

Application No. G-18115

Name _____
By Gerardo and Magda Sanguino G-18115
Address 34 Pomono Drive
Umatilla, OR 97882

Permit No. _____

Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
<u>7/1/15</u>	<u>1450.00</u>	<u>116251</u>
<u>3/18/16</u>	<u>700.00</u>	<u>119244</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date

DENIED _____

MISFILED _____

Volume | Page

WITHDRAWN _____

CANCELLED _____

FEES REFUNDED

Date	Amount	Receipt No.
_____	_____	_____
_____	_____	_____
_____	_____	_____

Cert. Fee

Priority July 1, 2015

County UMATILLA WM# 5

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

DEVELOPMENT

Date

Completion _____

Extended to _____

Final Proof received _____

Proposed Cert. Mailed _____

REMARKS

MAP LOCATION

RS 7/13/2015

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date June 3, 2016

FROM: Groundwater Section J. Hackett

Reviewer's Name

SUBJECT: Application G- 18115 Supersedes review of August 12, 2015

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 groundwater 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: Gerardo Sanguino County: Umatilla

A1. Applicant(s) seek(s) 0.0625 cfs from 1 well(s) in the Umatilla Basin, _____ subbasin

A2. Proposed use Irrigation Seasonality: March 1 – October 31

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	UMAT 57557	1	Alluvium	0.0625	5N/29E-31 NW-SE	1170' S, 530' E fr C1/4 cor S 31
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	471	55	25	5/26/2015	100	0-30	+1 - 84			200		A

Use data from application for proposed wells.

A4. **Comments:** This re-review includes a calculation of pumping impacts from the applicant's well on the Umatilla River (see Section C4a.).

A5. **Provisions of the** Umatilla Basin rules relative to the development, classification and/or management of groundwater 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: _____

B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that groundwater* 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 groundwater 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 groundwater 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 groundwater resource; or
- d. will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7N; medium water-use reporting;
 - 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 groundwater production from no deeper than _____ ft. below land surface;
- b. Condition to allow groundwater production from no shallower than _____ ft. below land surface;
- c. Condition to allow groundwater production only from the alluvial groundwater 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 Groundwater 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. Groundwater availability remarks: The applicant's well produces from coarse-grained Missoula Flood sediments that overlie Columbia River Basalt Group aquifers. Water levels in the sedimentary aquifer are relatively stable.

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

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

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	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: Reported water level in applicant's well rose above water-bearing zone, suggesting some confinement. However, the shallow alluvial aquifer locally acts as an unconfined system.

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 ¼ 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
1	1	Umatilla River	445	410	21000	<input checked="" type="checkbox"/>	<input 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"/>

Basis for aquifer hydraulic connection evaluation: The applicant's well is not located within 1 mile of any perennial surface water sources.

Water Availability Basin the well(s) are located within: #221: UMATILLA R > COLUMBIA R – AT MOUTH

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 < ¼ 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?
		<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"/>

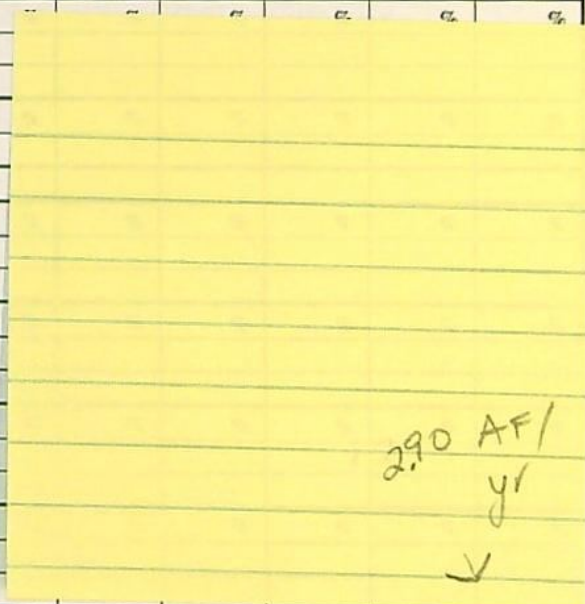
C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

SW #	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?
	<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"/>

Comments: _____

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	1	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS		0	0	0.031	0.031	0.031	0.031	0.031	0.031	0.031	0.031	0	0
Interference CFS		0.001	0.001	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.001	0.001
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.		0.001	0.001	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.001	0.001
(B) = 80 % Nat. Q		292.0	548.0	697.0	984.0	569.0	187.0	82.70	48.10	56.60	67.90	101.0	215.0
(C) = 1 % Nat. Q		2.92	5.48	6.97	9.84	5.69	1.87	0.827	0.481	0.566	0.679	1.01	2.15
(D) = (A) > (C)													
(E) = (A / B) x 100		0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %



290 AF/yr
 ✓

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

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

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

D3. **THE WELL construction deficiency or other comment is described as follows:** _____

D4. **Route to the Well Construction and Compliance Section for a review of existing well construction.**

Water Availability Tables

UMATILLA R > COLUMBIA R - AT MOUTH
UMATILLA BASIN

Water Availability as of 6/3/2016

Watershed ID #: 221 [\(Map\)](#)

Exceedance Level:

Date: 6/3/2016

Time: 10:43 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	292.00	384.00	-92.10	0.00	250.00	-342.00
FEB	548.00	473.00	75.50	0.00	250.00	-175.00
MAR	697.00	612.00	85.50	0.00	250.00	-165.00
APR	984.00	860.00	124.00	0.00	250.00	-126.00
MAY	569.00	1,130.00	-565.00	0.00	250.00	-815.00
JUN	187.00	793.00	-606.00	0.00	250.00	-856.00
JUL	82.70	421.00	-338.00	0.00	120.00	-458.00
AUG	48.10	314.00	-266.00	0.00	85.00	-351.00
SEP	56.60	238.00	-182.00	0.00	250.00	-432.00
OCT	67.90	138.00	-70.10	0.00	300.00	-370.00
NOV	101.00	188.00	-86.80	0.00	300.00	-387.00
DEC	215.00	357.00	-142.00	0.00	250.00	-392.00
ANN	424,000.00	357,000.00	150,000.00	0.00	169,000.00	80,600.00

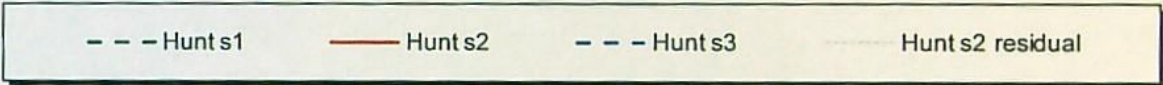
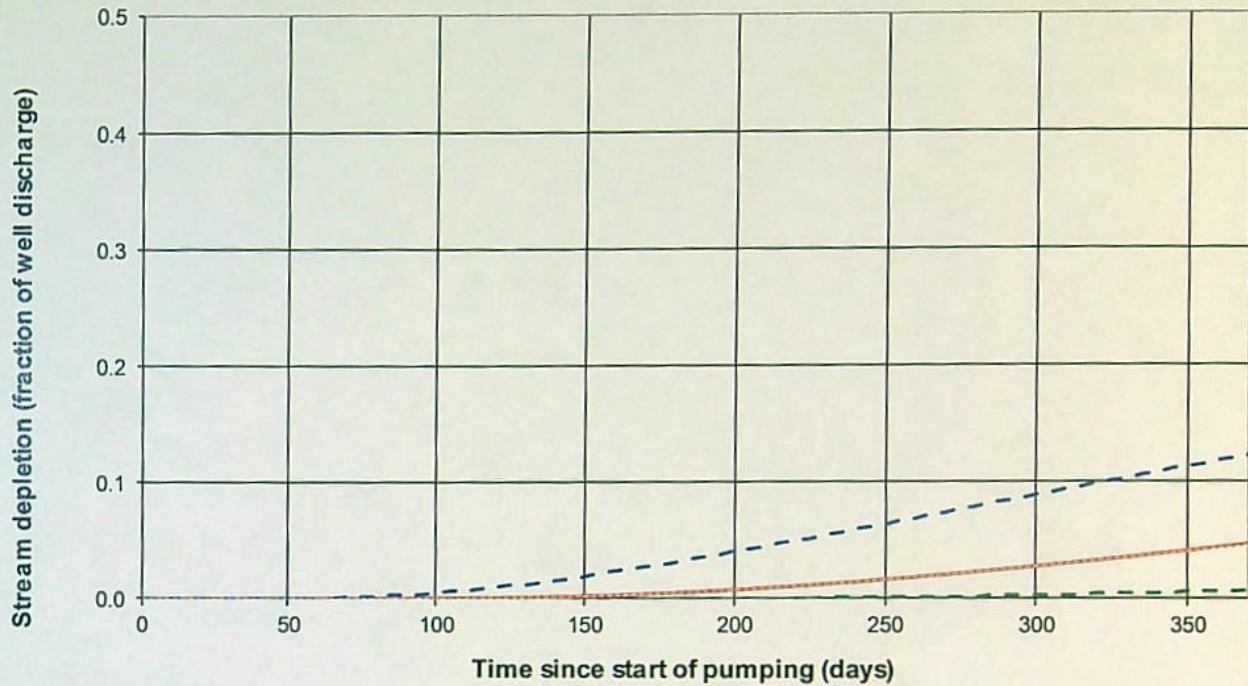
Detailed Report of Instream Flow Requirements
Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF221A	CERTIFICATE	250.00	250.00	250.00	250.00	250.00	250.00	120.00	85.00	250.00	300.00	300.00	250.00
	Maximum	250.00	250.00	250.00	250.00	250.00	250.00	120.00	85.00	250.00	300.00	300.00	250.00

Modeled pumping impacts from applicant's well on Umatilla River

Transient Stream Depletion (Hunt, 1999)

G-18115, Sanguino



Output for Hunt Stream Depletion, Scenerio 2 (s2): Time pump on = 240 days

Days	30	60	90	120	150	180	210	240	270	300	330	360
Qw, cfs	0.032	0.032	0.032	0.032	0.032	0.032	0.032	0.032	0.032	0.032	0.032	0.032
Jenk SD s2 %	0.00	0.00	0.03	0.17	0.51	1.06	1.80	2.69	3.69	4.77	5.88	6.90
Jen SD s2 cfs	0.000	0.000	0.000	0.000	0.000	0.000	0.001	0.001	0.001	0.002	0.002	0.002
Hunt SD s2 %	0.00	0.00	0.01	0.07	0.22	0.50	0.91	1.45	2.08	2.79	3.57	4.34
Hunt SD s2 cfs	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.001	0.001	0.001	0.001

Parameters:

		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate	Qw	0.0315	0.0315	0.0315	cfs
Distance to stream	a	21000	21000	21000	ft
Aquifer hydraulic conductivity	K	250	500	1000	ft/day
Aquifer thickness	b	75	75	75	ft
Aquifer transmissivity	T	18750	37500	75000	ft*ft/day
Aquifer storage coefficient	S	0.2	0.2	0.2	
Stream width	ws	75	75	75	ft
Streambed hydraulic conductivity	Ks	1	1	1	ft/day
Streambed thickness	bs	3	3	3	ft
Streambed conductance	sbc	25	25	25	ft/day
Stream depletion factor (Jenkins)	sdf	4704.0000	2352.0000	1176.0000	days
Streambed factor (Hunt)	sbf	28.0000	14.0000	7.0000	

Water Resources Department
Water Right Services Division

Water Rights Application
Number G-18115

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$450.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Findings of Fact

1. On July 1, 2015, Gerardo Sanguino and Magda M Sanguino submitted an application to the Department for the following water use permit:
 - Amount of Water: 0.06 cubic foot per second (CFS)
 - Use of Water: irrigation of 5.0 acres
 - Source of Water: a well (UMAT 57557/L106761) in Hat Rock Drain Basin
 - Area of Proposed Use: Umatilla County within Section 31, Township 5 North, Range 29 East, W.M.
2. On August 28, 2015, the Department mailed the applicant notice of its Initial Review, determining that "*the appropriation of 0.06 CFS of water from a well (UMAT 57557/L106761) in Hat Rock Drain Basin for irrigation of 5.0 acres is allowable during the full period requested, March 1 through October 31 of each year.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On September 1, 2015, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order.

