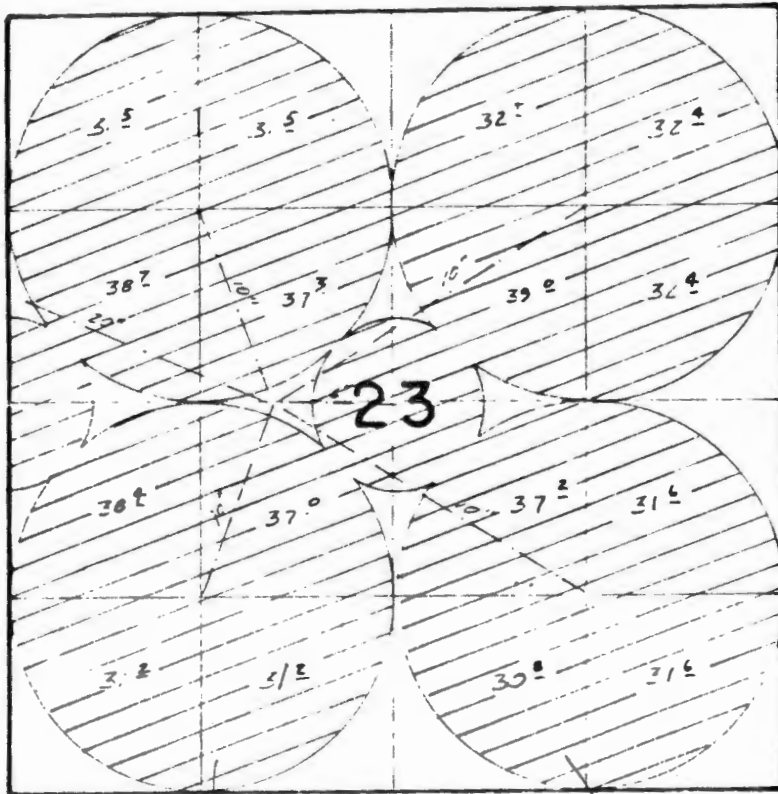
T. 4N., R. 25E.,

W.M. **RECEIVED**

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. *D-11239*  
Permit No.



Sample 1300' N & 440' W From E 1/4 Cor. Sec. 10  
Sample 2400' 1250' N & 100' W From E 1/4 Cor. Sec. 10

**FINAL PROOF SURVEY**  
UNDER

Application No. **G-9263** Permit No. **G-8619**  
**60950** **45468...**  
IN NAME OF

**CONN. LIFE GEN. LIFE INS CO. & MERLE CARLSON**

Surveyed *May 2, 1983*, by *R. L. Chivers*

ESIR  
1983-PAS 75 272-278 5-3-83

IN WITNESS WHEREOF, I have hereunto set my hand this ..... day of .....



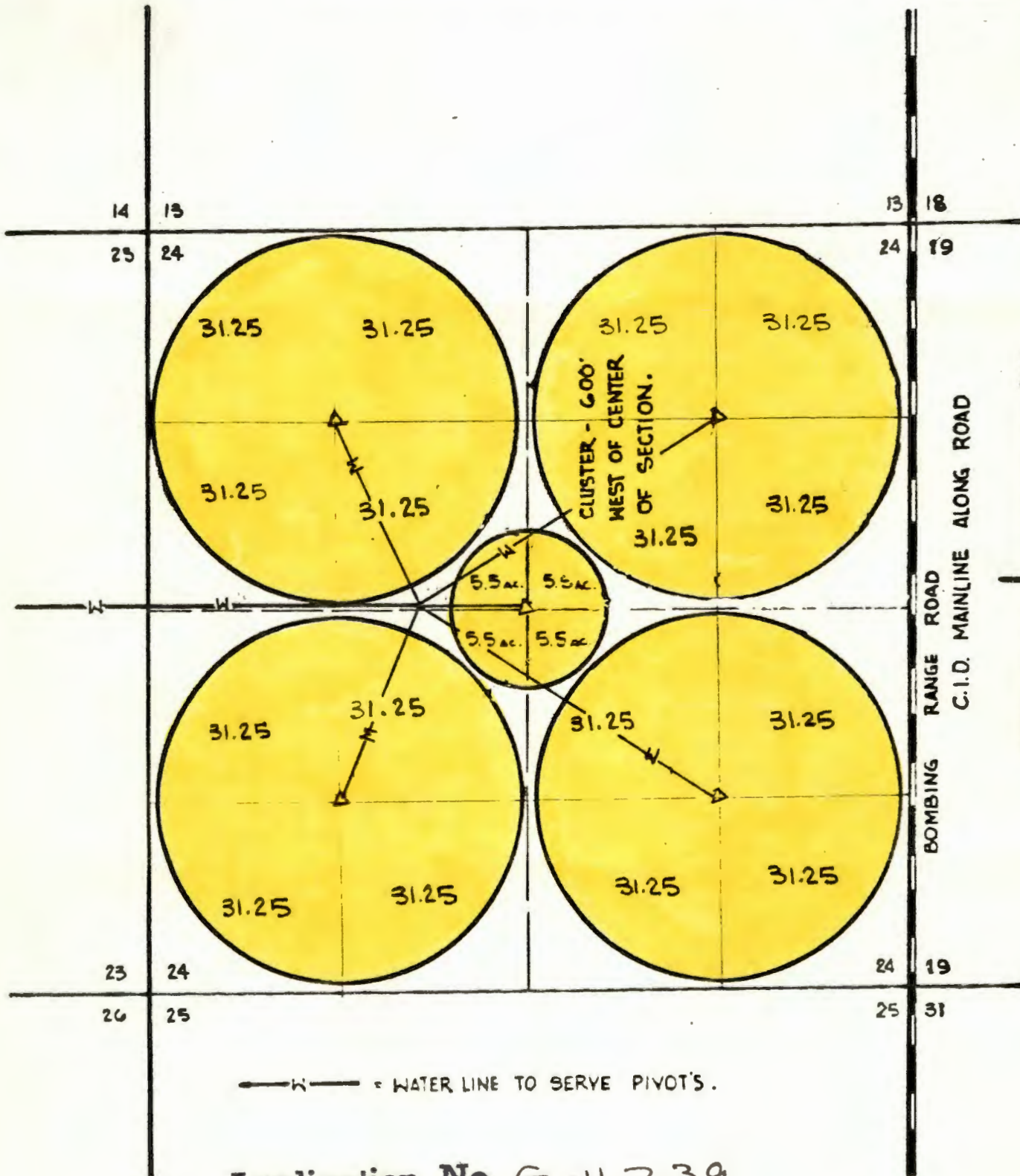


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MAR 19 1984

WATER RESOURCES DEPT  
SALEM, OREGON

SECTION 24, T.4 N., R.25 E., W.M.



Application No. G-11 239  
Permit No. G10550

**RECEIVED**

JUL 26 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

**CH2MHILL TRANSMITTAL**

**TO:** OWRD  
158 12th Street NE  
Salem, OR 97310-0210

**FROM:** Kan Hwee  
CH2M HILL, Inc.  
825 NE Multnomah Blvd  
Suite 1300  
Portland, OR 97232

**ATTN:** Don Knauer

**DATE:** July 25, 1996

**RE:** Port of Morrow Map - permit G-10500

**PROJECT NUMBER:**

**WE ARE SENDING YOU:**

◆ ATTACHED

UNDER SEPARATE COVER VIA

SHOP DRAWINGS

DOCUMENTS

TRACINGS

PRINTS

SPECIFICATIONS

CATALOGS

COPY OF LETTER

OTHER:

QUANTITY	DESCRIPTION
1	Port of Morrow Water Right Maps

**IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE**

**REMARKS:**

**COPY TO:**

CH2M HILL, Inc.  
825 NE Multnomah Blvd  
Suite 1300  
Portland, OR 97232

Voice: 503-235-5000

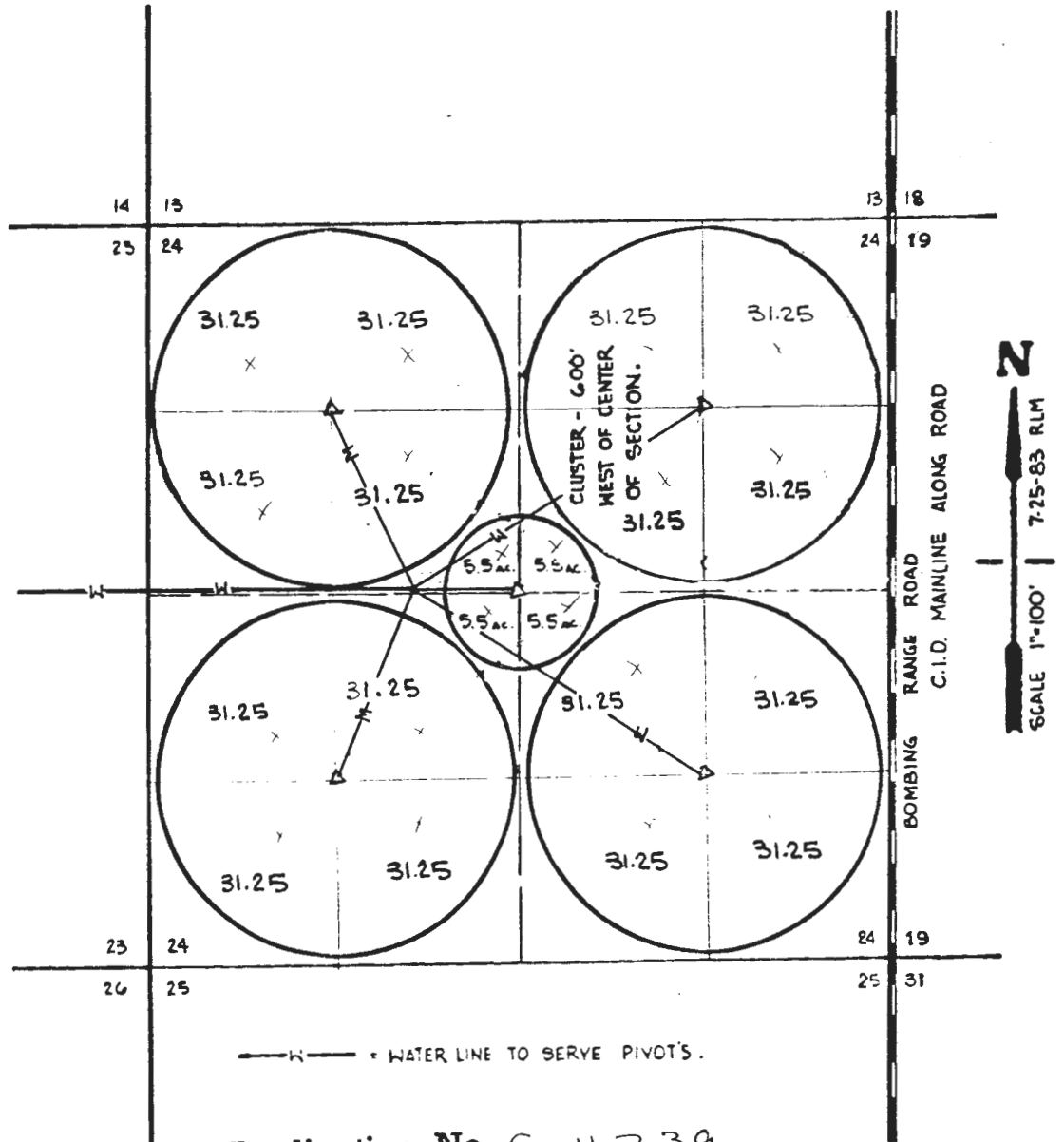
FAX: 503-235-2445

RECEIVED

MAR 19 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

SECTION 24, T.4N., R.25E., W.M.



Application No. G-11239  
Permit No. G10550

*Copy*



July 18, 1996

Y KAN HWEE C/O CH2M HILL  
825 NE MULTNOMAH SUITE 1300  
PORTLAND OR 97232

re: file G-11239 permit G-10500 in the name of Port of Morrow

Dear Mr. Hwee,

This will acknowledge the receipt of the map you have completed or corrected. Thanks for your attention to this matter. I do need a map of the point of diversion, your figure 3, on mylar. Thanks in advance.

If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Program Representative

cc: Port of Morrow



MAP REVIEW

REPORT

- source and trib *no well*
- diversion point location *well not identified*
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- disclaimer
- date survey was performed
- P.O.B. of survey *not identified on map*
- dimensions and capacity of diversion system
- "beneficial use" type title
- "permanent-quality" paper

- permit conditions *access post*
- type of use
- extent of use *no 1/4 1/4 w/ acreage Amts. II on map/Report*
- rate and duty
- time limits (A,B,C and transfers)
- crop type
- system capacity (with computations)

2) MUST SHOW DIV PT ON MAP

17) 1/4 1/4 ACREAGE & CROSS SECTIONS

JAN 10 1986  
WATER RESOURCES DEPT  
SALEM, OREGON

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of Application G-11239	)	
in the Name of Port of Morrow For A	)	
Permit to Appropriate Ground Water	)	
From a 6-Acre Pond (Toadvin Pond).	)	
	)	
ARNOLD BRAAT,	)	AR
	)	
Petitioner,	)	
	)	CA A34297
v.	)	
	)	
WATER RESOURCES DEPARTMENT,	)	ORDER OF DISMISSAL
William H. Young, Director, and	)	
PORT OF MORROW,	)	
	)	
Respondents.	)	

Respondent Port of Morrow has moved to strike appellant's brief and dismiss this judicial review on the ground that appellant's brief fails to comply with a number of rules of appellate procedure. It appears that appellant's brief fails to comply with the Rules of Appellate Procedure as set forth in respondent Port of Morrow's motion, and that this is appellant's second opportunity to file a brief that complies with the rules. Therefore, the motion is allowed.

Judicial review dismissed as to both respondents.

*George M. Joseph*  
Chief Judge

JAN 8 1986

Date

c: Robert E. O'Rourke  
Arnold Braat  
Water Resources Department  
James E. Mountain, Jr.  
John A. Reuling, Jr.  
Port of Morrow

REPLIES SHOULD BE DIRECTED TO THE STATE COURT ADMINISTRATOR,  
RECORDS DIVISION, SUPREME COURT BUILDING, SALEM, OR 97310

0057T,p11



DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Case Name: Braat v. Water Resources  
Appellate case number: CA A34297  
Trial Court or agency case number: AR  
Prevailing party or parties: Respondent

[ ] No costs awarded

[ \*x\* Costs awarded to the prevailing party or parties,  
payable by Petitioner

\* \* \* \* \*

FINAL ORDER\*

IT IS ORDERED that on appeal or judicial review the prevailing party or parties recover from

costs and disbursements taxed at \$ , and attorney fees in the amount of \$ . (ORAP 11.03, 11.05, and 11.10.)