Within 30 days of the Department's public notice, written comments were received from West Extension Irrigation District expressing concern for the impact on senior water rights. The Department considered comments received, however its findings remain unchanged.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- any applicable basin program
 - applicable statutes, administrative rules, and case law
 - the amount of water available
 - the rate and duty for the proposed use
 - any general basin-wide standard for flow rate and duty of water allowed
 - the need for a flow rate and duty higher than the general standard
 - pending senior applications and existing water rights of record
 - any applicable comprehensive plan or zoning ordinance
 - recommendations by other state agencies
 - the Scenic Waterway requirements of ORS 390.835
 - designations of any critical groundwater areas
 - any comments received
4. The Umatilla Basin Program allows irrigation (OAR 690-507-0070).
5. An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. Groundwater will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of groundwater will avoid injury to existing groundwater rights.
6. Groundwater Findings Under OAR 690-009
The Department determined, consistent with OAR 690-009-0040(4), that the proposed groundwater use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The groundwater appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is

a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

7. Senior water rights exist on a well (UMAT 57557/L106761) in Hat Rock Drain Basin, or on downstream waters.
8. A well (UMAT 57557/L106761) in Hat Rock Drain Basin is not within or above a State Scenic Waterway.
9. The Department finds that the amount of water requested, 0.06 CFS, is an acceptable amount.
10. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.
11. The proposed groundwater use is not within a designated critical groundwater area.

Conclusions of Law

1. Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.
2. The proposed use requested in this application is allowed in the Umatilla Basin Program.
3. Water is available for the proposed use.
4. The proposed use will not injure other water rights.
5. The proposed use complies with rules of the Water Resources Commission not otherwise described above.
6. The application is in compliance with the State Agency Coordination Program regarding land use.

7. No proposed flow rate and duty of water higher than the general basin-wide standard is needed.
8. For these reasons, the required presumption has been established.
9. Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:
 - (a) One or more of the criteria for establishing the presumption are not satisfied; or
 - (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.
10. In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.
11. The Department therefore concludes that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.
12. When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED February 2, 2016

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **March 20, 2016**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2) (b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;
- If you are the applicant, the protest fee of \$350 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$700 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than **March 20, 2016**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$200. If a hearing is scheduled, an additional fee of \$500 must be submitted along with a petition for party status.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations,

governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GERARDO SANGUINO
MAGDA M SANGUINO
34 POMONO DR
UMATILLA, OR 97882

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

APPLICATION FILE NUMBER: G-18115

SOURCE OF WATER: A WELL (UMAT 57557/L106761) IN HAT ROCK DRAIN BASIN

PURPOSE OR USE: IRRIGATION OF 5.0 ACRES

MAXIMUM RATE: 0.06 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 1, 2015

WELL LOCATION: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T5N, R29E, W.M.; 1170 FEET SOUTH
AND 530 FEET EAST FROM C1/4 CORNER, SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 ACRES
SECTION 31
TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

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

- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Static Water Level Conditions

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

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

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

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

- D. Certify the accuracy of all measurements and calculations reported to the Department.

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

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

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

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit,

then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

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

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

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

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

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

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

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

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

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

Issued

DRAFT - THIS IS NOT A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Mailing List for PFO Copies

Application #G-18115

PFO Date February 2, 2016

Original mailed via CERTIFIED MAIL to applicant:

GERARDO SANGUINO & MAGDA M SANGUINO, 34 POMONO DR, UMATILLA, OR 97882

SENT VIA EMAIL:

1. WRD - Watermaster # 5

Copies sent to:

1. WRD - File # G-18115

PFO and Map Copies sent to:

2. Regional Manager: NCR

Copies Mailed By: <u>KE</u> (SUPPORT STAFF) on: <u>2/2/16</u> (DATE)
--

Protest/ Standing Dates checked _____
--

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

1. West Extension Irrigation District, PO Box 100, Irrigon, OR 97844-0100

CASEWORKER : Kim French

Water Right Conditions Tracking Slip :

Groundwater/Hydrology Section

FILE # # 6-19115

ROUTED TO: Water Rights / Kim

TOWNSHIP/

RANGE-SECTION: 5N/29E-31

CONDITIONS ATTACHED?: [] Yes [] no

REMARKS OR FURTHER INSTRUCTIONS:

see conditions on p 2.

Reviewer: J. Hackett

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date August 12, 2015
 FROM: Groundwater Section J. Hackett
Reviewer's Name
 SUBJECT: Application G- 18115 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 groundwater 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: Gerardo Sanguino County: Umatilla

A1. Applicant(s) seek(s) 0.0625 cfs from 1 well(s) in the Umatilla Basin,
 _____ subbasin

A2. Proposed use Irrigation Seasonality: March 1 – October 31

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	UMAT 57557	1	Alluvium	0.0625	5N/29E-31 NW-SE	1170' S, 530' E fr C1/4 cor S 31
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	471	55	25	5/26/2015	100	0-30	+1 - 84			200		A

Use data from application for proposed wells.

A4. **Comments:** _____

A5. **Provisions of the Umatilla** Basin rules relative to the development, classification and/or management of groundwater 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: _____

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

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

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	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: Reported water level in applicant's well rose above water-bearing zone, suggesting some confinement. However, the shallow alluvial aquifer locally acts as an unconfined system.

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 ¼ 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
						<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"/>
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						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: The applicant's well is not located within 1 mile of any perennial surface water sources.

Water Availability Basin the well(s) are located within: _____

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 < ¼ 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?
		<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"/>
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		<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"/>

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

SW #	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?
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
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	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: _____

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
	Well Q as CFS												
	Interference CFS												
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
	Well Q as CFS												
	Interference CFS												
		%	%	%	%	%	%	%	%	%	%	%	%
	Well Q as CFS												
	Interference CFS												
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	Well Q as CFS												
	Interference CFS												

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

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

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

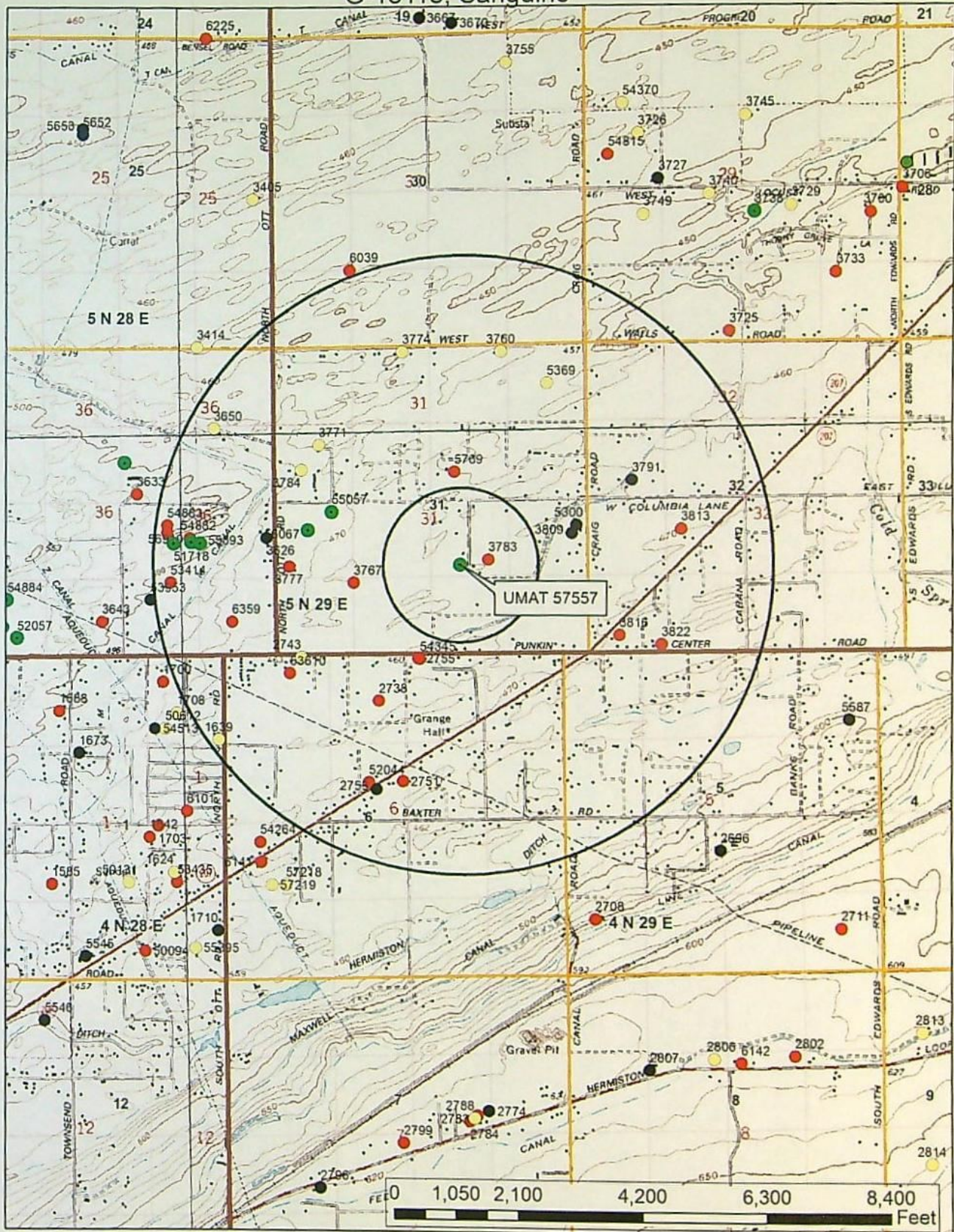
D3. **THE WELL construction deficiency or other comment is described as follows:** _____

D4. Route to the Well Construction and Compliance Section for a review of existing well construction.

Well Location Map

G-18115, Sanguino

1:24,000 scale



Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

Yes No

Application G-18115 County Umat. Priority Date 1-July-15

Township 5N Range 29E Section 31

Amount 28.1gpm Use Irrigation WM Dist. # 5

Applicant Name Gerardo Sanguino C.

Receipt No. 116451 Caseworker Assigned: Barbe Kim Kerri

- Contact info: Applicant/Organization Name and Mailing Address
- Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).

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

If No:

- ~~N/A~~ The affected landowner's name and mailing address must be listed
- ~~N/A~~ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

~~N/A~~ For a SW Application: Source of water must be indicated.

- If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)
NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2).
- If for stored water not under contract, is the source authorized under a permit, certificate, or decree?
Permit or Certificate issued? Y / N Permit or Certificate # _____

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

Proposed water use

- Amount of water from each source in 28.1 GPM, CFS, or AF
- Period of use indicated
- ~~N/A~~ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed
(Primary and Supplemental Irrigation counts as 2 uses)

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

~~N/A~~ Resource Protection Section (N/A for Groundwater)

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

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

- Supplemental data sheets enclosed (if needed)
- Form M (Municipal or Quasi-Municipal)
- Spring Description Sheet (if source is a spring)

A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.

A Legal Description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

The proposed source IS / ~~IS NOT~~ (circle one) restricted or withdrawn from further appropriation. *umattilla/Herm. Muni. Well Sm. Pad.*
 NOTE: If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

The map must meet all the minimum requirements of OAR 690-310-0050.