IS FURTHER ORDERED that judgment be entered in favor of the Judicial Department and against

in the amount of \$ for filing fees not waived and unpaid at the time of entry of the final written disposition of this case. ORS 21.605.

Date Supreme Court denied review:

DATED:

COURT OF APPEALS  
(seal)

\*This section will be completed when the appellate judgment is prepared. The Records Division of the Office of the State Court Administrator will prepare the appellate judgment, enter it in the appellate register, and mail copies to the parties within the time and in the manner specified in ORAP 11.03(3). See also ORS 19.190(1).

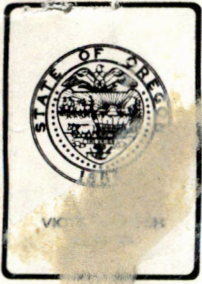
March 14, 1986

Port of Morrow  
P.O. Box 200  
Boardman, OR

97818

G-11239

G 10550



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 26, 1984

Kottcamp and O'Rourke  
P.O. Box 490  
Pendleton, OR 97801

ATTN: Robert E. O'Rourke

Dear Mr. O'Rourke:

REFERENCE: File G-11239

In response to your letter of October 22, 1984, please be advised that no action towards the issuance of a permit can be taken until expiration of the time allowed for appeal.

We will be prepared to issue the permit as soon as possible after this time, assuming no appeal has been filed.

Sincerely,

RALPH H. JACKSON, Supervisor  
Application/Permit Section

RHJ:tcb



RECEIVED  
OCT 25 1984

KOTTKAMP & O'ROURKE  
ATTORNEYS AT LAW  
331 S. E. 2ND STREET  
P. O. BOX 490  
PENDLETON, OREGON 97801

WATER RESOURCES DEPT.  
SALEM, OREGON  
TELEPHONE  
AREA CODE 503  
276-2141

JOHN H. KOTTKAMP  
ROBERT E. O'ROURKE  
STEPHEN M. BLOOM

October 22, 1984


Water Resources Department  
Mill Creek Office Park  
555 13th Street, N.E.  
Salem, Oregon 97310

Re: Application No. G-11239  
Port of Morrow

Gentlemen:

I received Mr. Carver's October 19 letter and the Statement, Findings, Conclusions and Order. My client will soon begin developing the water system and land and I would like to know how soon we might have the permit in hand. Thank you.

KOTTKAMP & O'ROURKE

By: 

REO:vl



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 19, 1984

Robert E. O'Rourke  
Kottkamp and O'Rourke  
Attorneys at Law  
PO Box 490  
Pendleton, OR 97801

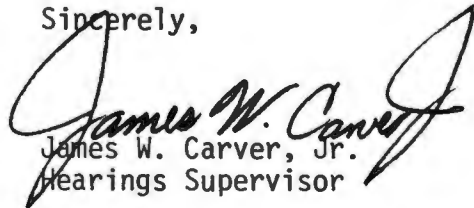
Dear Mr. O'Rourke:

REFERENCE: Application G-11239, Port of Morrow

Enclosed is a certified copy of the Director's administrative final order in the matter of Application G-11239 in the name of the Port of Morrow for a permit to appropriate ground water from a 6-acre pond (Toadvin Pond).

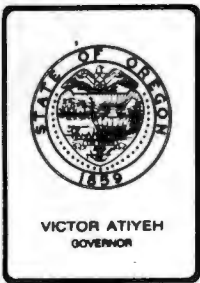
The date of service is the date of this letter.

Sincerely,



James W. Carver, Jr.  
Hearings Supervisor

cc: Larry Nunn, Watermaster for District 5



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 19, 1984

Arnold Braat  
Route 1, Box 55-B  
Boardman, OR 97818

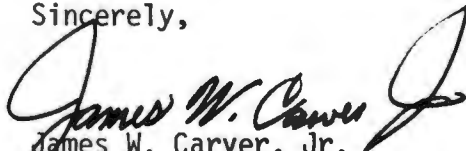
Dear Mr. Braat:

REFERENCE: Application G-11239, Port of Morrow

Enclosed is a certified copy of the Director's administrative final order in the matter of Application G-11239 in the name of the Port of Morrow for a permit to appropriate ground water from a 6-acre pond (Toadvin Pond).

The date of service is the date of this letter.

Sincerely,



James W. Carver, Jr.  
Hearings Supervisor

cc: Larry Nunn, Watermaster for District 5



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF APPLICATION )  
G-11239 IN THE NAME OF PORT OF )  
MORROW FOR A PERMIT TO APPRO- )  
PRIATE GROUND WATER FROM A )  
6-ACRE POND (TOADVIN POND) )  
----- )

STATEMENT, FINDINGS,  
CONCLUSIONS & ORDER

STATEMENT

Application G-11239 was filed in the office of the Water Resources Director on March 1, 1984, for a permit to appropriate 6.525 cubic feet per second from a certain ground water reservoir by pumping from a six-acre excavated pond which is identified in this matter as Toadvin Pond, for irrigation of a certain 522.0 acres in Section 24 of Township 4 North, Range 25 East, WM, Morrow County, Oregon. The point of diversion of water from Toadvin Pond is described as being 1602 feet north and 191 feet west from the Southeast Corner of the SW 1/4 NE 1/4 of Section 10, being within the NW 1/4 NE 1/4 of Section 10, Township 4 North, Range 25 East, WM. (Exhibit WRD #1)

A protest against approval of the said application was filed by Arnold Braat on April 16, 1984, and was amended by additional data filed by Arnold Braat on April 18, 1984. In the amended protest it is alleged that the proposed appropriation of ground water would result in injury to the protestant's existing surface and ground water rights pursuant to Permit 43606 and Permit G-6876. (Exhibits WRD 2, WRD #3, WRD #4 and WRD #5)

Pursuant to the provisions of ORS 537.622(2) and the Director's Notice of Hearing dated May 29, 1984 (Exhibit WRD #6), the matter was brought to hearing in Boardman, Oregon, on June 20, 1984, before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside in behalf of the Director.

Protestant Arnold Braat appeared pro se. The Port of Morrow, applicant, was represented by Robert E. O'Rourke, Attorney at Law, Pendleton, Oregon.

The relative locations of Toadvin Pond, Messner Pond, Columbia River, existing and proposed pipelines, pumping stations, and the culverts connecting Messner Pond to the Columbia River (storage pool above John Day Dam) are shown on Figure 1, herein. Figure 1 is a reduced, partial tracing from Port of Morrow exhibit A.

Based on the record, the Water Resources Director makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Toadvin Pond, the source of the proposed appropriation of ground water, as described by Application G-11239, is an excavation into alluvial materials composed of gravel and sand and gravel.



Ground water occurs in the alluvium and measurements made of record through testimony indicate that movement of the ground water is from the south, toward the Columbia River on the north, within this unconfined alluvial aquifer.

Toadvin Pond has a water surface area of approximately six acres and a water depth of 20 to 24 feet in the deeper places. The water surface elevation in Toadvin Pond demonstrates the depth to ground water in the immediate area.

Measurements of the relative surface elevations of Toadvin Pond and Messner Pond, made over the period of time extending from January to June of 1984 and made of record in the hearing, show the water surface in Messner Pond to average from about two to four feet lower than the water surface in Toadvin Pond.

Messner Pond is connected to the Columbia River (storage pool above John Day Dam) by means of a pair of culverts extending through the rail road grade fill which otherwise separates Messner Pond from the Columbia River. The two culverts are installed with one lying above the other. The upper culvert has a diameter of 48 inches and the lower culvert has a diameter of 30 inches. The invert elevations of the 48 inch culvert are: 263.2 m.s.l. on the Columbia River end, and 260.8 m.s.l. on the Messner Pond end. The invert elevations of the lower, 30 inch culvert are: 254.3 m.s.l. on the Columbia River end, and 252.5 m.s.l. on the Messner Pond end. (Port of Morrow exhibit B)

The sill elevation of the John Day Dam spillways is at 257.5 m.s.l.

The water surface elevation of the Columbia River at Boardman has remained above the elevation of 260 m.s.l. 99 percent of the time over the period of years of 1978 to the present.

Protestant's existing pump sump (Pump Station "A" on Figure 1) is connected to Messner Pond by means of a buried 36 inch diameter pipeline which conducts water from Messner Pond to the pump sump by gravity flow. The invert elevation of the 36 inch pipeline is approximately 255.0 m.s.l.

Protestant's pumping sump (Pump Station A on Figure 1) initially consisted of an 8-foot diameter steel casing installed to a depth of approximately 20 feet below land surface to serve as a shallow well to develop a yield of ground water from the alluvial ground water aquifer. Upon initial construction, a 24-hour pumping test showed a yield of 2,200 gallons per minute of ground water with a pumping depth of 18 feet below land surface.

The initially developed yield of ground water declined after the first several days of operation. To enhance the movement of ground water into the casing, two 24-inch, perforated, corrugated steel pipelines were installed to extend out horizontally from the lower portion of the casing, into the alluvial aquifer. One such leach (infiltration lateral) line extends to the east for a distance of approximately 200 feet. The other such line extends to the west southwest for a distance of approximately 50 feet.



The addition of the two leach lines still did not provide an adequate supply of water to meet the needs of the appropriation for irrigation purposes. After temporary measures were employed to obtain additional water supply from other sources, the aforesaid gravity flow line from Messner Pond to the pumping sump was installed. The bottom of the gravity flow line, as it enters the 8-foot diameter casing, is at about the same elevation as the bottoms of the leach lines.

The gravity flow pipeline connecting Pumping Station A with Messner Pond is not provided with control valves or other means to control inflow of water from Messner Pond to the sump, or to control outflow of ground water from the sump to Messner Pond.

The record does not clearly answer the question as to whether the proposed appropriation of 6.525 cubic feet per second of water from Toadvin Pond would or would not have a measurable effect on the protestant's pumping of surface and/or ground water from his Pumping Station A.

The protestant has the initial burden of proof to show substantial interference with his existing water rights. That burden was not met.

#### OPINION

The absence of control valves and measuring devices on the protestant's combined ground water development and pumping station for surface waters from Messner Pond (Pump Station A) has made it not possible to know what portion of the waters pumped at Pump Station A have come from ground water inflow from the surrounding alluvial aquifer and what portion have come from Messner Pond, or what portion of that, in turn, may have passed through the culvert installation through the rail road fill separating Messner Pond from the Columbia River (storage pool above John Day Dam).

It is likely that at least a portion of the inflow to Messner Pond is a result of ground water discharge to the pond from the shallow alluvial aquifer. What effect the operation of Pump Stations B and C and the operation of the proposed appropriation of water from Toadvin Pond may have on that inflow is not known.

Testimony indicates that construction of Pumping Stations B and C is similar to that of Pumping Station A prior to installation of the gravity flow intake from Messner Pond to Pumping Station A.

Any permit that might be issued in approval of pending Application G-11239 would be issued subject to prior existing water rights. If it is later determined that pumping from Toadvin Pond at the proposed rate of 6.525 cubic feet per second results in a measurable interference on others obtaining water to which they are entitled under prior rights, the appropriation of water proposed by Application G-11239 would have to be regulated in relation to those prior water rights whether for surface or ground water.

The protestant has alleged that the proposed appropriation of water from Toadvin Pond as described by Application G-11239 "might" deprive him of water to which he is entitled. The evidence adduced simply does not establish even a probability of such result. The record does not provide a basis for denial of the pending Application G-11239.

## CONCLUSIONS OF LAW

Pursuant to the provisions of ORS 183.450, OAR 690-01-040 and OAR 137-03-040(4) the protestant had the initial burden to support with evidence his allegation that the appropriation of ground water as proposed by pending Application G-11239 would measurably interfere with his obtaining the water to which he is entitled under his existing water rights. The evidence adduced does not provide a basis for denial of pending Application G-11239 as requested by protestant.

ORS 537.620(3) provides, "When an application discloses the probability of wasteful use or undue interference with existing wells or that any proposed use or well will impair or substantially interfere with existing rights to appropriate surface water by others, the director may impose conditions or limitations in the permit to prevent the same or reject the same after hearing, or, in the ~~director's~~ discretion, initiate a proceeding for the determination of a critical ground water area under ORS 537.730 to 537.740." (emphasis supplied)

The record does not preclude a possibility of measurable interference with other wells in the area or with existing rights to appropriate surface water by others. However, the record does not establish a probability of such interference.

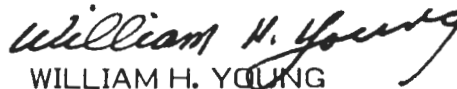
ORS 537.620(5) provides, in part, "No application shall be approved when the same will deprive those having prior rights of appropriation for a beneficial use of the amount of water to which they are lawfully entitled."

The pending Application G-11239 should be approved by issuance of a permit which includes the limitation that the authorized appropriation of water from Toadvin Pond is subject to prior existing water rights for both surface and ground water. Such limitation will place the permittee on notice that if it is determined in the future that measurable interference with prior existing water rights exists, the authorized appropriation of water as proposed by Application G-11239 will be regulated by the watermaster accordingly.

## ORDER

NOW, THEREFORE, it is ORDERED that pending Application G-11239 in the name of the Port of Morrow, for appropriation of 6.525 cubic feet per second of water from a six acre pond (Toadvin Pond) for the purpose of irrigation of a certain 522.0 acres described therein, be approved by issuance of a permit which includes the limitation, "The appropriation of ground water hereby authorized shall be subject to prior existing water rights for both surface and ground water."

Dated at Salem, Oregon this 19th day of October, 1984.

  
WILLIAM H. YOUNG  
Director

NOTE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

4738C



March 21, 1984

Wayne L. Schwandt  
Port of Morrow  
PO Box 200  
Boardman, OR 97818

Dear Mr. Schwandt:

REFERENCE: Files G-11239 and 65470

Your Application G-11239 describing the proposed use of one-eightieth of a cubic foot of water per second from one six-acre foot pond for the irrigation of 522.0 acres; together with the four prints of a portion of a map showing acreage within Section 24 of Township 1 North, Range 25, WM; four prints of the final proof survey map made in connection with Permits G-8619 and 45468; a print of an aerial photograph; four prints of a portion of a map; and a print of the Port of Morrow Food Processing Park plat; has been reviewed. The copy of Addendum and Water Agreement was also received.

We have also received and reviewed your letter of March 16, 1984, requesting that certain amendments be made on your application and requesting waiver of the waiting time. The four maps of Section 24 and the four prints of a portion of the park plat showing the pump site were also received.

I have amended Item 2 by locating the well or other source, 1602 feet North and 191 feet West from the Southeast Corner of the SW 1/4 NE 1/4 of Section 10 and amended Item 6 by noting 6.525 cubic feet per second or 2923 gallons per minute as the amount to be applied to beneficial use as requested. The additional 6.5125 cfs added to your application has received the data of priority of March 19, 1984.

Before the application can be considered for approval, we will need permit recording fees in the amount of \$1124. You will also need to advise us of your intentions on the use of water under your Permit 47971, and you will need to submit a map or maps showing the pump site location meeting our requirements.