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- Place of use, 1/4-1/4's and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
- Location of each diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
- Reference corner on map
- North Directional Symbol
- Number of acres per 1/4-1/4 if for irrigation, nursery, or agriculture

For a standard reservoir application to store ≥ 9.2 acre feet AND having a dam height ≥ 10 feet, map must be prepared by a CWRE

Fees:

Base Fee	\$ <u>1150</u>	Permit Recording Fees	\$ <u>450</u>
1" CFS @ \$300	\$ <u>300</u>	Mitigation Fee	\$ _____
___ add'l CFS @ \$300 ea	\$ _____	Rec Fee Total	\$ <u>0</u>
___ AF up to 20 AF @ \$30 ea	\$ _____	Rec Fee Paid	\$ <u>0</u>
___ add'l AF @ \$1 ea	\$ _____		
___ add'l <input type="checkbox"/> pod/poa <input type="checkbox"/> use @ _____ ea	\$ _____		
___ add'l res @ \$125 ea	\$ _____		
Exam Fee Total	\$ <u>1450</u>		
Exam Fee Paid	\$ <u>1450</u>		

Amount Returned \$ 1450

Reviewed by: Jeffrey

Date: 1-July-15

5181-9

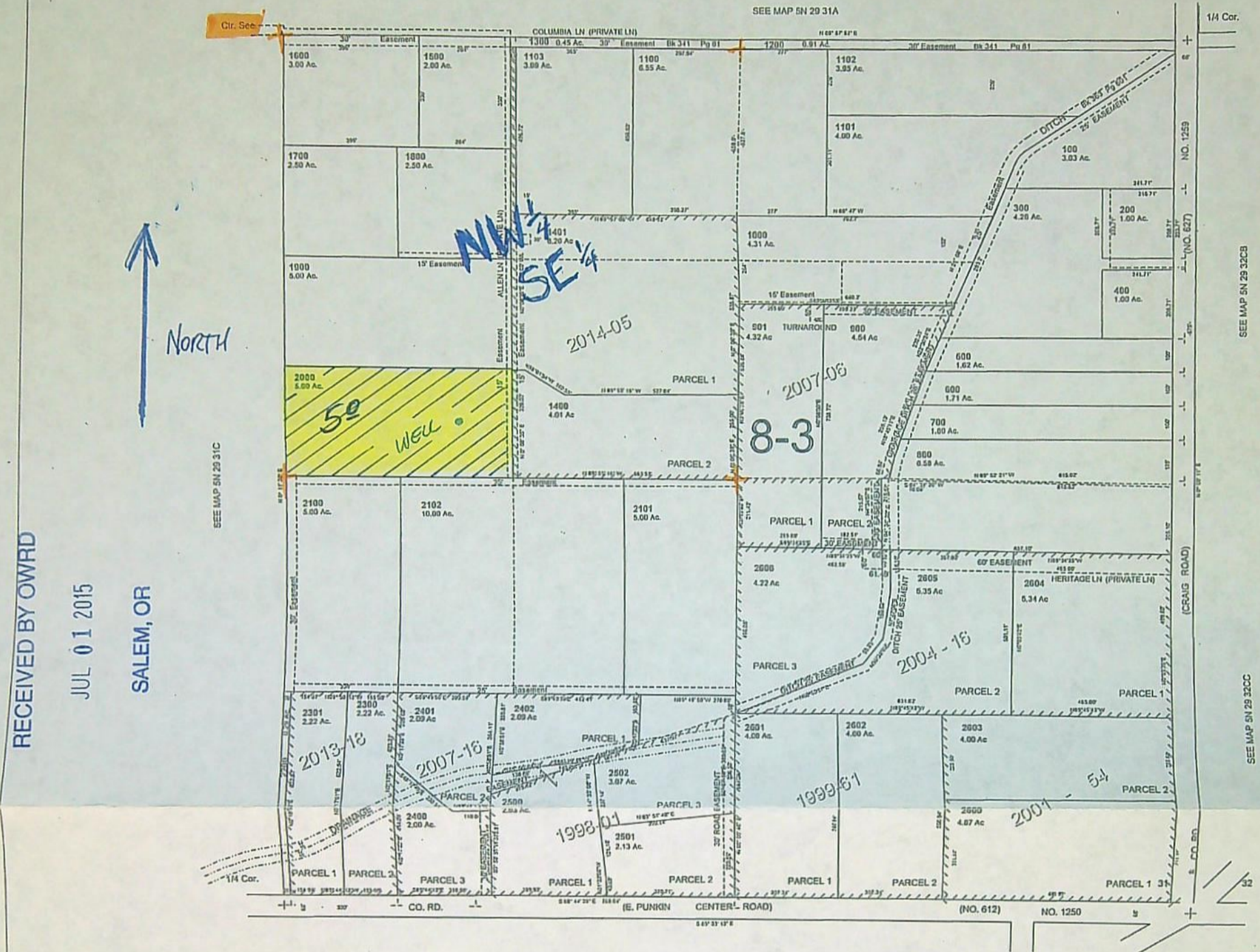
This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.



SE 1/4 SEC 31 T5N R29E WM UMATILLA COUNTY

SCALE: 1" = 200'
400'

5N2931
AERIAL PHOTO NO. IF



RECEIVED BY OWRD
JUL 01 2015
SALEM, OR

5N2931D

WELL IS LOCATED: 1170 ft. SOUTH and 530 ft. EAST FROM THE CENTER OF SEC. 31

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **119244**

INVOICE # _____

RECEIVED FROM: Marten Law

APPLICATION G-18115

BY: _____

PERMIT _____

TRANSFER _____

CASH: CHECK:# 4062 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 700.00

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 47235

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

0220 \$ _____

0223 OTHER (IDENTIFY) Protest Fee \$ 700.00
rcvd 3/18/16

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **119244**

DATED: 3/18/16 BY: J. Ortiz-Turner

MARTEN LAW

Oregon Water Resources Department

03/17/2016 03172016

06140-00000

Water Rights Transfer

700.00

4062

03/17/2016 000004062

700.00



MARTEN LAW

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MAR 18 2016

OWRD

March 18, 2016

Patricia McCarty
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: ***In the Matter of Groundwater Permit Application G-18115***
Comments and Protest of West Extension Irrigation District

Name of Protester: West Extension Irrigation District (WEID)
Address: P.O. Box 100
Irrigon, Oregon 97844
Telephone: (544) 922-3814

Protester's Attorneys: Douglas W. MacDougal
Daniel Timmons
Marten Law PLLC
1001 SW Fifth Avenue, Suite 2150
Portland, OR 97217
(503) 243-2200

Dear Ms. McCarty:

Gerardo and Magda Sanguino filed Application G-18115 (the Application) for the use of up to 0.06 cubic feet per second (cfs) of groundwater from a recently-drilled well in the Umatilla Basin for irrigation of 5 acres. On August 12, 2015, the Oregon Water Resources Department (OWRD) completed its Public Interest Review for the Application, and on August 28, 2015, the department issued an Initial Review for the Application, which included favorable initial determinations. On September 29, 2015, WEID Manager Bev Bridgewater submitted a comment letter describing the potential impact of G-18115 on WEID's senior surface water rights and requesting OWRD's denial of the Application. On February 2, 2016, OWRD issued a Proposed Final Order (PFO) recommending issuance of the draft permit without changing any of its initial findings.

These comments and formal protest of the Application are filed in accordance with ORS 537.621(8) and OAR 690-310-0160.

I. Introduction

The Application proposes to appropriate water from the alluvial aquifer within Section 31, Township 5 N, Range 29 East. To approve the Application, OWRD must determine that the new appropriation will not cause injury to existing water rights, including surface water rights. ORS 537.153, .160. OWRD erred in finding that no injury to existing rights will occur because the cumulative impact of the new appropriation and existing groundwater pumping has the potential for substantial interference with flows in the Umatilla River. In fact, groundwater pumping in the basin has already had an actual and substantial effect on Umatilla River flows and WEID's senior rights.

OWRD's groundwater review concluded that the proposed use of groundwater would not have the potential for substantial interference (PSI) with surface water because the well is not located within one mile of a perennial surface water source. This conclusion, however, cannot be sustained. According to much sound hydrologic evidence, despite being more than a mile from the Umatilla River, the proposed appropriation will negatively affect flows in that river.

As has been well-established by various scientific reports, any well located within the shallow alluvium in the area contributing groundwater flow towards the Umatilla River – even in areas beyond one mile from the river – is hydraulically connected to the Umatilla River. Further, it is well-documented that groundwater from the alluvial aquifer at the proposed point of appropriation flows toward and discharges into the Umatilla River above WEID's Threemile Falls diversion. WEID has senior water rights in the Umatilla River that are routinely not met, in large part due to cumulative impacts of groundwater wells capturing return flows that would otherwise flow to the Umatilla River. The appropriation of groundwater under Application G-18115 will contribute to these cumulative impacts and further exacerbate the impairment of WEID's senior water rights.

The history of WEID's concerns and its discussions with OWRD on the issue of substantial groundwater interference with WEID's surface water rights goes back at least a decade. Ten years ago, in March of 2006, John Koreny of HDR presented to OWRD his analysis of "Groundwater Pumping in Umatilla Basin." His presentation, titled *Evaluation of West Extension's Umatilla River Water Supply*, showed a strong correlation between streamflow declines and groundwater pumping. He also presented these findings to the CTUIR in May of that year. The correlations were based on earlier studies and estimates by others, and one of the recommendations in the presentation was to "Analyze Effects from Groundwater on the Umatilla River."

Following up on that plan, and in cooperation with OWRD's Karl Wozniak, HDR undertook a thorough study of the extent and distribution of wells in the Umatilla Basin, shallow and deep. John Koreny's Technical Memo, *Inventory of Groundwater Rights in the Umatilla Basin* (the HDR Report) was forwarded to the department with Bev Bridgewater's letter of February 22, 2008. Her letter summarized some of its key findings. The HDR Report identified a total of about 376 water rights for wells in the unconfined aquifer and shallow basalt aquifer in the basin, drawing an estimated 160 cfs of water during the irrigation season, totaling some 60,000 acre-feet of consumptive use. Based on a basic understanding of groundwater flow in the basin and "the scientific principles of the depletion of flow on hydraulically-connected river reaches by

MAR 18 2016

groundwater pumping," the HDR Report plainly stated that "the consumptive use of ground water that would have flowed into the Umatilla River by wells pumping from the unconfined aquifer reduces the flow in the river." (emphasis added). The letter from Ms. Bridgewater is enclosed as Exhibit 1, and the HDR Report can be found within OWRD's existing files.

Then, six years ago, Douglas MacDougal, counsel for WEID, wrote to OWRD about WEID's concern that widespread groundwater withdrawals from shallow, alluvial wells close to the Umatilla River were not being properly and conjunctively managed. The focus of the August 21, 2009 letter, and its accompanying Technical Memorandum from GSI Water Solutions, Inc. (the GSI Memorandum) was on management of wells within a mile of the river. The letter from Mr. MacDougal is enclosed for your reference as Exhibit 2, and the GSI Memorandum can be found within OWRD's existing files. Please let us know if you are unable to locate the HDR Report or GSI Memorandum, and we will provide you with additional copies.

The GSI Memorandum focused primarily on wells within 1 mile of the Umatilla River, as it was particularly concerned with OWRD regulation of existing wells under Division 9 of Chapter 690 of the Oregon Administrative Rules. However, the conclusions of the memorandum are relevant to the issue of hydraulic connectivity of wells beyond one mile:

[T]hese results indicate that groundwater pumping is likely having a larger effect on surface water flows of the Umatilla River than previously thought. As a result, there are probably many additional groundwater rights beyond those originally identified that have the potential for substantial interference with the Umatilla River, and should be conjunctively managed in favor of WEID's senior Umatilla River water rights.

GSI Memorandum, at 4.