Also, since your project is located within the West Extension Irrigation District, we needed to notify them of your filing and we also had a request to notify Arnold Bratt of your filing. These notices were dated March 8, 1984 and allowed 30 days from the date of the notices to comment. Therefore, unless we receive statements from the parties advising that they have no objection to the project described in your application, we will need to hold action towards considering its approval until the 30 day period expires.



Wayne L. Schwandt  
March 21, 1984  
page two

Prints of portions of maps, such as the four prints of the portion of the Port of Morrow Food Processing Park plat you submitted, do not meet our requirements. If you wish to use the park plat, it will be necessary to submit four complete prints of the entire plat each further completed to illustrate the location of the six-acre pond and by noting the distances from the public land survey corner to the pump site.

We will need to know how you intend to use water under a permit approving your Application G-11239 in relation to the use of water allowed under your Permit 47971. Only one primary right for the full duty of water can exist for the irrigation of a specific tract. If you now intend to establish a primary right under a permit approving your Application G-11239, it will be necessary to provide for clearing our records of the existing primary right under your Permit 47971. This may be accomplished by either canceling the Permit 47971 or by requesting that it be diminished to a supplemental status. If the Permit 47971 is diminished to supplemental status, it cannot be changed back to primary status, and use from the Columbia River would be limited to any deficiency in the available supply of ground water under the terms of a permit approving Application G-11239, and shall further be limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

We have your letter of February 13, 1984, indicating that it is intended to change the point of diversion for the use of the Columbia River water allowed under your Permit 47971 to what appears to be the same point as described in your Ground Water Application G-11239. We will comment on this matter through separate correspondence.

I am enclosing the Port of Morrow Food Processing Park plat along with the eight copies of a portion of the plat. Upon receipt of the recording fees and the four complete prints of the plat each further completed to illustrate the pond and pump site, the application will again be reviewed.

Sincerely,

WAYNE J. OVERCASH  
Senior Water Rights Examiner

WJO:wpc

1393C





# PORT OF MORROW

**RECEIVED**

MAR 19 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

March 16, 1984

Mr. Wayne Overcash  
Water Resources Department  
Mill Creek Office Park  
555 13th Street NE

Re: G11239

Dear Wayne:

Enclosed please find four copies of a revised Section 24, T4N, R25EWM map identifying a total farm acreage of 522 acres. Also included are four copies of a sketch map for the pump location and point of diversion for this project.

In order to save time, please ammend for us items 2 and 6 on the permit application as follows:

2. The well or other source is located 1602 feet north and 191 feet west from the SE corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 10, T4N, R25EWM.
6. The amount of water which the applicant intends to apply to beneficial use is 6.525 cubic feet per second or 2923 gallons per minute.

Because of the potential for farming hardship due to the lateness of finalizing this application, we respectfully request a waiver of waiting time in excess of the 30 day period which began February 27, 1984.

Thank you.

Sincerely,

Wayne L. Schwandt  
Manager



## *Water Resources Department*

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

March 6, 1984

Port of Morrow  
PO Box 200  
Boardman, OR 97818

#### REFERENCE: File G-11239

We have received your application for use of water for irrigation along with supporting data and fees. Our Receipt 41740 is enclosed. Your application has been filed and assigned number G-11239.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will receive a permit shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the permit authorizing the project described in the application would be subject to prior rights and require that the well be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The permit would also require that a weir, meter, or other suitable measuring device be installed, if required by the Watermaster, and a log be kept recording the amount of ground water withdrawals. If you have any questions regarding these provisions or the Well Standards, please contact this office.

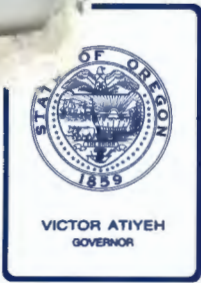
Sincerely,

RALPH H. JACKSON, Supervisor  
Application/Permit Section

RHJrwp

enclosure  
0003/X  
1072C





## Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

### NOTICE OF FILING APPLICATION FOR A PERMIT TO APPROPRIATE WATER

File No. G-11239

Name Port of Morrow  
Address P.O. Box 200, Boardman, OR 97818  
Water source one 6 acre pond  
Use irrigation  
Point of diversion NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 10, T. 4N, R. 25E, W.M., Morrow County  
Amount of water 1/80 cfs

#### DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
4N	25EWM	24	NE 1/4, SW 1/4 & NW 1/4 of NW 1/4	Irrigation 31.25 Each
"	"	"	SE 1/4, SW 1/4 & NW 1/4 of SW 1/4	" "
"	"	"	NE 1/4, SE 1/4 & SW 1/4 of SE 1/4	" "
"	"	"	NE 1/4, SE 1/4 & NW 1/4 of NE 1/4	" "
"	"	"	SW 1/4 of NE 1/4 & NW 1/4 of SE 1/4	" 36.75 Each
"	"	"	NE 1/4 of SW 1/4 & SE 1/4 of NW 1/4	" "

Any person desiring to protest the approval of this application shall file a written protest in the office of the Director of the Water Resources Department at Salem, Oregon, within thirty days from the date of this notice.

A copy of the Rules for Administrative Procedures in Contested Cases Before the Director of the Water Resources Department of Oregon will be supplied free upon request.

Dated at Salem, Oregon, this 8th day of March, 19 84.

WILLIAM H. YOUNG  
Water Resources Director



# PORT OF MORROW

**RECEIVED**

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

February 24, 1984

Water Resources Department  
Mill Creek Office Park  
555 13th Street N.E.  
Salem, OR 97310

Attn: Chris L. Hughes  
Senior Water Rights Examiner

Attached herewith is an Application for a Permit to Appropriate Ground Water from Section 10 T4N R25 EWM to Section 24.

The legal description of the property on which the water is to be used is as follows:

Section 24, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon.

Thank you for your assistance in this matter.

Sincerely,

R. L. (Bob) Miller, P.L.S.  
Operations Manager

RLM/jw  
Enclosure

Application No. 2-11239  
Permit No.





**RECEIVED**  
MAR 1 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

February 24, 1984

Merle Carlson  
Rt 1 Box 50-A  
Boardman, Oregon 97818

Dear Mr. Carlson:

Your existing 34" penstock will carry approximately 19,800 gpm at a velocity of 7 feet per second.

We believe, that because of problems associated with water hammer, 7 feet per second is a practical maximum design velocity. If you need further information, please feel free to call upon us.

Sincerely,

William N. Reynolds, P.E.  
Vice President

jg

**Application No.** 2-1139  
**Permit No.**



Handwritten text on a piece of aged, yellowed paper, possibly a document or letter. The text is mirrored, appearing as bleed-through from the reverse side of the page. The characters are mostly illegible due to the age and the nature of the bleed-through, but some words like "Dear" and "Yours" are faintly visible. The paper has a serrated edge on the right side and is heavily creased and folded.

Note: on permit  
list as ↴

T.4M, R.25E. Sec 24 NE $\frac{1}{4}$  NE $\frac{1}{4}$  31.25

NW $\frac{1}{4}$  NE $\frac{1}{4}$  31.25

SW $\frac{1}{4}$  NE $\frac{1}{4}$  36.75

SE $\frac{1}{4}$  NE $\frac{1}{4}$  31.25

NE $\frac{1}{4}$  NW $\frac{1}{4}$  31.25

NW $\frac{1}{4}$  NW $\frac{1}{4}$  31.25

SW $\frac{1}{4}$  NW $\frac{1}{4}$  31.25

SE $\frac{1}{4}$  NW $\frac{1}{4}$  36.75

NE $\frac{1}{4}$  SW $\frac{1}{4}$  36.75

NW $\frac{1}{4}$  SW $\frac{1}{4}$  31.25

SW $\frac{1}{4}$  SW $\frac{1}{4}$  31.25

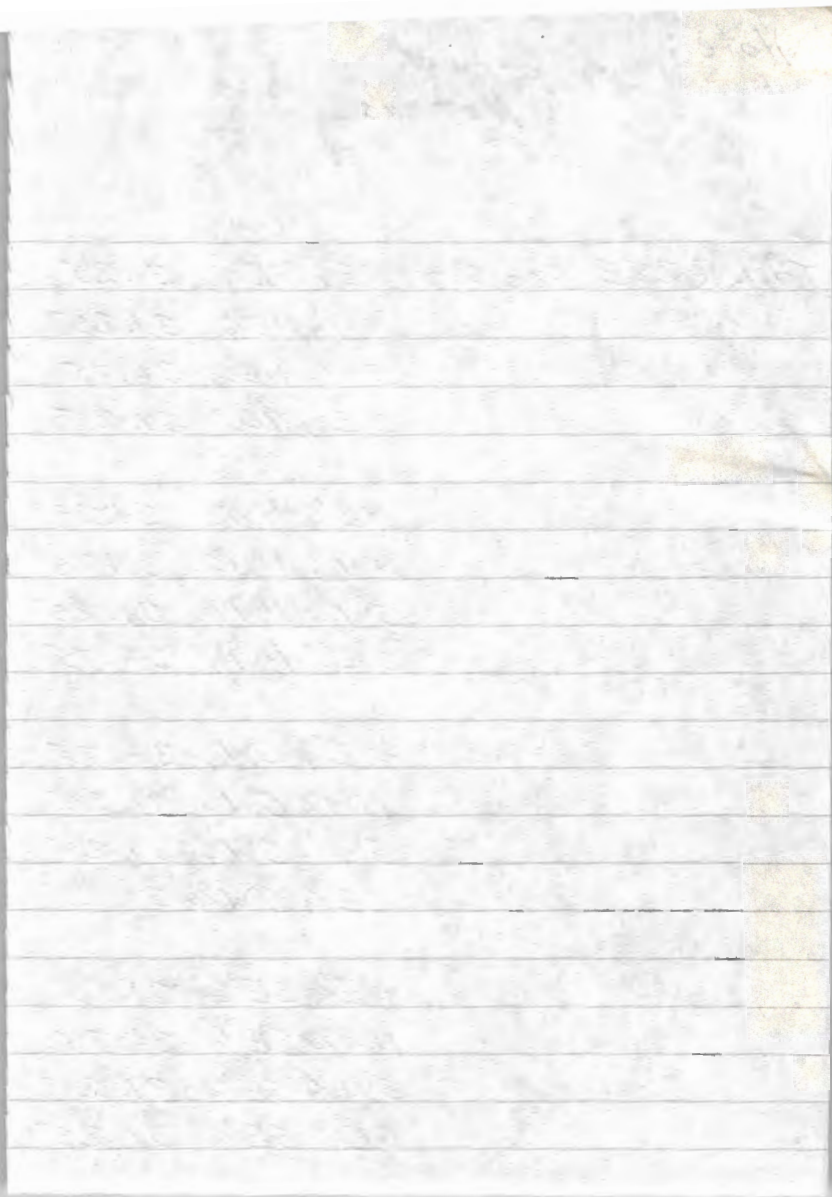
SE $\frac{1}{4}$  SW $\frac{1}{4}$  31.25

NE $\frac{1}{4}$  SE $\frac{1}{4}$  31.25

NW $\frac{1}{4}$  SE $\frac{1}{4}$  36.75

SW $\frac{1}{4}$  SE $\frac{1}{4}$  31.25

SE $\frac{1}{4}$  SE $\frac{1}{4}$  31.25





Application No. 9-11239

Permit No. ....

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

**RECEIVED**

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

I, Port of Morrow (Name of Applicant)

of Post Office Box 200 Boardman (City)

State of Oregon 97818 (Zip Code) Phone No. 481-2695 do hereby

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of one 6 acre pond (Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 600 and an estimated depth of 28 feet.

*lt. March 19 1984*

2. The well or other source is to be located 1602 ft. North and 191 ft. West (N. or S.) (E. or W.)

from the SE corner of the SW 1/4 NE 1/4 of Section 10 ~~corner of East one quarter corner of Section 10~~ (Public Land Survey Corner)

T4N R25E WM (Oregon Coordinate System) (If there is more than one well, each must be described)

being within the NW 1/4 of the NE 1/4 of Sec. 10 Tp. 4N R. 25E, W. M., in the county of Morrow

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
4N	25EWM	24	NE 1/4, SW 1/4 & NW 1/4 of NW 1/4	Irrigation 31.25 Each
"	"	"	SE 1/4, SW 1/4 & NW 1/4 of SW 1/4	" "
"	"	"	NE 1/4, SE 1/4 & SW 1/4 of SE 1/4	" "
"	"	"	NE 1/4, SE 1/4 & NW 1/4 of NE 1/4	" "
"	"	"	SW 1/4 of NE 1/4 & NW 1/4 of SE 1/4	" 36.75 Each
"	"	"	NE 1/4 of SW 1/4 & SE 1/4 of NW 1/4	" "

4. It is estimated that None feet of the well will require None casing. (Kind)

5. Depth to water table is estimated surface Well drilled by N/A (Feet)

33050

*200.00  
100.00  
1024.00 (1124)  
1324.00*



24 March 19, 1985

6.525  
~~17/80~~

6. The amount of water which the applicant intends to apply to beneficial use is 2923 cubic feet per second or ~~556~~ gallons per minute.

7. The use to which the water is to be applied is irrigation

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

N/A

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

200<sup>+</sup> feet from the Columbia River

10. DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

The Port proposes to install a pump station on the 6 acre pond and install 24" mainline approximately 470' to the existing 32" pipeline to serve Section 23, T4N, R25EWM. From the existing control cluster in Section 23, 5280 feet of 20" mainline will be extended east to a control cluster with valving and lateral piping to serve four 125 acre center pivot irrigation machines and one 22 acre center pivot machine. Please see attached schematic drawing.

11. Construction work will begin on or before 3-1-84

12. Construction work will be completed on or before 4-1-85

13. The water will be completely applied to the proposed use on or before 10-1-85

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right.

Application No. D-11239

Permit No. ....

RECEIVED



Remarks:.....  
.....  
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This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

*Wayne Blumenthal*  
.....  
Signature of Applicant

Manager, Port of Morrow

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

*In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before*....., 19.....

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

..... Water Resources Director

By .....

*This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the*

*1<sup>st</sup>* day of *March*, 19*84*, at *9:00* o'clock

*A*.....M.

Application No. *B-11239*.....

Permit No.....



### Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 6.525 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from one 6 acre pond (Toadvin Pond)

The use to which this water is to be applied is irrigation of 522.0 acres

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year;

The appropriation of ground water authorized herein shall be subject to prior existing water rights for both surface and ground water.