These studies establish that groundwater pumping in the Umatilla Basin is having a substantial cumulative impact on flows in the Umatilla River. Although further study may be helpful in further quantifying the exact magnitude of that impact, existing evidence is sufficient to establish with considerable certainty that all wells in the basin shallow alluvium have at least the potential for substantial interference with senior surface water rights.

The department's response following WEID's 2009 letter was generally constructive and helpful. But we also highlighted a more fundamental concern about cumulative impacts which has not ever been properly addressed by the department. The cumulative impacts of the myriad small wells, both near and far from the river, collectively and dramatically reduce the amount of water available to senior water right holders on the Umatilla River. Most of these shallow wells now fall below the department's regulatory radar because they are viewed individually and not cumulatively. OWRD regards each well myopically as if the well has no relationship to the other wells around it. But the impacts from all of the wells approved by OWRD accumulate over time causing substantial effects on flows in the river. This groundwater application is no different.

OWRD has failed to adequately address cumulative impacts of groundwater pumping on WEID's surface water rights, and the problem continues to worsen with the issuance of each new groundwater permit. Accordingly, OWRD has left WEID with no choice but to protest the issuance of this PFO to protect its rights from further injury.

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II. Specific Grounds for Protest

A. Statement of WEID's Interest

WEID is the holder of senior surface water rights in the Umatilla River. Water Right Certificates 79924; 79925; 79933; 79928; 79930; 79927; 79929; 87799. WEID also has an interest in the certificated right to use of "return flow from the irrigation systems along the Umatilla River using water stored in McKay Reservoir." Certificate 87872 (held in name of Bureau of Reclamation for WEID's beneficial use).

B. Impairment of WEID's Interest

As noted above, since 2006, WEID has been providing information to OWRD demonstrating that groundwater use in the basin is adversely impacting WEID's senior water rights. The HDR Report and GSI Memorandum – described above and previously provided to OWRD – among other studies, document the indisputable hydraulic connection between the Umatilla River and the shallow, alluvial aquifer currently proposed for further groundwater development. The use of groundwater proposed by Application G-18115 will further reduce the amount of water available to WEID's senior surface water rights, causing injury to WEID's legal interests and its practical ability to deliver water reliably and cost-effectively to its patrons.

Where there is hydraulic connection, OWRD's Division 9 rules require the agency to consider cumulative adverse impacts from groundwater use on surface water (including impacts from wells beyond a mile from surface water) when evaluating PSI. OAR 690-009-0040(5). In evaluating the Application, however, OWRD failed to consider potential impacts of the proposed groundwater pumping on surface water sources more than one mile away and failed to consider the cumulative impacts of groundwater pumping throughout the basin. In issuing the PFO, OWRD failed to adequately protect WEID's senior surface water rights, as required by statute and OWRD regulations.

C. Errors in the Proposed Final Order

1. The PFO contains a logical fallacy because it assumes that if the presumption of PSI is not met, then there is no PSI.

OWRD's Public Interest Review and Initial Review both concluded that the proposed use of groundwater would not have the potential for substantial interference (PSI) with surface water because the well is not located with one mile of a perennial surface water source. OWRD rules, however, do not provide that groundwater pumping more than one mile from a perennial stream is deemed to have no substantial interference with groundwater. To the contrary, while the rules provide certain presumptions regarding substantial interference where wells are either located within ¼ mile or one mile of a surface water source, the rules also specifically state that "any wells," regardless of

distance from a surface water source, which produce water from an aquifer “hydraulically connected to the surface water source may be determined by the Department to have the potential to cause substantial interference with the surface water source.” OAR 690-009-0040(5) (emphasis added). The consensus of the scientific community – including OWRD groundwater staff – is that wells beyond one mile may be hydraulically connected to a surface water source. This is the case in the Umatilla River basin.

The PFO adopted the erroneous logic from the department’s Public Interest Review and Initial Review and failed to adequately explain OWRD’s reasoning for concluding that “that the proposed groundwater use will not have the potential for substantial interference with surface water.” The entirety of the department’s “analysis” from the PFO is copied below:

The Department determined, consistent with OAR 690-009-0040(4), that the proposed groundwater use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The groundwater appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department’s rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

(emphasis added).

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The PFO is correct that PSI is presumed where there is a hydraulic connection between a well and a surface water supply and any one of the (b) – (e) conditions are also met. However, the analysis is wrong in concluding that just because conditions (b) – (e) may not be met, “there is no potential for substantial interference.” Just because the presumption of PSI is not established does not automatically mean that there is no PSI. To the contrary, the fallacious logic of the PFO ignores the possibility – recognized in OWRD regulations and evidenced by the current Application – that wells outside of one mile from a surface water source may have a hydraulic connection to that source and the potential for substantial interference with surface water. OAR 690-009-0040(5). In fact, OWRD’s analysis addressed only OAR 690-009-0040(4) and failed to address the required considerations in OAR 690-009-0040(5). This was in error.

2. OWRD failed to assess the potential for substantial interference.

In evaluating the Application, OWRD completely failed to consider potential impacts on surface water sources located more than one mile from the well. Instead, the department’s Public Interest Review noted the sole “basis for aquifer hydraulic connection evaluation” to be that “[t]he applicant’s well is not located within 1 mile of any perennial surface water sources.” Yet OWRD regulations specifically indicate that hydraulic connectivity and a potential for substantial interference may be established for “any wells,” including those located more than one mile from a surface water source. OAR 690-009-0040(5).

Further, Part C4a. of the department’s Public Interest Review form specifically provides for OWRD evaluation of the “[e]stimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate.” However, OWRD’s reviewer, J. Hackett, failed to complete this analysis, leaving this section incomplete.

OWRD erred in failing to adequately evaluate the potential impacts of the Application on surface water flows in the Umatilla River.

3. OWRD failed to assess the potential for cumulative impacts to cause the potential for substantial interference.

Under OAR 690-310-0150(2), the PFO is required to “cite findings of fact and conclusions of law and shall include . . . an assessment of whether the proposed use would result in injury to existing water rights.” In adopting the PFO, however, OWRD completely ignored the potential for injury to existing water rights as a result of cumulative impacts from the proposed groundwater well operating in conjunction with existing users. The potential for this type of injury is specifically contemplated by OAR 690-009-0040(5)(e). Thus, OWRD failed to adequately assess the potential for injury to WEID’s senior surface water rights.

As described above, in issuing the PFO, OWRD did not evaluate whether the newly proposed well, in conjunction with existing groundwater pumping, has the potential for substantial interference with existing surface water rights based on cumulative impacts. This omission was error. Particularly where the department has substantial, long-standing evidence of groundwater pumping having cumulative impacts on surface water rights, it

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is arbitrary and capricious for the department to simply ignore the possibility of cumulative impacts described by OAR 690-009-0040(5).

4. *The conditions in the PFO will not protect existing users from injury.*

OWRD's response to WEID's substantive comments regarding the Initial Review was completely inadequate. The entirety of the department's response to WEID's comment letter is as follows: "The Department reviewed the comments made by the applicant [sic] and has determined that regulation and proper conditions imposed on this application will protect senior water rights." This "analysis" is perplexing, since OWRD does not in fact regulate groundwater wells to meet surface water calls where such wells are located more than one mile from the deficient water source. Further, the conditions imposed on the PFO may address potential impacts on neighboring groundwater wells, but they do not deal with substantial interference with surface water sources. The conditions in the PFO are inadequate to protect existing surface water users from injury.

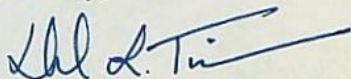
5. *OWRD erred in presuming that the Application will ensure the preservation of the public welfare, safety and health because the proposed use will injure other water rights.*

Under OAR 690-310-0130, OWRD presumes that groundwater development is in the public interest where certain conditions are met. In this case, OWRD found the presumption to be established; however, OWRD erred in concluding that "[t]he proposed use will not injure other water rights." This conclusion was based on the combination of errors identified above, including the complete failure of the department to consider the potential for cumulative impacts to cause the potential for substantial interference with existing surface water rights. Accordingly, OWRD erred in finding the presumption to be met. The Application is not in the public interest because it will cause injury to holders of senior water rights in the Umatilla River, including WEID.

III. Conclusion

For the reasons stated in this protest letter, the Application has the potential for substantial interference with surface water rights held by WEID. Accordingly, approval of the Application is not in the public interest. We respectfully request that OWRD withdraw the PFO and issue a new PFO denying the Application.

Sincerely,



Daniel L. Timmons
Attorney for West Extension Irrigation District

Cc: Bev Bridgewater, West Extension Irrigation District

Enclosures

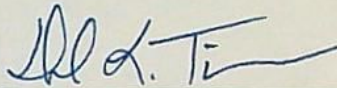
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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2016, I served a true and correct copy of this *In the Matter of Groundwater Permit Application G-18115, Comments and Protest of West Extension Irrigation District* on the applicant at the address listed below, by First Class U.S. Mail:

Gerardo Sanguino
Magda M. Sanguino
34 Pomono Dr.
Umatilla, OR 97882

DATED: March 18, 2016



Attorney for Protester West Extension Irrigation District

Daniel L. Timmons, OSB No. 124798
Marten Law PLLC
1001 SW Fifth Avenue, Suite 1500
Portland, OR 97219
(503) 241-2644

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Exhibit 1

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West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
westex@oregontrail.net

February 22, 2008

Phil Ward, Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

**RE: Impacts to West Extension Irrigation District Water Supply from
Ground Water Pumping**

Dear Director Ward:

Thank you for meeting with us in 2007 to hear our concerns regarding the diminishing water supply for West Extension Irrigation District's (WEID) patrons. At the meeting, among other issues, we raised the matter of ground water pumping by junior water right holders and the impact of such pumping on WEID's water supply from the Umatilla River. WEID retained HDR Engineering, Inc. (HDR) to complete an inventory of the amount of ground water rights that are allocated within the Umatilla Basin below Pendleton pumping water from the unconfined aquifer. HDR coordinated with OWRD Hydrogeologist Karl Wozniak on this study. Key points of the memorandum include the following:

- Within the Umatilla Basin below Pendleton, HDR identified a total of about 400 water rights for wells in the unconfined aquifer and shallow basalt aquifer that authorize the use of water for approximately 13,400 acres of primary irrigation and 19,800 acres of supplemental irrigation.
- Based on a crop irrigation requirement of 2.55 acre-feet per acre, and assuming that supplemental rights are used at 50 percent of primary rights, this equates to an estimated consumptive use of 60,000 acre-feet annually or about 160 cfs during the irrigation season.
- As depicted in Figures 9 to 11 and the summary table on Page 6, the vast majority of wells in the unconfined and shallow basalt aquifers (over 375 wells) are not conjunctively managed by the Department under OAR Chapter 690, Division 9 (Division 9) as hydraulically-connected junior water rights impacting senior surface water rights. Approximately 70 of these wells are within 1 mile of the Umatilla River and all 375 are within 5 miles.

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- The results of this study are similar and complementary to the inventory of water rights in the Umatilla Basin completed by Karl Wozniak.

While WEID appreciates the Department's conjunctive management efforts under Division 9 to date, the attached memorandum suggests that the effort is falling short. Given the significant amount of consumptive use by hydraulically connected junior ground water right holders, WEID requests OWRD redouble its efforts to protect WEID's senior water rights consistent with Oregon law and the Oregon Water Resources Commission's Groundwater Management Policy under OAR 690-410-010. To maintain the status quo would abrogate the Department's fundamental responsibility to protect senior water rights and would only leave WEID with the option of requesting relief through department regulatory process.

As you recall from our previous meeting, WEID relies on the Umatilla River for irrigation at a gravity-flow diversion located at Three-Mile Falls Dam. Using reasonable estimates of ground water consumptive use, the analysis presented in the enclosed technical memorandum shows a depletion of ground water in the shallow aquifer connected to the Umatilla River of about 60,000 AF. WEID is bearing the brunt of the burden caused by this situation. Our live flow from the Umatilla River has dropped from over 80,000 AF in the middle of the century to below 20,000 AF during recent years (documented in HDR's previous report). Because of this situation, WEID can no longer depend on the river for a reliable supply. As a result of reduced river flow available for appropriation or exchange, WEID has instituted a rotation system; has, at times, cut deliveries; and has become increasingly dependent on water pumped up from the Columbia River. While abundant, Columbia River water is very expensive to lift and pump, about \$32/acre-foot (and these costs increase every year). WEID's patrons are facing hardship from both water shortages and increased pumping costs.

While WEID has faced hardship and curtailment, there has been a vast increase in the amount of ground water rights allocated in the Umatilla Basin. Almost all of the ground water rights have a junior priority to WEID's Umatilla River surface water rights. WEID contends that most, if not all, of the ground water wells identified in the Technical Memorandum intercept water in the shallow, unconfined aquifer that would otherwise flow into the Umatilla River. To the extent that this contention is true, they are reducing the water that WEID is entitled to use, and the Department should be protecting the water for use under WEID's senior water right. Under this method of administration, the junior ground water users that are not administered by the Department get a full supply, while WEID (the senior right) faces shortages and curtailment.

WEID further notes that the wells cited in the attached Technical Memorandum deplete live flows needed for Umatilla River fisheries. The United States, the Confederated Tribes of the Umatilla Indian Reservation, and the State of Oregon have gone to great lengths and spent a significant amount of money to restore and protect those fisheries. WEID believes that actions to protect its rightful water supply will also further the goals of fish restoration and protection.

WEID understands that the Department has many issues in front of it. However, WEID's continued existence depends on efficiently resolving the factors associated with reduced stream flow available for appropriation or exchange. The attached memorandum and previous studies by OWRD and others (cited in the memo) demonstrates that ground water use is a major contributing factor to these reduced stream flows.

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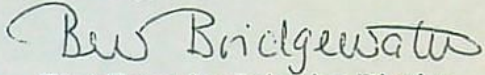
OWRD

Impacts to WEID Water Supply
Phil Ward
Page 3

We look forward to working with you to develop a cooperative remedy.

Please contact me if you have any questions and to set up a meeting as needed to discuss the attached memorandum.

Sincerely,



West Extension Irrigation District
Bev Bridgewater, Manager

Enclosure

Cc: Jerry Rodgers, OWRD - Salem
Mike Ladd, OWRD- Pendleton
Tim Personius, Bureau of Reclamation- Boise
Ron Eggers, Bureau of Reclamation- Portland
Aaron Skirvin, CTUIR
Rick George, CTUIR
Douglas MacDougal, Schwabe, Williamson & Wyatt
John Koreny, HDR Engineering, Inc.
Adam Sussman, GSI Water Solutions, Inc.
Eric Glover

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MAR 18 2016
OWRD

Exhibit 2

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MAR 18 2016



DOUGLAS W. MACDOUGAL
Admitted in Oregon, Washington and Hawaii
Direct Line: 503-796-2943
E-Mail: dmacdougald@schwabe.com

August 21, 2009

Mr. Phil Ward
Director
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301-1271

Re: West Extension Irrigation District Ground Water Concerns

Dear Phil:

On behalf of West Extension Irrigation District (WEID), we are forwarding for OWRD's review and information a technical memorandum dated August 12, 2009 prepared by GSI Water Solutions, Inc. It regards the impact on the Umatilla River of the use of water from certain alluvial wells in the Umatilla River basin that OWRD does not currently conjunctively manage.

WEID is concerned that some groundwater withdrawals from shallow, alluvial wells close to the Umatilla River are not being conjunctively managed by OWRD even though the agency's administrative rules provide OWRD with the authority to do so. These wells, many with junior water rights, reduce surface water flow in the Umatilla River. Altogether, the combined diversion of water under these rights has a cumulative impact on Umatilla River flows. The net effect of these withdrawals is the continued depletion of the river to the prejudice of senior rights, including those of WEID.

In February of 2008, WEID forwarded to the Department a draft report prepared by John Koreny of HDR, Inc. on the groundwater rights in the Umatilla Basin. That report vividly depicted the dense population of groundwater wells in the lower Umatilla Basin. Only a small handful of those wells are currently the subject of conjunctive regulation by OWRD. The overwhelming majority are not conjunctively managed, evidently because, considered individually, OWRD has not deemed them eligible for regulation under Division 9 of Chapter 690 of the Oregon Administrative Rules. Yet their *cumulative* impact on the river is undoubtedly profound. Moreover, even considered individually, OWRD's Division 9 analysis of these wells is more than a decade old. Better information on key groundwater parameters is now available. The use of conservative parameters and application of some limiting assumptions have for years excluded many wells that are appropriate for Division 9 regulation. The GSI report, which investigated only a small sample of close-in alluvial wells, shows this to be the case.

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MAR 18 2016

OWN

Mr. Phil Ward
August 21, 2009
Page 2

For its analysis, GSI picked wells that are less than one mile from Umatilla River and draw water from the alluvial aquifer. Using the Jenkins model, and updated but still-conservative parameters for hydraulic connectivity, storage coefficient and saturated aquifer thickness, the wells selected by GSI all show the potential for substantial interference (PSI) as defined by Division 9. The analysis also shows that regulation of those wells would afford effective and timely relief for surface water rights, such as those held by WEID. But for years OWRD has not conjunctively managed these wells.

How did this happen? In the 1990s, OWRD evidently used the Jenkins model referred to in Division 9 to create a list of wells that it would and would not conjunctively manage near the Umatilla River. But OWRD's unique application of the Division 9 tests arbitrarily limited the number of wells that OWRD could otherwise conjunctively manage. It appears that this analysis has not since been reopened or updated to reflect both better science and the realities of the basin. These (and many other) wells remain unregulated for the benefit of senior surface water rights. The unfortunate result is the annual depletion of the Umatilla River flows by junior groundwater users.

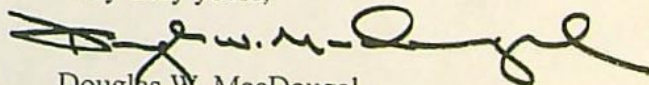
WEID's view is that the department should critically reexamine the effect of the alluvial wells proximate to the Umatilla River, taking particular care to evaluate the cumulative effect of the withdrawals. We urge the department to look at the GSI report as an example of a fresh view of the problem.

While the wells identified in the GSI report show clear need for conjunctive management, the larger issue, again, suggested in both GSI and HDR reports, is that of the cumulative impact of the many wells near the river. These wells collectively have the potential for substantial interference with the Umatilla River flows in a way that no individual well has. WEID suggests that OWRD examine the cumulative adverse impacts of these wells with particular attention. Division 9 provides clear guidance to OWRD to consider cumulative adverse impacts on streamflow or surface water supply as a factor in determining the potential for substantial interference. See OAR 690-009-0040(5)(e).

WEID and its consultants welcome the opportunity to meet with OWRD to further discuss these findings and to assist in answering any questions the Department may have, either with respect to the GSI report or the HDR report.

We appreciate your consideration of these matters.

Very truly yours,



Douglas W. MacDougal

DWM:njm
Enclosure
cc: West Extension Irrigation District (w/encl)
Adam P. Sussman (w/encl)
John Koreny (w/encl)

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MAR 18 2016

OWRD

S&W



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

March 28, 2016

Gerardo and Magda Sanguino
34 Pomono Drive
Umatilla, OR 97882

Re: Copy of protest on Application G-18115

Dear Gerardo and Magda Sanguino,

Enclosed is a copy of the protest to the Proposed Final Order on Application G-18115 filed by West Extension Irrigation District. You should have received a copy of the protest from the District. Water Resources is required to also send you a copy.

I will review the protest and contact you regarding possible settlement discussions with the District and the Department. The Director has the option to issue a final order within 60 days or refer the protest to a contested case hearing. The Department will notify you of its decision as soon as possible. Please contact me directly with any questions.

Sincerely,

Patricia McCarty
Protest Program Coordinator
Water Right Services Division
503-986-0820
patricia.e.mccarty@wrд.state.or.us





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

March 28, 2016

Douglas W. MacDougal
Daniel Timmons
Marten Law PLLC
1001 SW Fifth Avenue, Suite 2150
Portland, OR 97217

Re: Protest fee receipt on Application G-18115

Dear Mr. Timmons,

Enclosed is receipt #119244 for check #4062 in the amount of \$700.00 in payment of the fee for the protest to the Proposed Final Order on Application G-18115 in the name of Gerardo and Magda Sanguino.

I will review the protest and contact you regarding possible settlement discussions with the applicants and the Department. The Director has the option to issue a final order within 60 days or refer the protest to a contested case hearing. The Department will notify you of its decision as soon as possible.

Sincerely,

Patricia McCarty
Protest Program Coordinator
Water Right Services Division
503-986-0820
patricia.e.mccarty@ wrd.state.or.us



Water Rights Section – Application Comment Evaluation Form

Date: November 6, 2015

Caseworker: Kim French

Application Number: G-18115

Name of Commentor: West Extension Irrigation District

Description: Commentor is concerned about impacts to senior water rights

Evaluation of Comment: The Department reviewed the comments made by the applicant and has determined that regulation and proper conditions imposed on this application will protect senior water rights.

Finding for PFO: The Department considered the comments made by the applicant, however the findings have not changed.



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
hbridge@oregontrail.net

September 29, 2015

EMAILED TO
JOHN 10/1 &
10/28

Kim French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Comments on IR for Groundwater Permit Application G-18115

Dear Ms. French;

Gerardo Sanguino filed Application G-18115 (the Application) for the use of up to 28.1 gallons per minute of groundwater from a well in the Umatilla Basin for irrigation of 5 acres and domestic use. On August 28, 2015, the Oregon Water Resources Department (OWRD) issued an Initial Review (IR) for the Application, which included favorable initial determinations. West Extension Irrigation District (WEID) is providing the following comments on that IR.

The Application proposes to appropriate water from the alluvial aquifer within Section 31, Township 5 N, Range 29 East. OWRD's groundwater review concluded that the proposed use of groundwater would not have the potential for substantial interference (PSI) with surface water because the well is not located with one mile of a perennial surface water source. However, it is well documented that groundwater from the alluvial aquifer at the proposed point of appropriation flows toward and discharges into the Umatilla River above WEID's Threemile Falls diversion. WEID has senior water rights that are routinely not met and the appropriation of groundwater under Application G-18115 will exacerbate the impairment of WEID's senior water rights.

Since 2006, WEID has been providing information to OWRD demonstrating that groundwater use is adversely impacting WEID's senior water rights. OWRD's Division 9 rules authorize the agency to consider cumulative adverse impacts from groundwater use on surface water (including impacts from wells beyond a mile from surface water) when evaluating PSI. Once again, I urge OWRD to consider the cumulative impacts to senior water users on the Umatilla River when evaluating groundwater applications in this area. The use of groundwater proposed by Application G-18115 will reduce the amount of water available to WEID's senior surface water rights and should be denied.

Sincerely,

A handwritten signature in black ink that reads "Bev Bridgewater". The signature is written in a cursive, flowing style.