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

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is March 1, 1984 for 0.0125 cfs  
March 19, 1984 for 6.5125 cfs

Actual construction work shall begin on or before ..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

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





# PORT OF MORROW

---

April 3, 1984

**RECEIVED**

APR 5 1984

**WATER RESOURCES DEPT.  
SALEM, OREGON**

Mr. Wayne Overcash  
Water Resources Department  
Mill Creek Office Park  
555 13th Street N.E.  
Salem, OR 97310

Re: Permit Application G-11239  
Protest by Arnold Braat dated 3-30-84

Dear Wayne:

In response to Mr. Braat's protest referenced above, we wish to make the following observations:

1. Water to irrigate the Port's land in section 24 by the Port's tenant, Mr. Carlson, will be pumped to the land via the Carlson/Braat pipeline. However, the point along the pipeline at which the water will be injected into the pipeline is downstream of the Carlson/Braat freeflow line from Messner Lake and on the pressure side of the Carlson/Braat pump station.
2. As a consequence of the above, water transmission under this permit application will in no way impact the structures or water source identified by Mr. Braat in his protest.

Thank you for your attention to this matter.

Sincerely,

Wayne L. Schwandt





# PORT OF MORROW

April 3, 1984

**RECEIVED**

APR 5 1984

**WATER RESOURCES DEPT.  
SALEM, OREGON**

Wayne J. Overcash  
Senior Water Rights Examiner  
Water Resources Department  
Mill Creek Office Park  
555 13th Street N. E.  
Salem, OR 97310

RE: Files G-11239 and 65470

Dear Wayne:

In response to your letter of March 21, 1984, I am enclosing a check in the amount of \$1,124.00 for permit recording fees and four prints of a map locating the point of diversion for permit application number G-11239.

Also, in reference to permit 47971, we request that it be diminished to supplemental status.

Thank you for your attention to this matter.

Sincerely,

Wayne L. Schwandt  
Manager

WLS/tlc  
Enclosures



STATE OF OREGON WATER RESOURCES DEPARTMENT  
Application for a Permit to Appropriate Ground Water

RECEIVED

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

I, Port of Morrow  
(Name of Applicant)

of Post Office Box 200 Boardman  
(Mailing Address) (City)

State of Oregon 97818 Phone No. 481-2695 do hereby  
(Zip Code)

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of one 6 acre pond  
(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 600 and an estimated depth of 28 feet.

2. The well or other source is to be located 1602 ft. North and 191 ft. West  
~~1503~~ ~~1503~~  
(N. or S.) (E. or W.)

SE corner of the SW 1/4 NE 1/4 of Section 10  
from the ~~corner of Section 10~~  
(Public Land Survey Corner)

T4N R25E WM (Oregon Coordinate System)  
(If there is more than one well, each must be described)

being within the NW 1/4 of the NE 1/4 of  
Sec. 10 Tp. 4N R. 25E, W. M., in the county of MORROW

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
4N	25EWM	24	NE 1/4, SW 1/4 & NW 1/4 of NW 1/4	Irrigation 31.25 Each
"	"	"	SE 1/4, SW 1/4 & NW 1/4 of SW 1/4	" "
"	"	"	NE 1/4, SE 1/4 & SW 1/4 of SE 1/4	" "
"	"	"	NE 1/4, SE 1/4 & NW 1/4 of NE 1/4	" "
"	"	"	SW 1/4 of NE 1/4 & NW 1/4 of SE 1/4	" 36.75 Each
"	"	"	NE 1/4 of SW 1/4 & SE 1/4 of NW 1/4	" "

4. It is estimated that None feet of the well will require None casing.  
(Kind)

5. Depth to water table is estimated surface Well drilled by N/A  
(Feet)

WRD # 1

200.00  
100.00  
1024.00 (1129)  
1324.00

W. March 19 1984

337

4 + 36.75 = 40.75  
522

Lt March 19, 1980

6.525

6. The amount of water which the applicant intends to apply to beneficial use is ~~7.00~~ <sup>6.525</sup> cubic feet per second or ~~5.6~~ <sup>2923</sup> gallons per minute.

7. The use to which the water is to be applied is irrigation

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

N/A

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

200<sup>±</sup> feet from the Columbia River

10. DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

The Port proposes to install a pump station on the 6 acre pond and install 24" mainline approximately 470' to the existing 32" pipeline to serve Section 23, T4N, R25EWM. From the existing control cluster in Section 23, 5280 feet of 20" mainline will be extended east to a control cluster with valving and lateral piping to serve four 125 acre center pivot irrigation machines and one 22 acre center pivot machine. Please see attached schematic drawing.

11. Construction work will begin on or before 3-1-84

12. Construction work will be completed on or before 4-1-85

13. The water will be completely applied to the proposed use on or before 10-1-85

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right.

Application No. D-11239

Permit No.

Remarks: .....

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This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

*Wayne Blumenthal*  
Signature of Applicant

Manager, Port of Morrow .....

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

*In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before* ....., 19.....

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

Water Resources Director

By .....

*This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the*

*1<sup>st</sup>* day of *March*, 19*84*, at *8:00* o'clock

*A.M.*

Application No. *B-11239*

Permit No. ....





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

I, William H. Young, Water Resources Director of the State of Oregon,  
do hereby certify that the foregoing copy of Application G-11239 in the name of "Port of  
Morrow" with two supporting maps  
has been compared with the original and that it is a correct transcript therefrom and the whole of  
such original application and maps as the same appears  
of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of  
June, 19 84.

*William H. Young*  
Director

By \_\_\_\_\_

\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. 6000 11231 PERMIT NO.  
ORIG. NO. PREV. NO. SUPER. NO.

CERTIF. NO.

NAME: Port of Morrow

ADDRESS: PO Box 200

CITY/STATE/ZIP/COUNTY: Bardman, OR 97818 25

STREAM-ID 07-0010 2480

RIV.MI. 0.5 WM.DIST. 05 W.R.TYPE GA STATUS V

CANCEL YEAR---->

CONSTR.COMPLT-->

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY----->

PUT TO USE----->

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--> 03/01/1984

SURVEYED----->

EXAM.FEE-----> 200.00

RECORDING FEE----->

PERMIT ISSUE-->

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.-->

CERTIFIED----->

CORRES.INIT.----->

CORRES.DATE----->

POINT-OF-DIVERSION DATA;  
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV.MI. RATE STATUS S OR P

\*\* REMARKS;----->  
\*\* DATED-->

040N 250E 10 AB 070010 2480

0.5 6.525 V P

\*\* Sump: 1602' N & 191' W fm  
SE Cor SW 1/4 NE 1/4, S 10

0.0 0.000

0.0 0.000

PLACE-OF-USE DATA:  
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

IR 100.00 .00

V P

.00 .00

.00 .00

*See attached sheet.*

*2480 = Juniper Can*

*Rm 271.0*

*is PT of Morrow >*

*0.5 to JC.*

*0.5 to CR*

*0.1 to P/m*

W.R.I.S.

Assembled 3-22-84 by [Signature]

Entered 3/28/84 by CLM

Verified 4/6/84 by CLM



PLACE-OF-USE DATA:

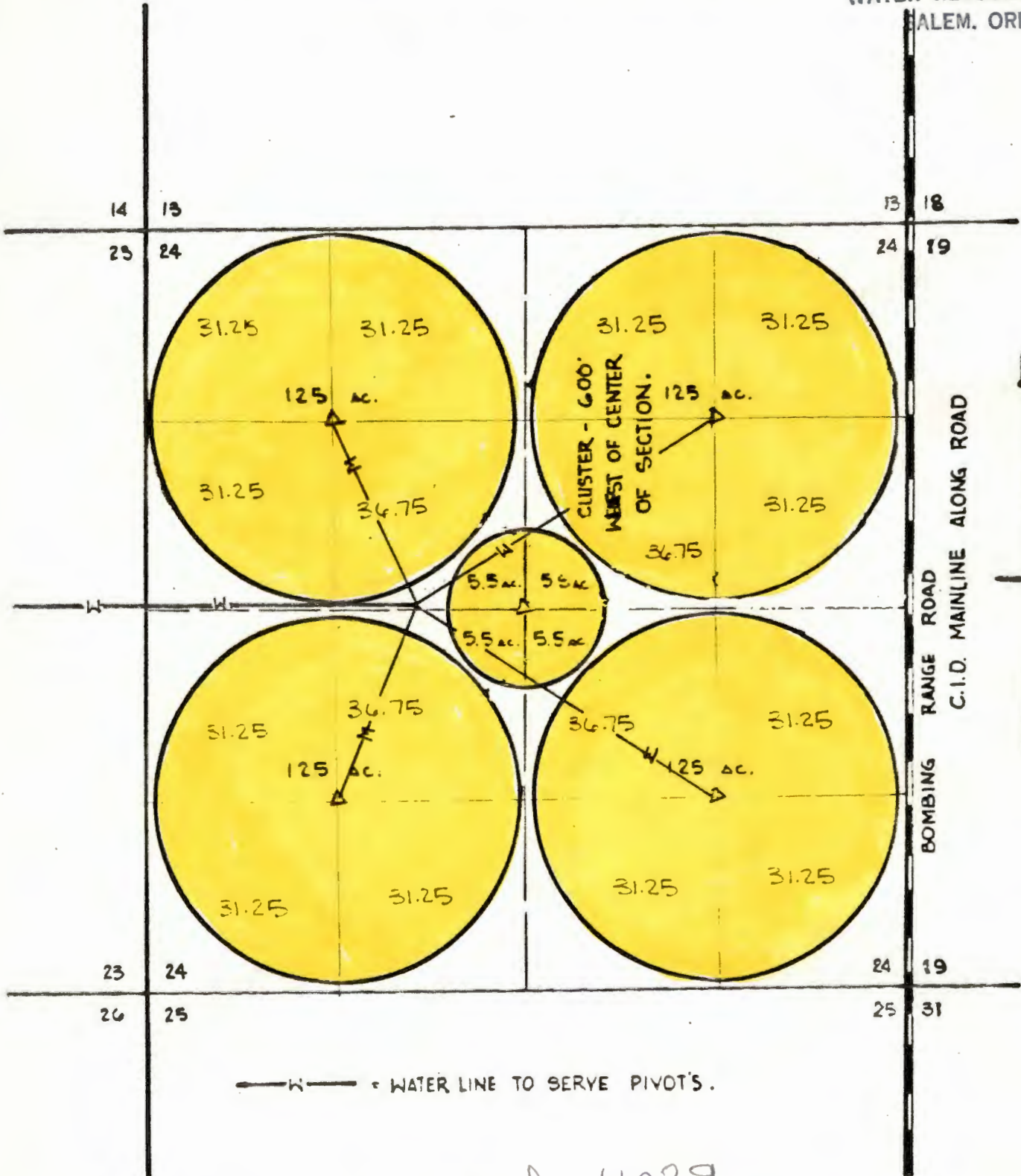
TWNSP	RNGE	SECT	1/4 1/4	CNTY	USE	% CNS	AC	ST	S/P
040N	250E	24	AA	25	IR	100	31.25	V	P
			AB						
			<del>AC</del>						
			AD						
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			BC						
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			CC						
			CD						
			DA						
			<del>DB</del>						
			DC						
			DD				31.25		
			<del>DE</del>				36.75		
			<del>DF</del>						
			BD						
			<del>BE</del>						
			DB						
			<del>DC</del>						
			<del>DD</del>						

RECEIVED

MAR 1 1984

WATER RESOURCES DEPT.  
HALEM, OREGON

SECTION 24, T.4 N., R.25 E. W.M.



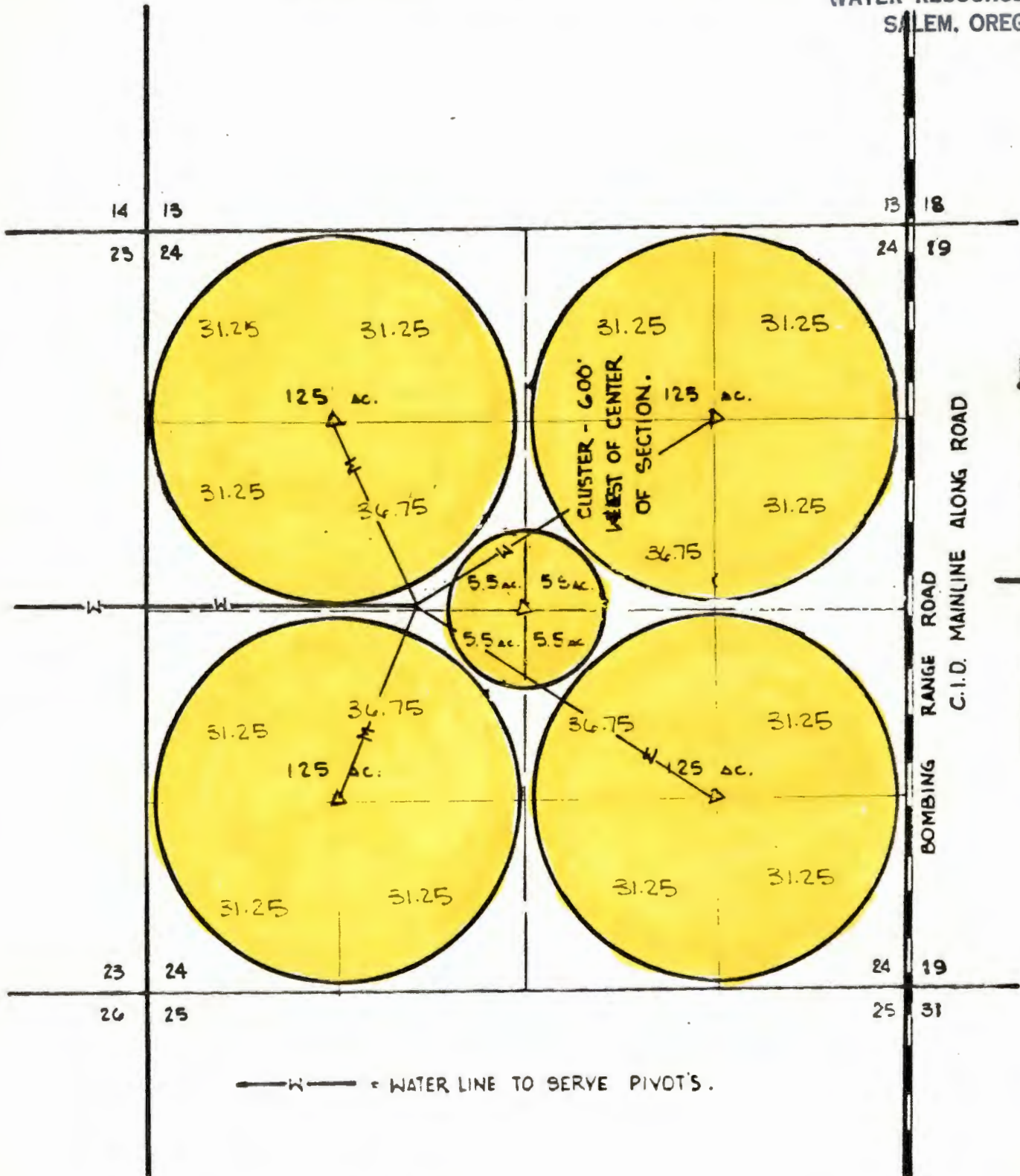
Application No. 2-11239  
Permit No.  
*Superseded*

RECEIVED

SECTION 24, T.4 N., R.25 E. W.M.