Bev Bridgewater
Manager, West Extension Irrigation District

RECEIVED BY OWRD

CC: Mike Ladd, Region Manager, District 5
Greg Silbernagel, District 5 Watermaster

OCT 01 2015

SALEM, OR

PFO Checklist

Application #: G-18115 Applicant: GERARDO SANGUINO C MAGDA M SANGUINO

IR requested add'l info No Yes _____

Have conflicts been addressed? NA No Yes _____

IR date 8/28/15 Noticed on 9/1/15 Comment Deadline 10/1/15

Electronic/written comments? No Yes WEID Comment eval? No Yes NA

Allowed Use/Rate/Season IR-5.DAL; 0.DG.CFS; 3/1-10/31 Limit 4/80 Duty 3

Make specific finding in PFO if Rate/Limit higher-than-standard Duty higher-than-standard

Confirm POD/POU are correct per the map

Is second gw review necessary? NA No Yes Complete? No Yes Add'l fees necessary collected needed

DIV 9 NA will likely be available... will not likely be available... will, if properly conditioned...

well NO PSI has PSI with _____

GW conditions 7N-MEQ

Conditions _____

Small ≤ 0.1 CFS, ≤ 9.2 AF Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF Large ≥ 0.5 CFS, ≥ 100 AF

SW availability NA 80% 50% _____

DIVISION 33 NA No UPPER COLUMBIA (not allowed 4/15 - 9/30)
 LOWER COLUMBIA
 STATEWIDE

SWW NA above within _____ If GW and interference, copy form for Stahr.

Application was filed prior to 10/23/99 No Yes (If Yes, add A date requirement)

Land Use allowed outright decision obtained being pursued not being pursued (add text box - deny)


Needed before permit NA fees evidence of well repair LU easement plans/specs storage contract

Changes from IR determinations

Notes

Fees _____ CFS Base _____
 _____ AF Up to 1 CFS _____
 _____ Add'l CFS _____
 Up to 20 AF _____
 _____ Add'l AF @ \$1 _____
 Add'l _____ POD/POA _____ use + _____
 Exam Fee Required = _____ Rec Fee Req'd _____
 Exam Fee Paid _____ Rec Fee Paid _____
 Still Owed _____ Owed before permit _____

EXAM FEE REQUIRED	<u>1450</u>	RECORDING FEE REQUIRED	<u>450</u>
EXAM FEE PAID	<u>- 1450</u>	RECORDING FEE PAID	<u>- 0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>450</u>

Name: Kim French Date: 11/6/2015 Peer Reviewer: 

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

IR CHECKLIST

Application #: G-18115 Applicant: GERARDO SANGUINO

Use(s): DOMESTIC: IRRIGATION USE ON 5.0 ACRES Priority Date: July 01, 2015

Requested Use/Rate/Season IR-5.0AC; 0.06CFS; 3/1-10/31 Limit 1/80 Duty 3

Allowed Use/Rate/Season IR-5.0AC; 0.06CFS; 3/1-10/31 Limit 1/80 Duty 3

DIV 9 NA will likely be available... will not likely be available... will, if properly conditioned...

classify as surface water well NO PSI has PSI with _____

GW conditions 7N-MED

Conditions _____

Small ≤ 0.1 CFS, ≤ 9.2 AF Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF Large ≥ 0.5 CFS, ≥ 100 AF

use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water

use Large for: Tenmile Lake, NU or other temp control, and gov. entities; Large-7g, Large-7i for 7g/7i

use Large-TFM: HC exceptions; and if GW in South Salem Hills, or 10+ acres in Stage Gulch CGWA

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

Use is allowed not allowed limited OAR Compact 690-507-1070

Stream is withdrawn NA No Yes, allows use/season _____

SW availability NA 80% 50% _____ WID: _____

Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)

DIVISION 33 NA No UPPER COLUMBIA (not allowed 4/15 - 9/30)
 LOWER COLUMBIA
 STATEWIDE

SWW NA above within _____ (If GW and interference, copy form for Stahr.)

Use is within a high priority area for streamflow restoration NA No Yes

POU conflict NA No No, different sources No, make up a deficiency in rate No, existing not at max. rate

Yes _____

Use is supplemental, checked for primary rights w/ diff source NA Yes limits _____

App w/in a District boundary No Yes, cc: HERMISTON 10

Land use allowed outright not allowed being pursued not being pursued decision obtained N/A

MU or QM NA will complete construction within 20 years
 Lisa reviewed recommendations _____

Storage contract NA BOR Doug Co Corp of Eng needed obtained _____

POD is within North Umpqua settlement reach and the spreadsheet was updated NA Yes

Forms NA HC except spring description other _____

Application #: G-18115 Applicant: GERARDO SANGUINO

Authorized agent specified NA needed Yes _____

Copy to SWR WM # 5 a.l.o. CRIFC NOAA & USFWS (4d)
 NCR agent DOA (div 33) USFWS DOA Food Safety Div (bottled h2o)
 CWRE CTUIR NW Planning Council

city _____ DEQ, greg geist DOGAMI & DSL
(w/in 5-mile muni wells) (POA in 1N, 3E, S 20, 21, 28, 29) (mining)

<input checked="" type="checkbox"/> Fees	<u>0.06</u> CFS	Base	<u>1150</u>	
	_____ AF	Up to 1 CFS	<u>300</u>	
		_____ Add'l CFS	_____	
		Up to 20 AF	_____	
		_____ Add'l AF @ \$1	_____	
		Add'l _____ POD/POA _____ use +	_____	
		Exam Fee Required =	<u>1450</u>	Rec Fee Req'd <u>450</u>
		Exam Fee Paid	<u>1450</u>	Red Fee Paid <u>0</u>
		Still Owed	<u>0</u>	Owed before permit <u>450</u>

1 WELL
1 USE

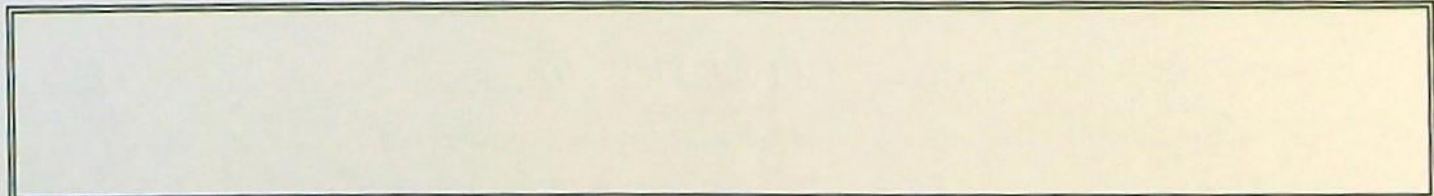
App/map meet min. req Yes No ALO info map legal _____
(If not, send IR certified)

Req'd before PFO NA LU approve/pursue ALO info exam fees

Req'd before permit NA recording fees well repair LU easement plans/specs storage contract

Letter format good limited bad bad w/ rate reduction opportunity bad w/ HC opportunity

Scanned images exist for application form and map



Name: Kim French Date: 8/19/2015 Peer Reviewer: AR

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

Point of Diversion Characteristics

Right:	App: G 18115 *
Name:	GERARDO SANGUINO

TRSQQ: 05.00N-29.00E-31-NWSE

County: Umatilla

Basin: Umatilla

WM District: 5

WM Region: NC

Withdrawn Area: UMATILLA

WAB: COLD SPRINGS WASH > COLUMBIA R - AT MOUTH (30710340)

Priority WAB: COLD SPRS WASH @ mouth (OWRD: Fair, ODFW: Poor) (30710340)

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

Water Quality Limited:

no P51

WATER RESOURCES DEPARTMENT

DIVISION 507

UMATILLA BASIN PROGRAM

690-507-0070

Columbia-Umatilla Plateau Subbasin

(3) Ground Water: Appropriation and use of ground water in the Columbia-Umatilla Plateau subbasin shall comply with the following provisions:

(d) Classification: Permits to use ground water may be issued only for the following classified uses:

B) The ground water resources of the Columbia-Umatilla Plateau outside the Ordnance and Butter Creek Critical Ground Water Areas and the Ella Butte and Stage Gulch Ground Water Study Areas are classified for statutorily exempt ground water uses (see definition), **irrigation**, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge;

(e) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

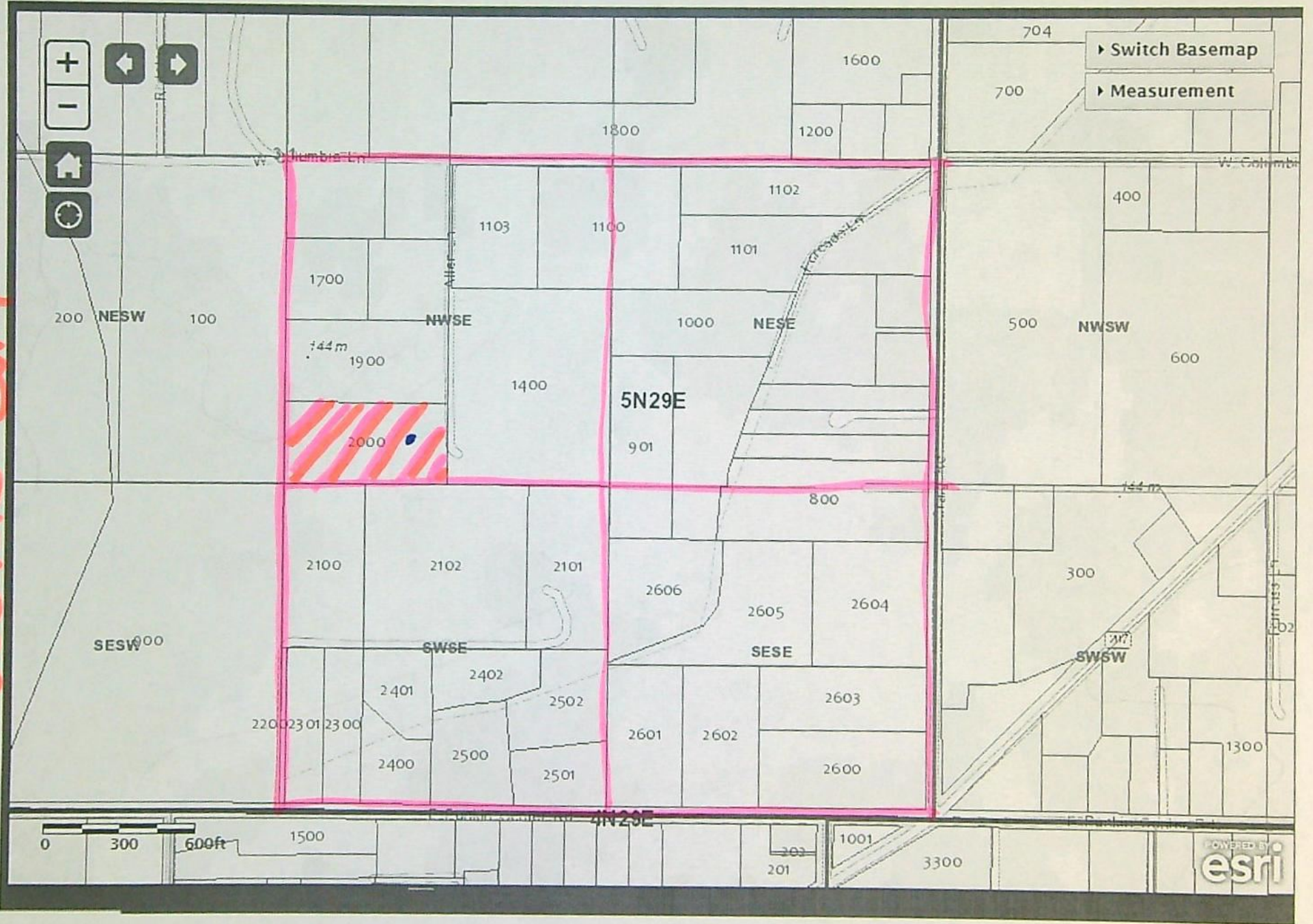
Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: G 18115 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres		
<u>CERT:89006 CF RR CR *</u>	US BUREAU OF RECLAMATION	UMATILLA RIVER			89006	9/6/1905	NC	IR	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		0.3000		
							NC	IR	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		3.3000		
								IR	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		3.9000		
								IR	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		11.3000		
								IR	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		0.4000		
								IR	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		2.0000		
								IR	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		4.7000		
								9/6/1905	NC	IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		0.3000
								IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		3.3000		
								IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		3.9000		
								IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		11.3000		
								IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		0.4000		
								IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		2.0000		
								IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		4.7000		
<u>CERT:54083 OR *</u>	DONALD VANDELL		G-6797	G-6305	54083	1/27/1975	NC	IS	05.00N-29.00E-31-NWSE	<input checked="" type="checkbox"/>		10.7000		

NO
CONFLICT

WORK COPY





Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 28, 2015

GERARDO SANGUINO
MAGDA M SANGUINO
34 POMONO DR
UMATILLA, OR 97882

Reference: File G-18115

Dear Applicant:

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

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

Initial Review Determinations:

1. Domestic use of up to 15,000 gallons per day from a well is exempt from permitting requirements. The Department will therefore *not consider* domestic use to be a part of your application unless you notify us in writing that you are interested in receiving a permit for domestic use. Any permit issued, including permits for exempt uses, will be subject to metering requirements, rate limitations, and any other conditions contained in the permit.
2. The application proposed the appropriation of 0.06 cubic foot per second (CFS) of water from a well (UMAT 57557/L106761) in Hat Rock Drain Basin for irrigation of 5.0 acres March 1 through October 31 of each year.
3. The proposed use is not prohibited by law or rule except where otherwise noted below.
4. The appropriation of water from a well (UMAT 57557/L106761) in Hat Rock Drain Basin for irrigation is allowable under the Umatilla Basin Program (OAR 690-507-0070).
5. Groundwater will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of groundwater will avoid injury to existing groundwater rights.

The Department has determined, based upon OAR 690-009, that the proposed groundwater use will not have the potential for substantial interference with any surface water source.

If you do notify us in writing that you are interested in receiving a permit for domestic use, examination fees in the amount of \$300 will be required for the additional use.

Summary of Initial Determinations

The appropriation of 0.06 CFS of water from a well (UMAT 57557/L106761) in Hat Rock Drain Basin for irrigation of 5.0 acres is allowable during the full period requested, March 1 through October 31 of each year.

Because of these favorable determinations, the Department can now move the application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With the Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw the application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, September 11, 2015**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement devices, and recording/reporting of annual water use conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. Static Water Level Conditions

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall

be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

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

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

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

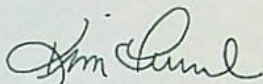
2. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well,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

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

If you have any questions:

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

Sincerely,



Kim French
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-18115
WAB 7-No PSI
POU 7-No PSI
GW

APPLICATION FACT SHEET

Application File Number: G-18115

Applicant: GERARDO SANGUINO C AND MAGDA M SANGUINO

County: Umatilla

Watermaster: 5

Priority Date: July 1, 2015

Source: A WELL (UMAT 57557/L106761) IN HAT ROCK DRAIN BASIN

Use: IRRIGATION OF 5.0 ACRES

Quantity: 0.06 CUBIC FOOT PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 4A COLD SPR DR & MISC

Well Location: NWSE, SECTION 31, T5N, R29E, W.M.; 1170 FEET SOUTH AND 530 FEET EAST FROM C1/4 CORNER, SECTION 31

Place of Use:

NW ¼ SE ¼ 5.0 ACRES
SECTION 31
TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 11, 2015

PUBLIC NOTICE DATE: Tuesday, September 1, 2015

30 DAY COMMENT DEADLINE DATE: Thursday, October 1, 2015

5181-9

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

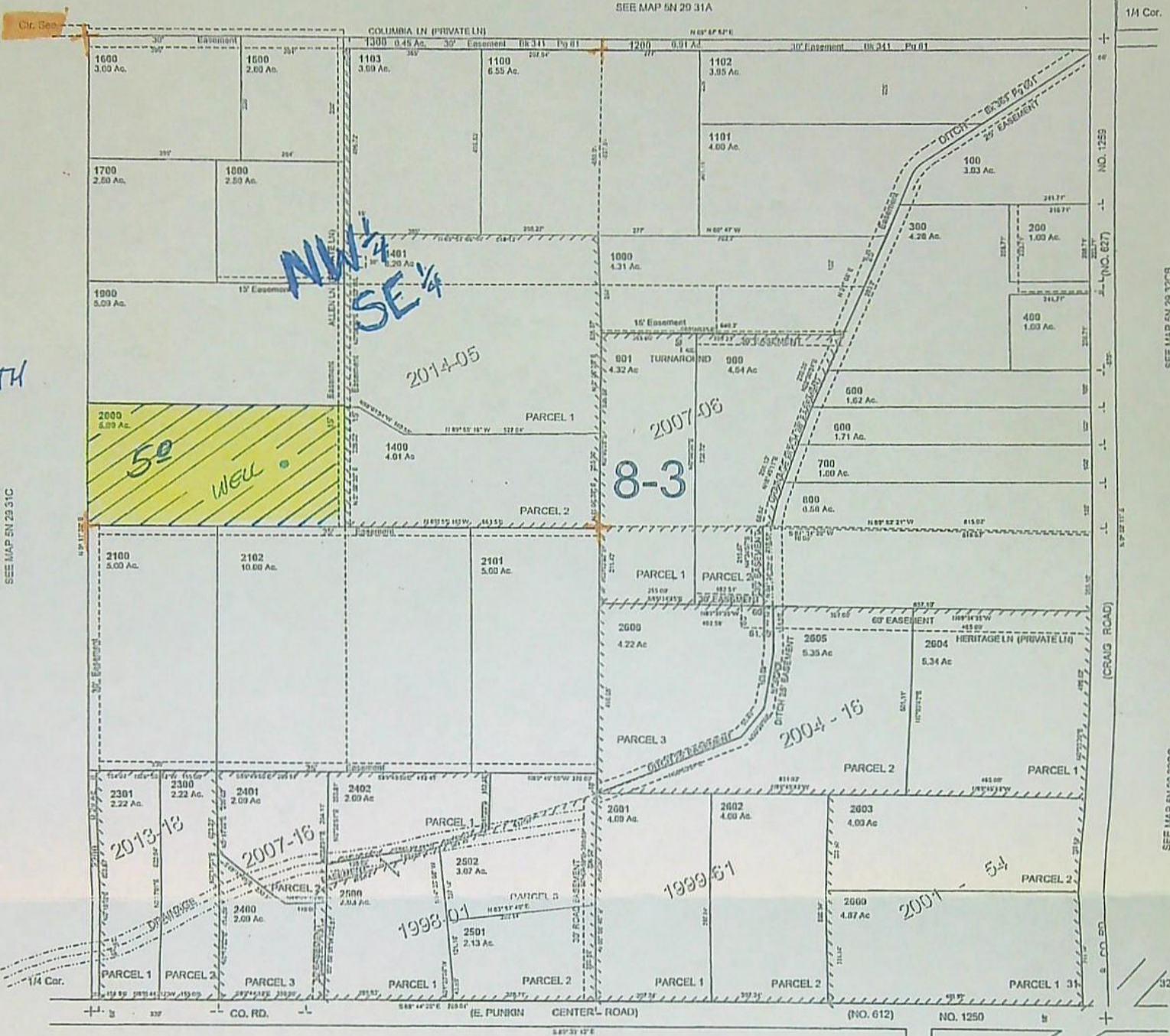
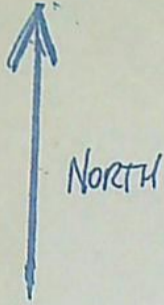


SE 1/4 SEC 31 T5N R29E WM UMATILLA COUNTY

SCALE: 1" = 200'
400'

5N2931
AERIAL PHOTO NO. IF

SEE MAP 5N 29 31A



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Revised: 7/02/14

5N2931D

WELL IS LOCATED: 1170 ft. SOUTH and 530 ft. EAST FROM
THE CENTER OF SEC. 31

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **116451**

INVOICE # _____

RECEIVED FROM: Sanguino, Magda
BY: _____

APPLICATION	G-8115
PERMIT	
TRANSFER	

CASH: CHECK# 707624 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1450.00

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 46111 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ <u>1450.00</u>	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **116451**

DATED: 7/1/15 BY: Small Copy

Application for a Permit to Use Ground Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME <i>Gerardo Sanguino C</i>		PHONE (HM) <i>541-720-4964</i>
PHONE (WK) <i>541-481-2011</i>	CELL	FAX <i>4938</i>
ADDRESS <i>34 Pomona Dr</i>		
CITY <i>Umatilla</i>	STATE <i>OR</i>	ZIP <i>97882</i>
E-MAIL* <i>Sanguino16@gmail.com</i>		

Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL*

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

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL*

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Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



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

<i>Gerardo Sanguino C</i> Applicant Signature	<i>Gerardo Sanguino C</i> Print Name and title if applicable	<i>6-15-15</i> Date
<i>Magda M Sanguino</i> Applicant Signature	<i>Magda M Sanguino</i> Print Name and title if applicable	<i>6-15-15</i> Date

For Department Use		
App. No. <i>G-10115</i>	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

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

- Yes
 - There are no encumbrances.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

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

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

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Revised 2/1/2012

Ground Water/4

WR

G-1015

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 28.1 gpm (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
	<input type="checkbox"/>	<input type="checkbox"/>	UMAT	<input type="checkbox"/>	←		WELL LOG			→	GOES HERE		
	<input type="checkbox"/>	<input type="checkbox"/>	OR BL* 100761	<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"/>									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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Grens

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
IRRIGATION	MAR. 1 → OCT. 31	ACRES x 3.0 = 15.0 ac/ft

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 5.0 Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 15.0 ac/ft.

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: and FOR 1 HOUSE DOMESTIC (1 family)
- If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

Pump (give horsepower and type): 5 hp. (single phase)

Other means (describe): _____

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

SUBMERSEBLE PUMP, HANDLINES and SOME BURIED LINE w/ RISERS

B. Application Method

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

HAND LINE, SOME BURIED w/ RISERS

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

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SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

N/A

If you would like to store ground water in a reservoir, complete this section (if more than one reservoir, reproduce this section for each reservoir).

Reservoir name: _____ Acreage inundated by reservoir: _____

Use(s): _____

Volume of Reservoir (acre-feet): _____ Dam height (feet, if excavated, write "zero"): _____

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

N/A

If you would like to use stored ground water from the reservoir, complete this section (if more than one reservoir, reproduce this section for each reservoir).

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: MAY (WELL DRILLED)

Date construction will be completed: _____

Date beneficial water use will begin: _____

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name <u>HERMISTON IRR. DIST.</u>	Address <u>3660 E. HURBERT AVE.</u>	
City <u>HERMISTON</u>	State <u>OR.</u>	Zip <u>97838</u>

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SECTION 10: REMARKS

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

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G-015

2008 5360158



2008-5360158 1 of 1



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APR 24 2008

After recording return to: UMATILLA COUNTY RECORDS
Gerardo Sanguino
34 Pomono Dr.
Umatilla, OR 97882

Until a change is requested all tax statements shall be sent to the following address:

Gerardo Sanguino
34 Pomono Dr.
Umatilla, OR 97882

Escrow No. HM0061280
Title No. 0061280
SWD

State of Oregon)
County of Umatilla)
EC This instrument was received and recorded on
04-24-08 at 3:30
In the record of instrument code type DE-UD

Instrument Number 2008-5360158
Fee 25.00

Office of County Records

Jean Hemphill
Records Officer

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STATUTORY WARRANTY DEED

Sandra J. Loveland formerly known as Sandra J. Gross, Grantor(s) hereby convey and warrant to Gerardo Sanguino and Magda M. Sanguino, as tenants by the entirety, Grantee(s) the following described real property in the County of Umatilla and State of Oregon free of encumbrances except as specifically set forth herein:

TRACT I:
South Half of South Half of West Half of Northwest Quarter of Southeast Quarter of Section 31 Township 5 North, Range 29, East of the Willamette Meridian, Umatilla county, Oregon;
SUBJECT to any and all water rights of way and roads.