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON



Application No. *D-11239*  
 Permit No. *Superseded*

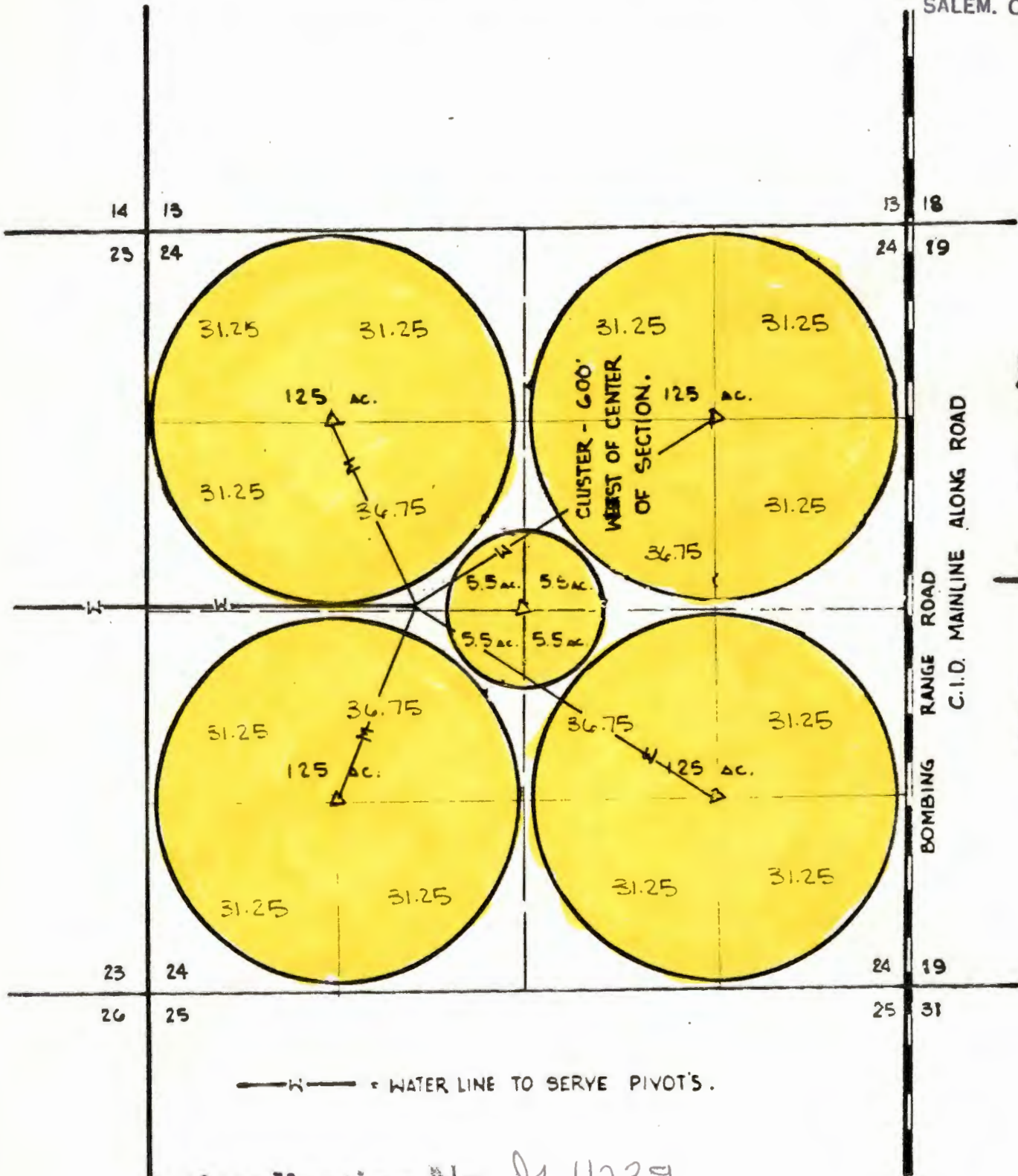


RECEIVED

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

SECTION 24, T. 4 N., R. 25 E., W.M.



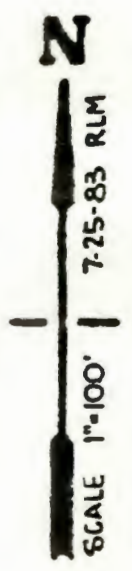
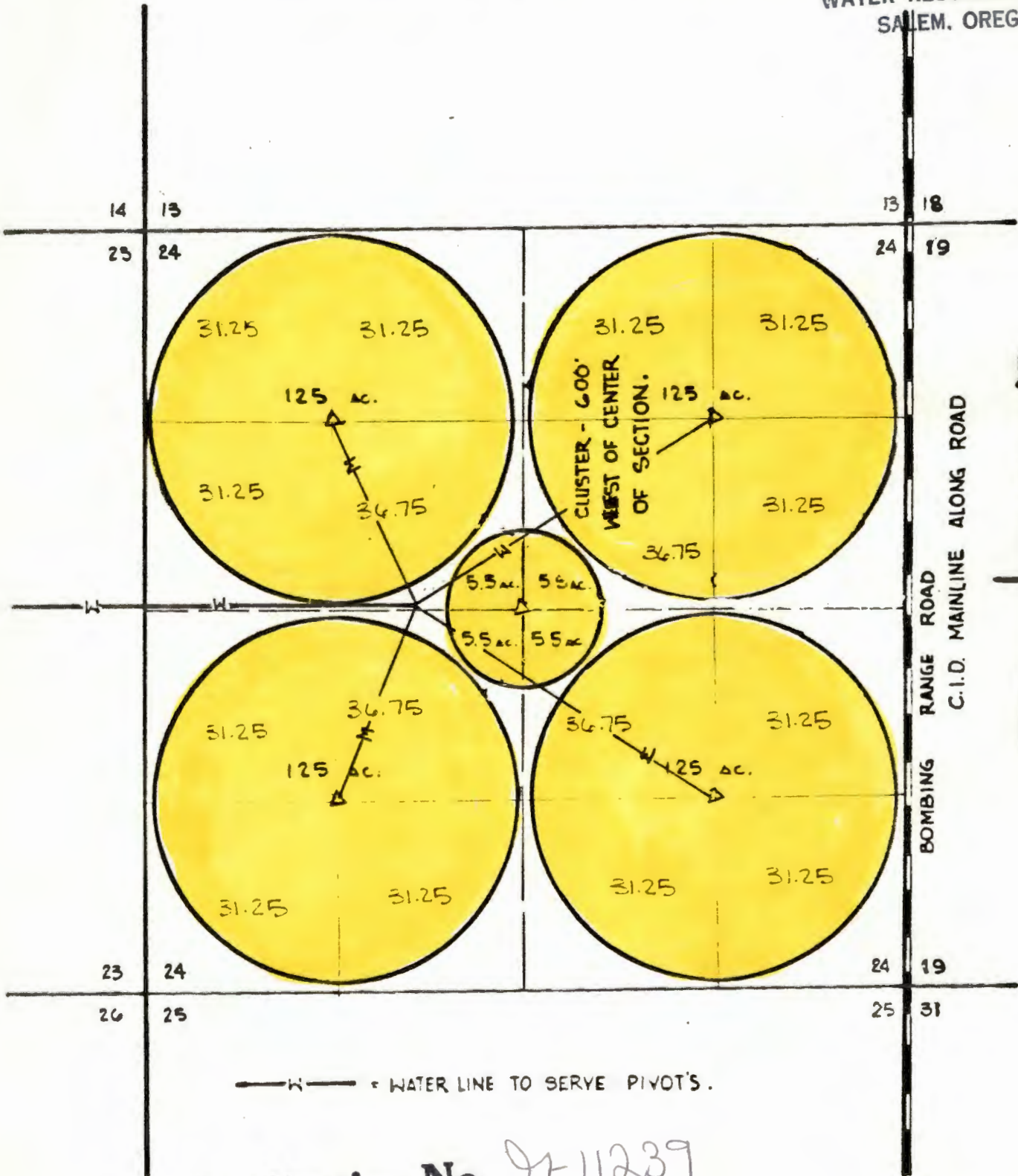
Application No. *2-11239*  
 Permit No.  
*Superseded*

RECEIVED

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

SECTION 24, T.4 N., R.25 E. W.M.



Application No. *11239*  
 Permit No. *Superseded 2*



T 4 N, R 25 E, Sec 24

Todayin Pond

G-10719 Merle Carlson

G-7586 Arnold Braat

G-6327 Port of Morrow



Application No. *D-11239*  
Permit No.

**RECEIVED**

MAR 1 1984

WATER RESOURCES DEPT  
SALEM, OREGON

*1-27-84*



WATER RESOURCES DEPARTMENT



RECEIVED

MAR 1 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No.  
Permit No.

D-11239

M-18275  
ADDENDUM AND WATER AGREEMENT

THIS AGREEMENT is entered into this 29 day of December, 1980 by and between ARNOLD BRAAT and MARY LOU BRAAT, husband and wife, (hereinafter referred to as "Braat"), whose address is Route 1, Box 74, Boardman, Oregon 97818 and MERLE F. CARLSON and MARY LOU CAPLSON, husband and wife, (hereinafter referred to as "Carlson"), whose address is Route 1, Box 50, Boardman, Oregon 97818.

WITNESSETH:

WHEREAS, Braat, pursuant to that certain Agreement To Buy and Sell Land dated August 9, 1980, conveyed to Carlson that real property located in Morrow County, Oregon, which is more particularly described on attached EXHIBIT "A", together with all improvements and irrigation equipment located thereon and also together with all water, water permits and water rights appurtenant thereto. Said real property, Lease No. E13421 described below and the Navy Bombing Range also described below are hereinafter collectively referred to as "Carlson Lands"; and

WHEREAS, Braat has assigned and transferred to Carlson all of Braat's right, title and interest in and to that certain Burlington Northern, Inc. Lease No. E13421 which covers all of Section 23, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon; and

WHEREAS, Braat has also assigned and transferred to Carlson all of Braat's right, title and interest in and to that portion of the Navy Bombing Range lease which covers the North half of the Northwest Quarter of Section 27, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon; and

WHEREAS, Braat leases the following described real property located in Morrow County, Oregon: North half of the

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**Application No.**  
**Permit No.**

D-11239

North half of Section 28 and a major portion of Section 21, all in Township 4 North, Range 25 East, Willamette Meridian (hereinafter referred to as "Baat Lands"), together with any irrigation equipment used or to be used thereon; and

WHEREAS, Braat and Carlson entered into that certain Agreement dated November 28, 1977 which was recorded in Morrow County, Oregon on December 9, 1977 in Book M at page 12437 which established a joint venture between said parties for the purpose of constructing, maintaining, controlling and owning an irrigation pipeline which runs from the Columbia River, the source of the irrigation water, to the North boundary of Section 22, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon; and

WHEREAS, Braat and Carlson desire to clarify and supplement their respective rights, duties and responsibilities as initially provided for in said Agreement dated November 28, 1977.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. DIVERSION WORKS:

- a. Bratt hereby grants, bargains, sells and conveys to Carlson an undivided one-half (1/2) interest in and to their diversion works located on Port of Morrow Land in Section 10, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon. Said diversion works are hereinafter referred to as "Baat's Pumping Station" and are described as follows:

An eight (8) foot diameter deep well, a gravity flow line, a river water collection pump and related works all located on that certain interest granted

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**Application No.** 9-11239  
**Permit No.**

to Braat by the Port of Morrow, a political subdivision of the State of Oregon, dated January 11, 1979, recorded in Morrow County, Oregon on October 1, 1980 in Book M at page 17863.

- b. Carlson shall have the exclusive right to use the two pump locations on the sump well which is a part of Braat's Pumping Station. In addition, Carlson shall have the exclusive right to use the pump location in the twenty (20) inch stand pipe.
- c. It is understood and agreed by the parties hereto that Braat shall have the exclusive right to use the thirty (30) inch stand pipe located in the Braat Pumping Station and that Braat, at his own cost and expense may, subject to the provisions of Section 9 below, locate one (1) additional pump in the eight (8) foot diameter sump well.

2. OPERATION, REPAIR AND MAINTENANCE OF THE BRAAT PUMPING STATION:

All costs of operating, maintaining, repairing and replacing the Braat Pumping Station shall be borne one-half (1/2) by Braat and one-half (1/2) by Carlson. The respective parties shall promptly pay their respective share of such costs, from time to time. If either party shall fail to pay its share of such costs, the other party shall have the right to do so and shall be entitled to reimbursement from the defaulting party, together with interest thereon at the rate of 13% per annum. If the defaulting party shall fail to reimburse the other party for any such advances after ten (10) days written notice, the other party shall have the right to prohibit the defaulting party from transporting any water to the defaulting party's lands until such time as the default is remedied.

3. EASEMENTS:

- a. Braat hereby assigns and transfers to Carlson

Application No. *9-11239*  
Permit No.

*11/28*  
*11/28*  
*11/28*  
two-thirds (2/3) of their right, title, claim and interest in and to the following permits, easements and rights-of-way for an irrigation pipeline and roadway over and across portions of Sections 10, **X**, 15 and 22 of Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon:

1. An easement for an irrigation pipeline(s) granted by the Port of Morrow, a political subdivision of the State of Oregon, to Arnold Braat and Mary Lou Braat, husband and wife, dated February 15, 1978, recorded October 1, 1980 in Book M at page 17864, records of Morrow County, Oregon.
2. An easement for an irrigation pipeline granted by Morrow County, a political subdivision of the State of Oregon, to Arnold Braat and Mary Lou Braat, husband and wife, dated December 29, 1976, recorded May 22, 1978 in Book M at page 13346, records of Morrow County, Oregon.
3. An easement for an underground irrigation pipeline granted by Stone Machinery Co., a Washington corporation, to Arnold Braat and Mary Lou Braat, dated November 2, 1978, recorded September 24, 1980 in Book M at page 17831, records of Morrow County, Oregon.
4. All rights of Arnold Braat pursuant to Permit No. 1849 to construct, or cause to be constructed, an irrigation pipeline under a roadway highway granted by the Oregon State Highway Commission dated December 7, 1976, recorded

Application No. **D-11239**  
Permit No.

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- September 24, 1980 in Book M, at page 17830, records of Morrow County, Oregon.
5. An easement for an underground irrigation pipeline granted by Emmett O. McKenzie and Ethel B. McKenzie, husband and wife, to Arnold Braat and Mary Lou Braat dated July 6, 1977, recorded May 22, 1978 in Book M at page 13347, records of Morrow County, Oregon.
  6. An easement for an underground irrigation pipeline granted by Morrow County, a political subdivision of the State of Oregon, to Arnold Braat and Mary Lou Braat, husband and wife, dated December 29, 1976, recorded September 24, 1980 in Book M at page 17828, records of Morrow County, Oregon. Said easement was corrected, supplemented and replaced by that certain easement for an underground irrigation pipeline between the same parties dated November 20, 1980, recorded December 3, 1980 in Book M at page 18160, records of Morrow County, Oregon.
  7. An easement for an irrigation pipeline granted by John Prad and Anne Prad, husband and wife, to Arnold Braat and Mary Lou Braat, husband and wife, dated June 14, 1977, recorded June 14, 1977 in Book M at page 11400, records of Morrow County, Oregon.
  8. An easement for an irrigation pipeline granted by Robert Prad and Evelyn Sicard, husband and wife, to Arnold Braat and Mary Lou Braat, husband and wife, dated June 14, 1977, recorded June 14, 1977 in Book M at page 11400, records of Morrow County, Oregon.



Application No. D-11239  
Permit No.

- 1978, recorded June 29, 1979 in Book M at page 15685, records of Morrow County, Oregon.
9. An agreement for the crossing of irrigation works with a bridge and irrigation pipeline granted by the United States Department of the Interior, Bureau of Reclamation to Arnold Braat dated August 31, 1977, as amended by that certain Amendment to Contract between the United States of America and Arnold Braat dated June 30, 1978 both of which were recorded September 24, 1980 in Book M, at page 17829, records of Morrow County, Oregon.
10. An easement and right-of-way for a road granted by Dewey W. West, Jr. and Erma Jean West, husband and wife, and Carroll J. Donovan and Shirley A. Donovan, husband and wife, to Arnold Braat and Mary Lou Braat, dated November 9, 1976, recorded December 8, 1976 in Book M at page 10418, records of Morrow County, Oregon.
11. An easement for an underground irrigation pipeline as granted by Dewey W. West, Jr. and F. E. Glenn, as copartners, to Arnold Braat and Mary Lou Braat, husband and wife, and Merle F. Carlson and Mary Lou Carlson, husband and wife, dated January 18, 1979, recorded June 29, 1979 in Book M at page 15686, records of Morrow County, Oregon.
- b. Braat hereby assigns and transfers unto Carlson one-half (1/2) of their right, title, claim and

Application No. G-11239  
Permit No.

1. All rights of Arnold Braat under Application No. 071-0YA-2-003070 for a permit to install a water intake structure granted by the United States Army dated January 15, 1979, recorded January 19, 1979 in Book M at page 14799, records of Morrow County, Oregon.
2. An easement for an irrigation pipeline as granted by the Port of Morrow, a political subdivision of the State of Oregon to Arnold Braat and Mary Lou Braat, husband and wife, dated January 11, 1979, recorded October 1, 1980 in Book M at page 17963, records of Morrow County, Oregon.

4. PIPELINE:

Braat hereby grants, bargains, sells, conveys, assigns and transfers to Carlson an undivided two-thirds (2/3) interest in and to the thirty-four (34) inch irrigation pipeline constructed and installed pursuant to said easements, permits and rights-of-way mentioned above which runs from the pumping station located in the Northeast quarter of Section 10, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon to a point located near the Southwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon.

5. OPERATION, REPAIR AND MAINTENANCE OF THE IRRIGATION PIPELINE:

All costs of operating, maintaining, repairing and replacing the irrigation pipeline described above shall be borne two-thirds (2/3) by Carlson and one-third (1/3) by Braat. The respective parties shall promptly pay their respective share of such costs, from time to time. If either party shall fail to pay its share of such cost, the other party shall have the right to

do so and shall party, together annum. If the party for any other party shall from transporti such time as th  
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receive, convey said pipeline. irrigation water respective land thereon necessary follow:

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**Application No. G-11239**  
**Permit No.**

do so and shall be entitled to reimbursement from the defaulting party, together with interest thereon at the rate of 13% per annum. If the defaulting party shall fail to reimburse the other party for any such advances after ten (10) written notice, the other party shall have the right to prohibit the defaulting party from transporting any water to the defaulting party's lands until such time as the default is remedied.

6. WATER USE:

a. Each party grants to the other party the right to receive, convey and use the irrigation water transported through said pipeline. The right to receive, convey and use said irrigation water shall be deemed a covenant running with the respective lands of the parties hereto. In the event that it becomes necessary said irrigation water shall be allocated as follows:

1. Carlson is to receive a minimum of 10,000 gallons per minute of irrigation water for use on the Carlson lands.
2. The next 1,200 gallons per minute of irrigation water is to be delivered to Carlson for the purpose of supplying irrigation water to the following parties who have granted an easement over and across their property to Braat, which easements were subsequently partially assigned to Carlson:
  - (a) Dewey W. West, Jr. and Erma Jean West and Carroll J. Donovan and Shirley A. Donovan;
  - (b) Dewey W. West, Jr. and F.E. Glenn, as co-partners, Emmett O. McKenzie and Ethel B. McKenzie;
  - (c) John Prag and Anne Prag.
3. The next 5,000 gallons per minute of irrigation

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Application No. 9-11239  
Permit No.

water is to be delivered to Braat for use on the Braat lands.

4. Any balance of irrigation water capable of being transported through said pipeline is to be delivered to Carlson for use on the Carlson lands or other land belonging to Carlson.

b. Each party hereto agrees that they will pump from their respective irrigation pumps the amount of irrigation water that each party will use on his respective properties. Either party may require that the other install flow meters or other devices in order to determine the exact amount of water usage.

7. RESERVATION OF EASEMENT:

Braat hereby reserves unto himself and his successors and assigns an easement ten (10) feet in width for ingress and egress and the installation, maintenance, repair, replacement, operation and control of an underground irrigation pipeline as the same is presently constructed over and across a portion of Section 22, Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon. Said easement is described as follows:

The first segment of this easement is for a thirty-four (34) inch pipeline which segment begins at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 4 North, Range 25 East, Willamette Meridian, thence South along the West line of the Northeast quarter of the Northeast quarter of said Section 22 to a point on the North boundary of the Southeast quarter of the Northeast quarter of said Section 22, which point is the end of the thirty-four (34) inch pipeline and terminus of the first segment of this easement;

The second segment of this easement is for a twenty-four (24) inch pipeline which begins at the terminus of the first segment as described above thence generally in a West Southwest direction to a point on or near the North and South one-half section line in the South half of the South half of the North half of said Section 22, which point is also the end of the twenty-four (24) inch pipeline and terminus of the second segment of this easement;

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The third segment of this easement is for a twenty (20) inch pipeline which begins at the terminus of the second segment as described above thence generally in a d.e West direction to a point on the West boundary of said Section 22, which point is the end of the twenty (20) inch pipeline and terminus of the third and final segment of this easement.

8. TWENTY-FOUR (24) INCH PIPELINE:

- a. Braat hereby reserves unto himself and his successors and assigns an undivided one-half (1/2) interest in and to the twenty-four (24) inch pipeline which is constructed and installed in that portion of Section 22, Township 4 North, Range 25 East, W.M., Morrow County, Oregon which is described as the second segment of the easement described in 7. above.
- b. Braat also reserves unto himself and his successors and assigns all right, title and interest in and to the twenty (20) inch pipeline which is located as described above in Section 7 as the third segment of the easement.

9. TERMINATION; MODIFICATION:

This Agreement shall continue in force and effect until such time as the legal and equitable owners of the Carlson Land and the Braat Land shall execute, acknowledge and record in the Office of the Recorder of Morrow County, Oregon, an agreement terminating or modifying this Agreement. The term "legal and equitable owners" shall include the holder of any first lien mortgage against any of said lands.

10. COOPERATION OF THE PARTIES:

- a. The parties hereto recognize that cooperation in the joint use of the Praat Pumping Station and the irrigation pipeline described above is essential to the proper and efficient utilization of the

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above-described lands of the respective parties. Said parties therefore solemnly covenant and agree at all times to cooperate in good faith in carrying out the spirit, intents and purposes of this Agreement and to negotiate in good faith for the execution of such modifications and amendments hereto or to other documents as shall be necessary for the continued successful operation of the Braat Pumping Station and the irrigation pipeline.

b. Each party hereto expressly agrees to exercise reasonable care to avoid damage of any sort to the real and personal property of the other party or injury or inconvenience to the other party.

11. SAVE AND HOLD HARMLESS:

a. Braat agrees to save, defend and hold Carlson harmless from any and all damages and obligations incurred as a result of Braat's use and operation of the Braat Pumping Station or the irrigation pipeline mentioned above.

b. Carlson agrees to save, defend and hold Braat harmless from any and all damages and obligations incurred as a result of Carlson's use and operation of the Braat Pumping Station or the irrigation pipeline mentioned above.

12. ATTORNEYS' FEES AND COSTS:

The prevailing party in any action or proceeding involving this Agreement shall be entitled to judgment against the other party for the prevailing party's reasonable attorneys' fees and costs incurred in addition to any damages or other relief awarded.

13. SUCCESSORS AND ASSIGNS: This Agreement shall bind



STATE  
Court

MARY I  
Forego  
NOTARY



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their heirs, devisees, personal representatives, successors and assigns, including but not limited to any party that may take an assignment of this Agreement as security for a loan made to either one of the parties hereto.

14. PRIOR AGREEMENT: This Agreement clarifies supplements and amends that certain Agreement between the parties, dated November 28, 1977, relating to the same lands described above and except as hereinbefore clarified, supplemented and amended said Agreement of November 28, 1977 as and shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date and year hereinafter provided.

\_\_\_\_\_  
ARNOLD BRAAT

\_\_\_\_\_  
MARY LOU BRAAT

\_\_\_\_\_  
MERLE F. CARLSON

\_\_\_\_\_  
MARY LOU CARLSON

STATE OF OREGON )  
County of *Morrow* ) ss.



*December 29*, 1980

Personally appeared the above-named ARNOLD BRAAT and MARY LOU BRAAT, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

*Mary Lou Carlson*  
Notary Public for Oregon  
Residing at *Morrow*  
My Commission expires *12-12-81*

STATE OF OREGON )  
County of *Morrow* ) ss.



*December 29*, 1980

Personally appeared the above-named MERLE F. CARLSON and MARY LOU CARLSON, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

*Mary Lou Carlson*  
Notary Public for Oregon

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EXHIBIT "A"

LEASED LANDS

PARCEL NO. I

Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon

Section 23: All

FREE LANDS

PARCFL NO. II

Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon

Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$

ALL RIGHTS OF MORTGAGOR UNDER THE FOLLOWING EASEMENTS, RIGHTS-OF-WAY AND PERMITS FOR PUMPING STATIONS, IRRIGATION PIPELINES AND ROADS ON, OVER AND ACROSS THE FOLLOWING DESCRIBED LANDS:

PARCEL NO. III

Township 4 North, Range 25 East, Willamette Meridian, Morrow County, Oregon

Section 10: Permit No. 071-0YA-2-003050 from the Department of the Army, Corps of Engineers, to Arnold Braat dated January 15, 1979, recorded January 19, 1979, in Book "M" at page 14799, records of Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-27, 1980, recorded 12-30, 1980, in Book "M" at page 1822, Morrow County, Oregon.

Easement from Port of Morrow, a political subdivision of the State of Oregon to Arnold Braat and Mary Lou Braat, husband and wife, dated January 11, 1979, recorded October 1, 1980, in Book "M" at page 17863, records of Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-27, 1980, recorded 12-30, 1980, in Book "M" at page 1822, records of Morrow County, Oregon.

Easement from Port of Morrow, a political subdivision of the State of Oregon, to Arnold Braat and Mary Lou Braat, husband and wife, dated February 15, 1978, recorded October 1, 1980, in Book "M" at page 17864, records of Morrow County, Oregon assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment

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Easement from Port of Morrow, a political subdivision of the State of Oregon, to Merle Carlson and Mary Lou Carlson, dated February 15, 1978, recorded October 2, 1980, in Book "M" at page 17869 records of Morrow County, Oregon.

Easement from Stone Machinery Co., a Washington corporation to Arnold Braat and Mary Lou Braat, husband and wife, dated November 2, 1978, recorded September 24, 1980, in Book "M" at page 17831 records of Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980, in Book "M" at page 18222, records of Morrow County, Oregon.

Permit granted by the Oregon State Highway Commission to Arnold Braat, Permit No. 18338 dated December 7, 1976, recorded September 24, 1980, in Book "M" at page 17830, records of Morrow County, Oregon assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-27, 1980, recorded 12-30, 1980, in Book "M" at page 18222, records of Morrow County, Oregon.

Easement granted by Morrow County, a political subdivision of the State of Oregon, to Arnold Braat and Mary Lou Braat, husband and wife, dated December 29, 1976, recorded May 22, 1978, in Book "M" at page 13346, records of Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980, in Book "M" at page 18222, records of Morrow County, Oregon.

TOWNSHIP 4 NORTH, RANGE 25 EAST, WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON:

Sections 10 and 15:

Easement granted by Emmett O. McKenzie and Ethel B. McKenzie, husband and wife, to Arnold Braat and Mary Lou Braat, husband and wife, dated July 6, 1977, recorded May 22, 1978, in Book "M" at page 13417, records of Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980, in Book "M" at page 18222, records of Morrow County, Oregon.



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TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE DISTRICT, MORROW COUNTY, OREGON:

Section 19:

Easement granted by Dewey W. West, Jr. and F. E. Glenn, as co-partners to Arnold Braat and Mary Lou Braat, husband and wife, and Merle F. Carlson and Mary Lou Carlson, husband and wife, dated January 18, 1979, recorded June 29, 1979, in Book "M" at page 15686, records of Morrow County, Oregon, Arnold Braat and Mary Lou Braat, husband and wife, have assigned their interest therein to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980, in Book "M" at page 18272, records of Morrow County, Oregon.

Easement granted by Morrow County, a political subdivision of the State of Oregon to Arnold Braat and Mary Lou Braat, husband and wife, dated December 29, 1976, recorded September 24, 1980, in Book "M" at page 17828, records of Morrow County, Oregon. Said easement was corrected, supplemented and replaced by that certain easement for an underground irrigation pipeline by and between the same parties dated November 26, 1980, recorded December 3, 1980, in Book M at page 18160, records of Morrow County, Oregon and was assigned by Arnold Braat and Mary Lou Braat, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980, in Book "M" at page 18272, records of Morrow County, Oregon.

Easement granted by John Prag and Anne Prag, husband and wife, to Arnold Braat and Mary Lou Braat, dated June 7, 1977, recorded June 14, 1977, in Book "M" at page 11400, Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980, in Book "M" at page 18272, records of Morrow County, Oregon.

Easement granted by Robert Sicard and Carolyn Sicard, husband and wife, to Arnold Braat and Mary Lou Braat, dated May 1, 1978, recorded June 29, 1979, in Book "M" at page 15685, records of Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980, in Book "M" at page 18272, records of Morrow County, Oregon.

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Permit No.

TOWNSHIP 4 NORTH, RANGE 25 EAST, WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON:

Section 22: Easement granted by Dewey W. West, Jr. and Erna Jean West, husband and wife, and Carrol J. Donovan and Shirley A. Donovan to Arnold Braat and Mary Lou Braat, dated November 9, 1976, recorded December 8, 1976, in Book "M" at page 10418, records of Morrow County, Oregon, assigned by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson, husband and wife, by that certain Assignment of Permits, Easements and Rights-of-Way dated 12-29, 1980, recorded 12-30, 1980 in Book "117" at page 1822, records of Morrow County, Oregon.

TOWNSHIP 4 NORTH, RANGE 25 EAST, WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON:

Sections 15 and 22:

Easement granted by the United States Department of the Interior, Bureau of Reclamation to Arnold Braat dated August 31, 1977, as amended by that certain Amendment to Contract between The United States of America and Arnold Braat dated June 30, 1978, both of which were recorded on September 24, 1980, in Book "M" at page 17829, records of Morrow County, Oregon.

Easement granted by Arnold Braat and Mary Lou Braat, husband and wife, to Merle F. Carlson and Mary Lou Carlson dated November 28, 1977, recorded December 9, 1977, in Book "M" at page 12437, records of Morrow County, Oregon.

~~TOWNSHIP 4 NORTH, RANGE 25 EAST, WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON:~~

~~Section 14: Easement granted by Frank Sylvester Russell and Judy Russell, husband and wife, to Leo Docken and Merle F. Carlson and Mary Lou Carlson, husband and wife, dated December 10, 1977, recorded December 19, 1977, in Book "M" at page 12471, records of Morrow County, Oregon.~~

~~Easement granted by Frank Sylvester Russell and Judy Russell, husband and wife, and Leo Docken to Merle F. Carlson and Mary Lou Carlson, husband and wife, dated December 10, 1977, recorded December 19, 1977, in Book "M" at page 12470, records of Morrow County, Oregon.~~

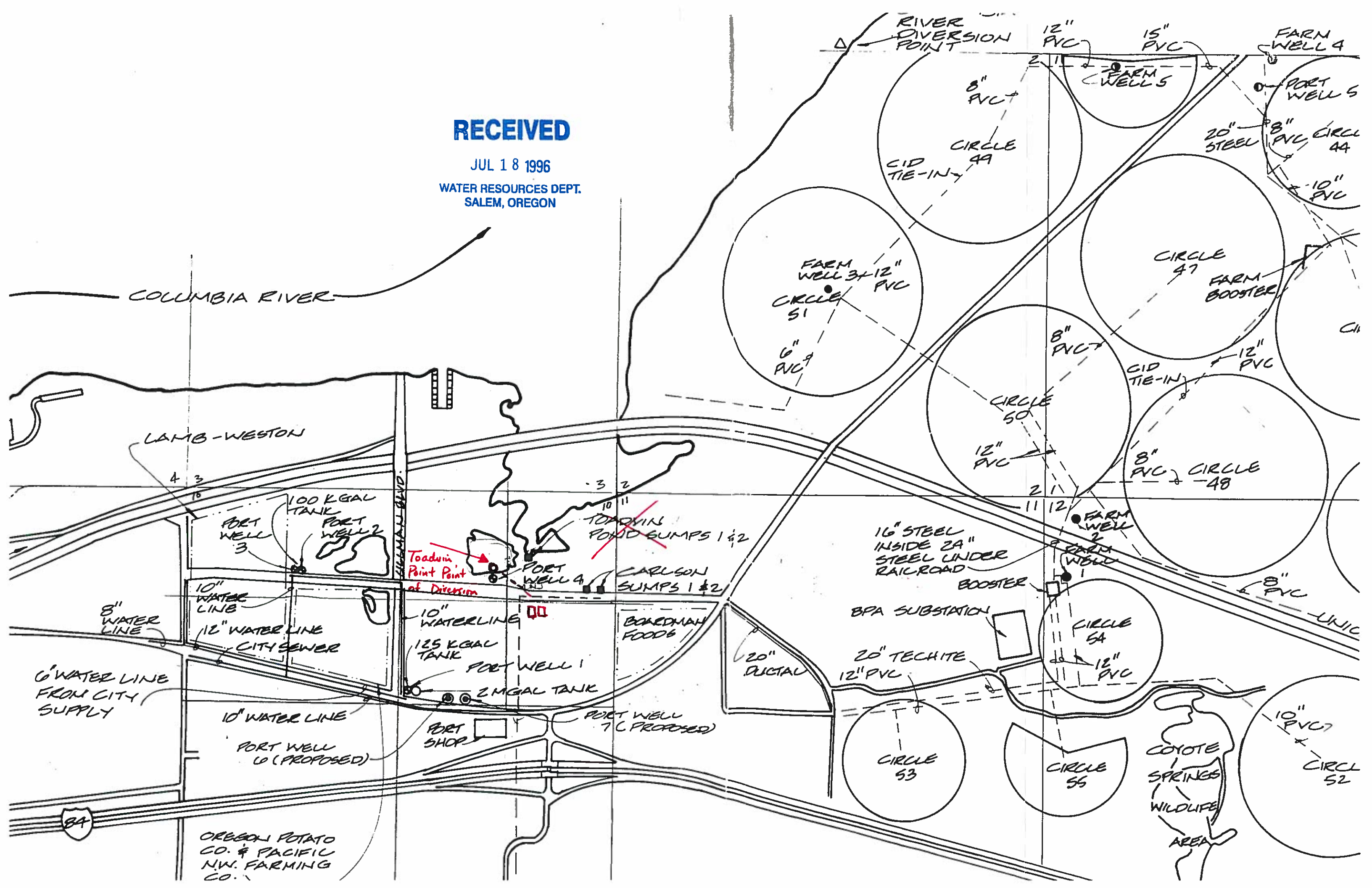
STATE OF OREGON } 125819  
County of Morrow }  
I hereby certify that the within instrument was received for record

and approved No. 18275

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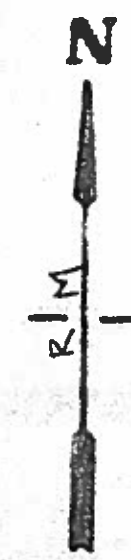
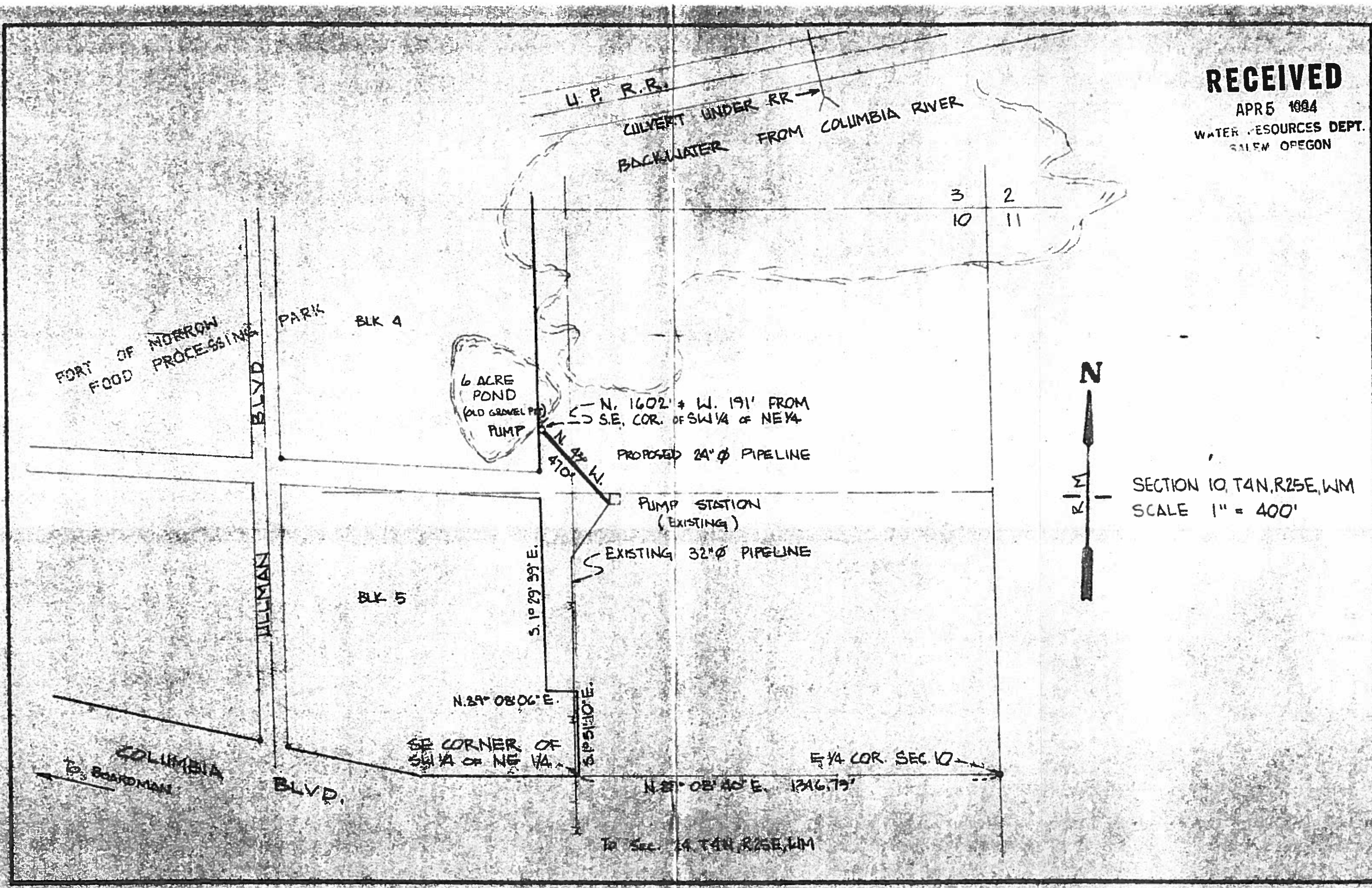
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SALEM, OREGON





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WATER RESOURCES DEPT.  
SALEM OREGON



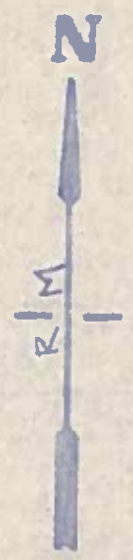
SECTION 10, T4N, R25E, WM  
SCALE 1" = 400'



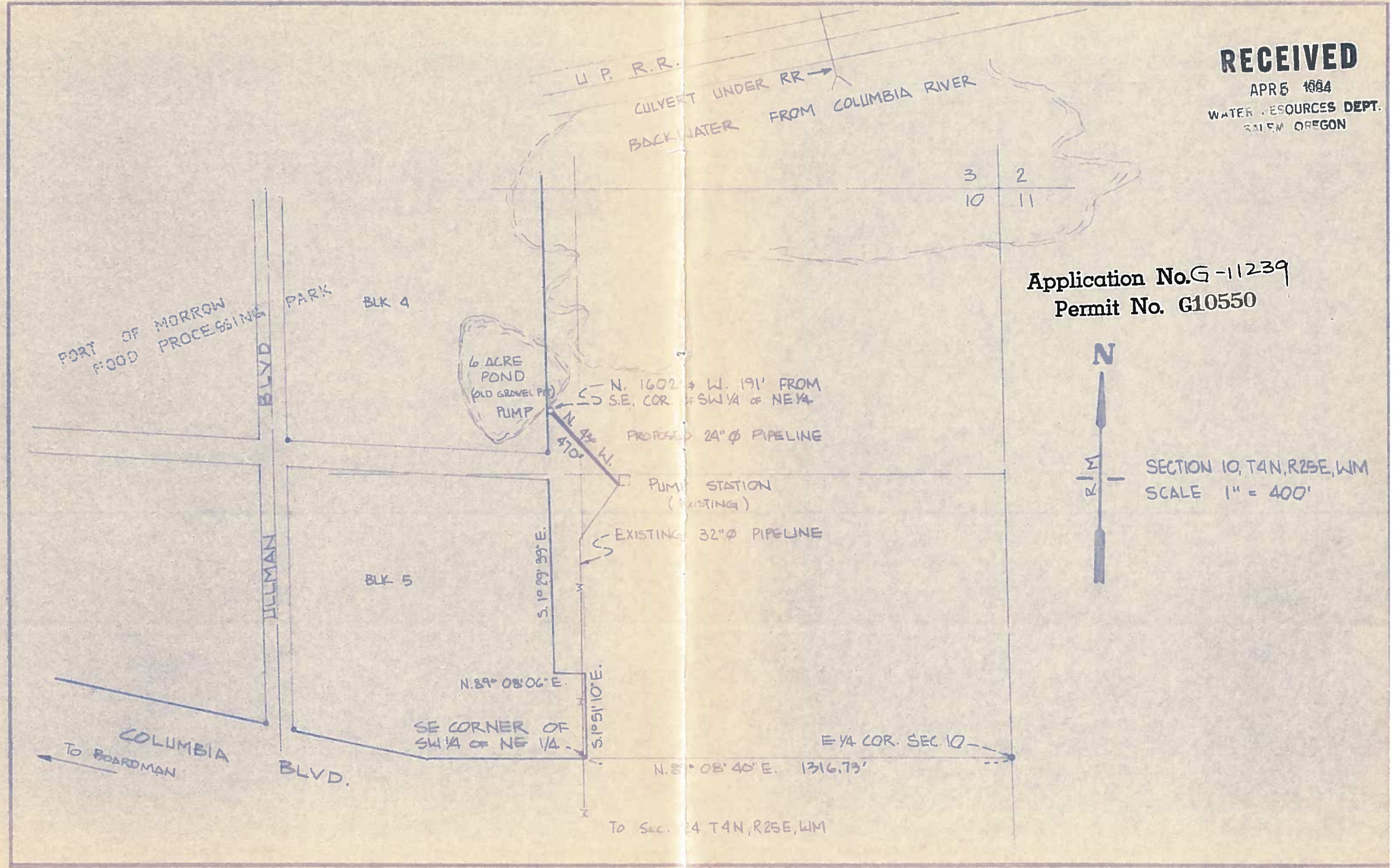
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WATER RESOURCES DEPT.  
SEASIDE OREGON

Application No. G-11239  
Permit No. G10550



SECTION 10, T4N, R25E, WM  
SCALE 1" = 400'





JUL 26 1996

WATER RESOURCES DEPT  
SALEM, OREGON

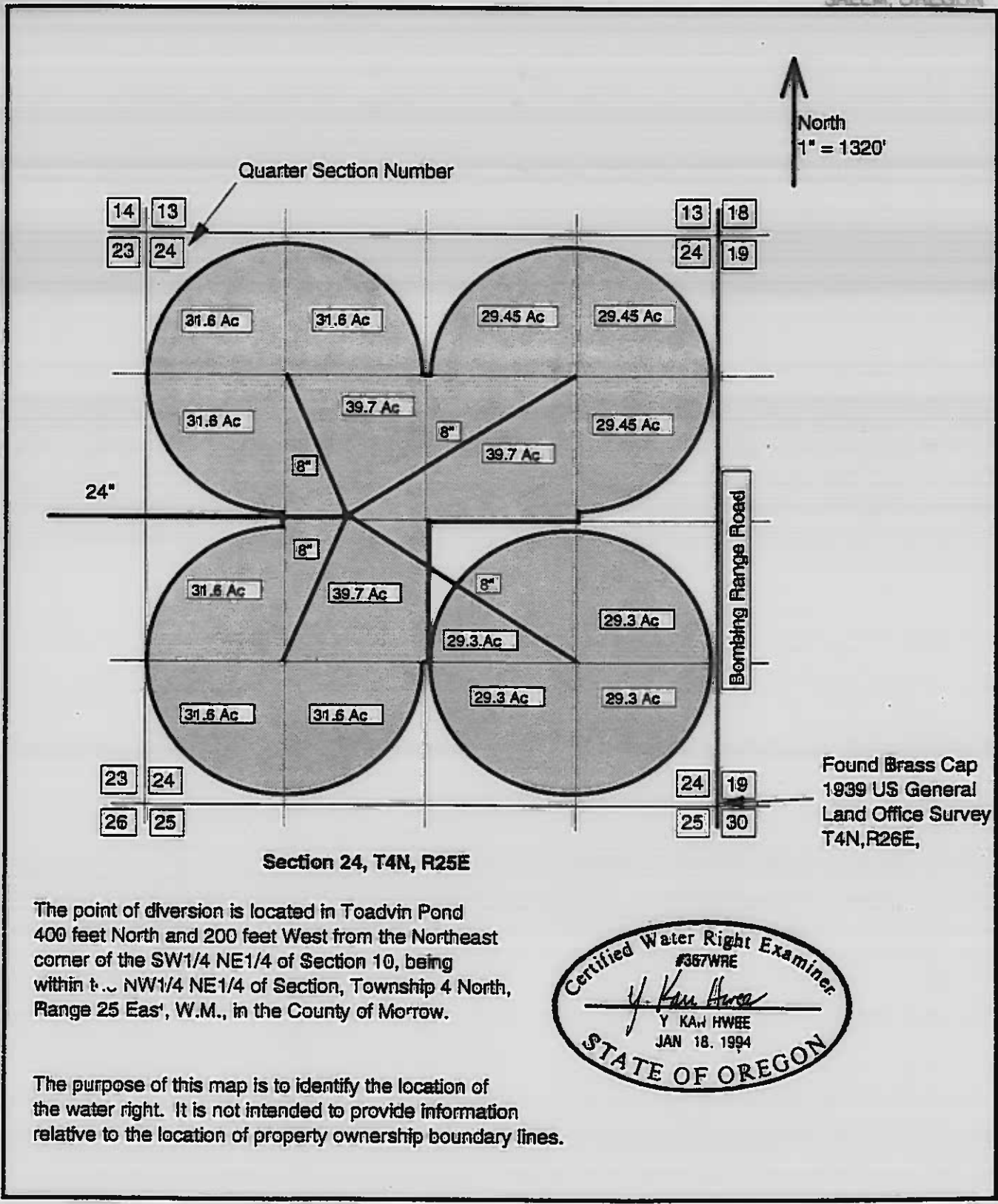
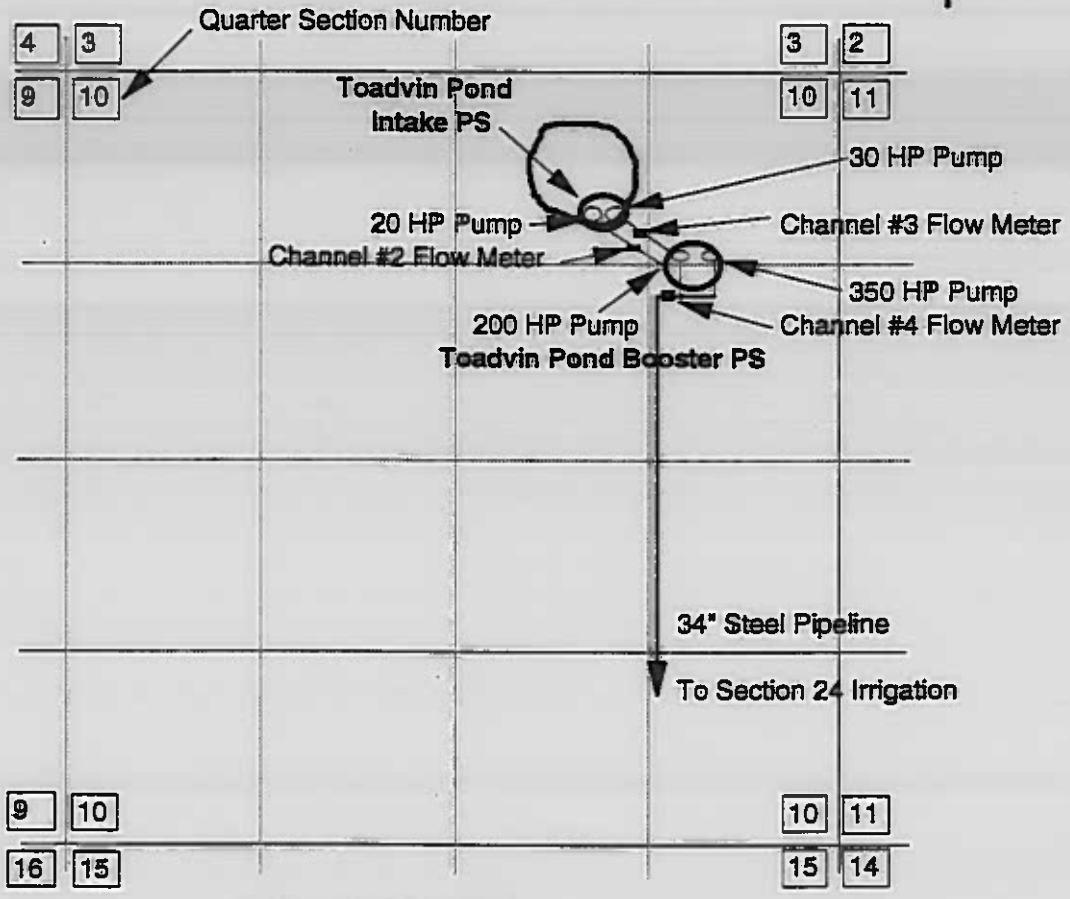
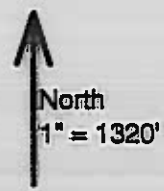


Figure 2 Final Proof Survey

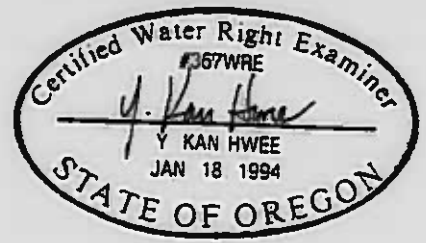
Port of Morrow, Application G-11239, Permit G-10550





**Section 10, T4N, R25E**

The point of diversion is located in Toadvin Pond 400 feet North and 200 feet West from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NW1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.



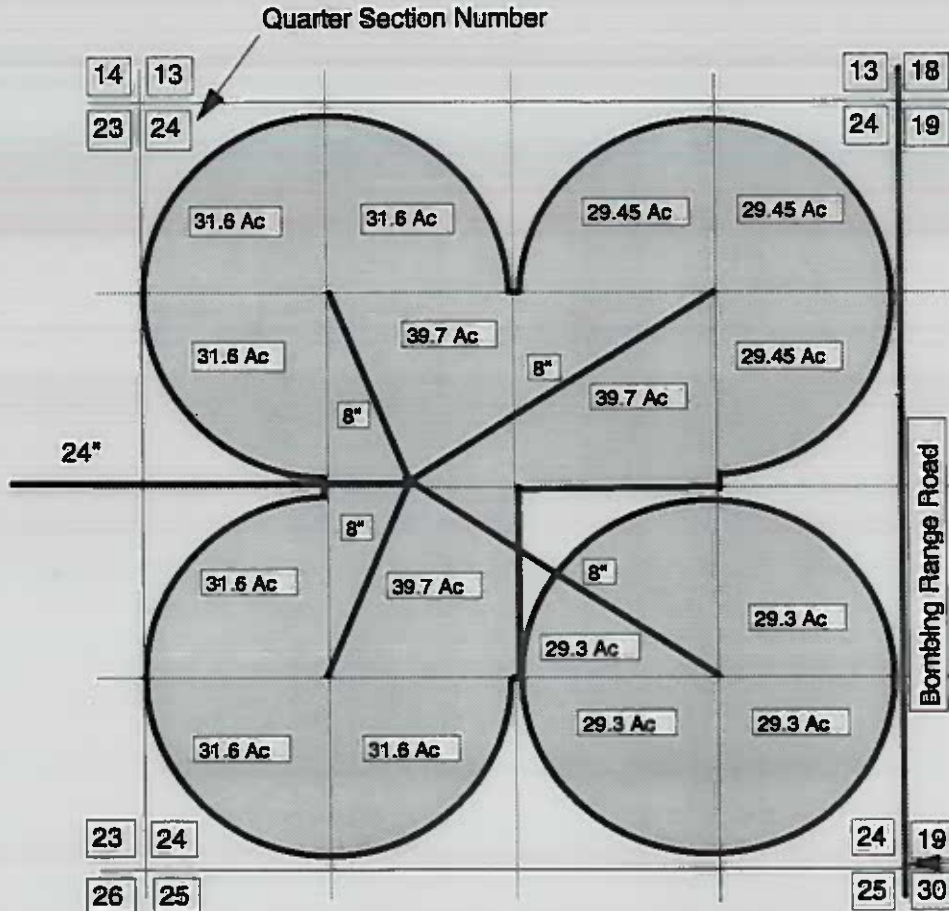
The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.

**Figure 3 Final Proof Survey - Point of Diversion**  
Port of Morrow, Application G-11239, Permit G-10550

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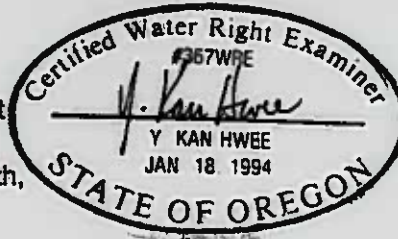
DEC 18 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

North  
1" = 1320'



Section 24, T4N, R25E

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.



Found Brass Cap  
1939 US General  
Land Office Survey  
T4N, R26E,  
24 19  
25 30

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.

*Superior*

Figure 2 Final Proof Survey

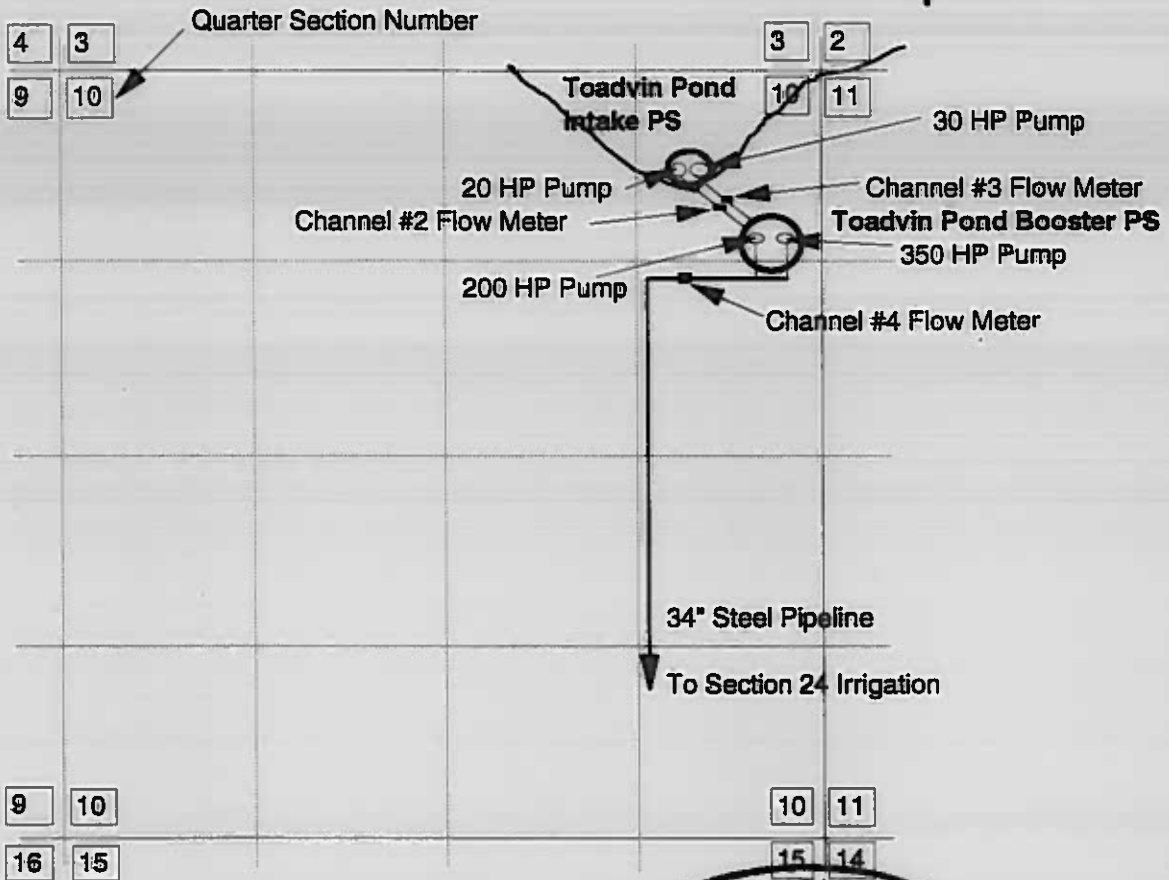
Port of Morrow, Application G-11239, Permit G-10550

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WATER RESOURCES DEPT.  
SALEM, OREGON

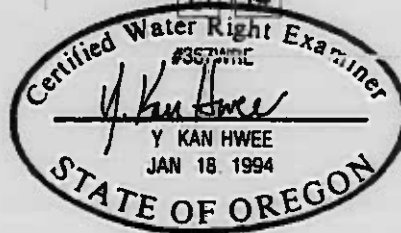
North  
1" = 1320'



**Section 10, T4N, R25E**

The point of diversion is located in Toadvin Pond 550 feet North and 300 feet East from the Northeast corner of the SW1/4 NE1/4 of Section 10, being within the NE1/4 NE1/4 of Section, Township 4 North, Range 25 East, W.M., in the County of Morrow.

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.



**Figure 3 Final Proof Survey - Point of Diversion**

Port of Morrow, Application G-11239, Permit G-10550