TRACT II:
Easement for ingress and egress over and across a strip of land 30 feet in width, centerline of which is East line of West Half of Northwest Quarter of Southeast Quarter of Section 31, Township 5 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon.

Serial # 130265

5N 29 31 D 2000 8-03

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

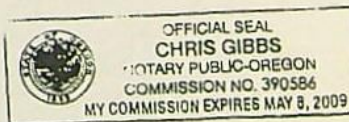
The true and actual consideration for this conveyance is \$50,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated this 23 day of April 2008

Sandra J. Loveland
Sandra J. Loveland formerly known as Sandra J. Gross

State of Oregon
County of Umatilla



This instrument was acknowledged before me on April 23, 2008 by Sandra J. Loveland formerly known as Sandra J. Gross.

Chris Gibbs
(Notary Public for Oregon)

GROSS

JUL 01 2015

RR-4, RURAL RESIDENTIAL ZONE

Sub-Sections

<u>152.155</u>	<u>Purpose</u>
<u>152.156</u>	<u>Uses permitted</u>
<u>152.157</u>	<u>Conditional uses permitted</u>
<u>152.158</u>	<u>Limitations on use</u>
<u>152.159</u>	<u>Dimensional standards</u>

§ 152.155 PURPOSE.

The RR-4, Rural Residential, Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.

(Ord. 83-4, passed 5-9-83)

§ 152.156 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-4 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) **Farm use**, as defined in ORS 215.203 and set out in § 152.003, **except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in**

ORS 215.203(2)(a).

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(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a RR-4 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(1) Dwelling, single-family;

(2) Home occupation as provided in § 152.573;

(3) Mobile home as provided in § 152.013;

(4) Non-commercial greenhouse or

G-1015

nursery;

(5) Public or semi-public use;

(6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(7) Residential Home (Adult Foster Care);

(8) Day Care or Nursery.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12)

§ 152.157 CONDITIONAL USES PERMITTED.

In a RR-4 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ 152.610 through 152.616:

(A) Church as provided in § 152.616 (K);

(B) Commercial greenhouse or nursery as provided in § 152.616 (R);

(C) Roadside stand for the sale of agricultural products grown by the owner as provided in § 152.616 (WW);

(D) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency as provided in § 152.616 (EE);

(E) Boarding, lodging or rooming house as provided in § 152.616 (H);

(F) Rest home, home for the aged,

nursing home, or convalescent home as provided in § 152.616 (UU);

(G) Utility facility as provided in § 152.616 (CCC);

(H) Veterinary clinic or animal hospital as provided in § 152.616 (DDD);

(I) Model home including sales office, subdivision or development sales office as provided in § 152.616 (OO);

(J) Special exemptions, as provided in §§ 152.575 and 152.576 of this chapter;

(K) Cemetery as provided in § 152.616 (J);

(L) Home occupation/cottage industry as provided in § 152.616 (II);

(M) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in § 152.003 and provided in § 152.616 (RR).

(N) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

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1-10-15

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(O) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(P) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.158 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-4 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square

feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader is required to verify enrollment.

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(2) The boarding and raising of hogs shall be for educational purposes only.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident. (Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.159 DIMENSIONAL STANDARDS.

In a RR-4 Zone, the following standards shall apply:

(A) *Minimum lot area.*

(1) For principal dwellings, four acres with an average lot width of 150 feet;

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses and the objective to minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) *Setback requirements.* No building shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line.

(C) *Lot coverage and building heights.*

(1) Lot coverage. The main building and accessory building located on any building site or lot shall not cover more than 30% of the total lot area.

(2) Building height. No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split-level buildings, which

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may be increased in height to 30 feet.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or smaller permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.
(Ord. 83-4, passed 5-9-83)

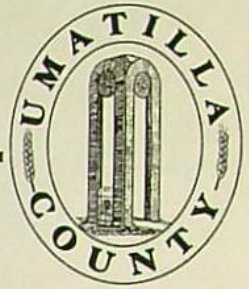
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SALEM, OR

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 15558
Transaction Date: 6/12/2015
Transaction Time: 10:53:31 AM
Payor: Gerardo Sanquino
Paid in Cash: \$25.00
Paid via Check: \$0.00 Check# Bank#
Paid via EFT: \$0.00

Comments:

Fee for completing ODWR land use compatability form for water rights.

<u>Fee Description</u>	<u>Quantity</u>	<u>Fee</u>	<u>Total</u>
Land Use Compatibility Statement	1	\$25.00	\$25.00

Total:	\$25.00
Amount Received:	\$25.00
Amount Paid:	\$25.00
Change:	\$0.00
Amount Left Owing:	\$0.00

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SALEM, OR

G-10115

Land Use

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Information Form

JUL 01 2015

SALEM, OR



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

Applicant: Gerardo Sanguino _____
First Last

Mailing Address: 34 POMONA DR _____

Umatilla OR 97882 Daytime Phone: 541-720-4938
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5N	29	31D	NWSE	2000	RR-4	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	ALFALFA-CRASS
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Umatilla County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: _____ cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 21 household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

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

See bottom of Page 3. →

JUL 01 2015

For Local Government Use Only

SALEM, OR

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC Section 152.156(A)(1)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Farm Use, as defined in ORS 215.203 and set out in UCDC 152.003, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

Name: CAROL JOHNSON Title: Planner

Signature: *Carol Johnson* Phone: 541-278-1252 Date: 6-12-2015

Government Entity: Umatilla County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

6-12-15

Date _____

(For staff use only)



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

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

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- SECTION 10: _____
- Land Use Information Form _____
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees _____

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SALEM, OR

MAP

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

G-10115

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

UMAT 57557

UMAT 57557

WELL ID. # L 106761
START CARD # 212210

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

(1) LAND OWNER Well Number _____
Name Gerardo or Magda Sanguino
Address 34 Pomona Dr.
City Umatilla State OR Zip 97882

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 100 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Sacks or pounds	
Diameter	From To	Material	From To		
12"	0 30	Cement	0 30	10	sacks
8"	30 100	Calculated seals		10	sacks

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

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	+1	84	2.30	<input checked="" 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"/>

Liner: _____

Drive Shoe used Inside Outside None
Final location of shoe(s) 84

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
<u>300</u>		<u>100</u>	<u>1 hr.</u>

Temperature of water 59° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 5N N or S Range 29E E or W. WM.
Section 31 NW 1/4 SE 1/4
Tax Lot 2000 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) Allen Ln, Hermiston, OR 97838

(10) STATIC WATER LEVEL:
25 ft. below land surface. Date 5-26-15
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 88

From	To	Estimated Flow Rate	SWL
<u>55</u>	<u>100</u>	<u>200</u>	<u>25</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>Sand</u>	<u>0</u>	<u>47</u>	
<u>Cemented gravel</u>	<u>47</u>	<u>55</u>	
<u>Black sand</u>	<u>53</u>	<u>72</u>	<u>WB</u>
<u>Broken brn. basalt</u>	<u>72</u>	<u>100</u>	<u>WB</u>

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JUN 22 2015

GALEM, OR

REVISED
4:31 pm, Jun 29, 2015

Date started 5-12-15 Completed 5-26-15

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed Patrick Wallace WWC Number 1218 Date 6-18-15

6-18-15

This map was prepared for Assessment purposes only.



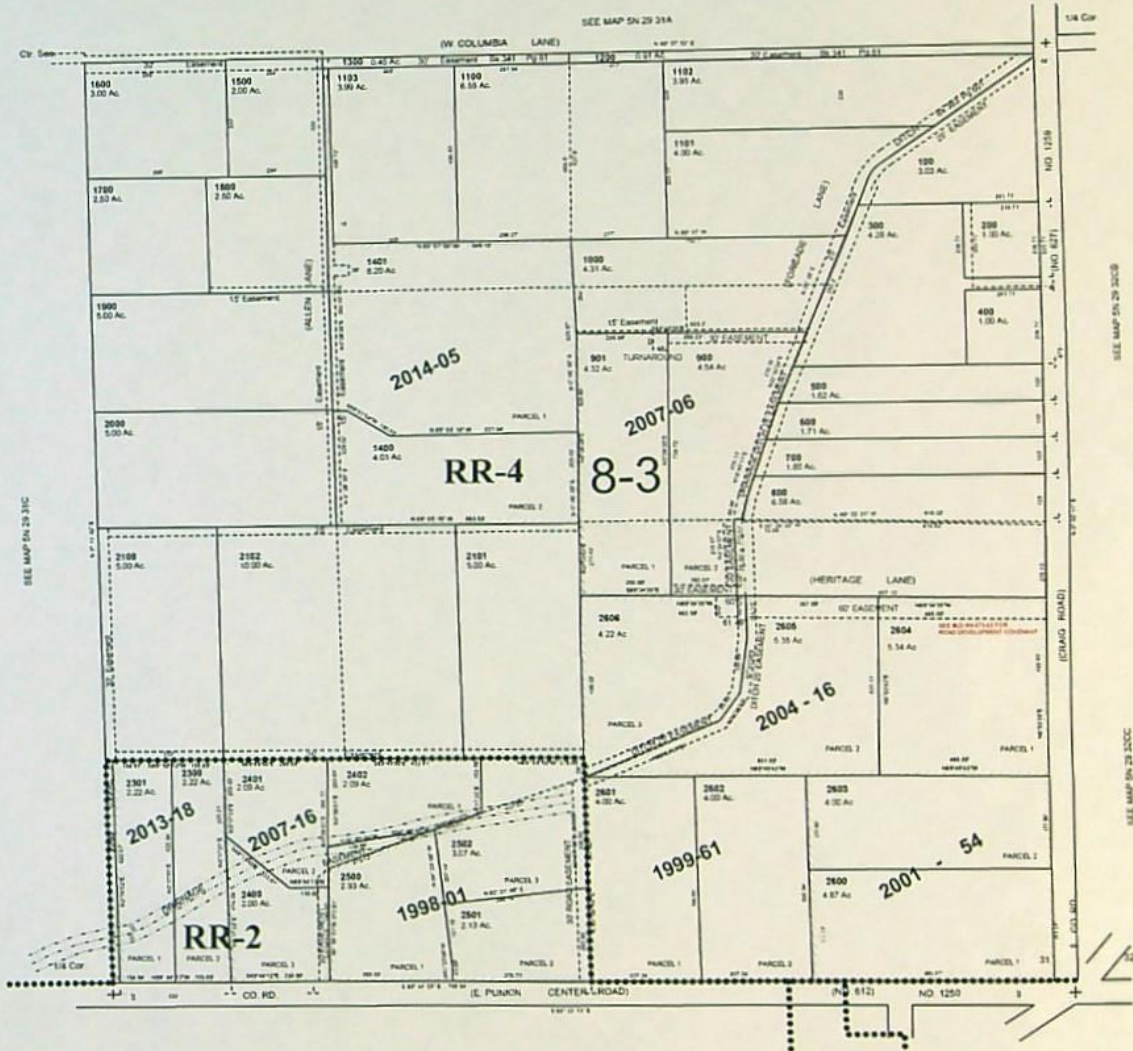
SE 1/4 SEC 31 T5N R29E WM
UMATILLA COUNTY, OR

06/08/04

5N2931D

AERIAL PHOTO NO. IP-101

SCALE: 1" = 200'



5N2931D

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SALEM, OR

G-10115

Mailing List for IR Copies

Application #G-18115

IR Date: August 28, 2015

Original and map mailed to applicant:

GERARDO SANGUINO C AND MAGDA M SANGUINO, 34 POMONO DR, UMATILLA, OR 97882

SENT VIA EMAIL:

1. WRD - Watermaster # 5

IR, Map, and Fact Sheet Copies sent to:

- WRD - File # G-18115
- WRD - Regional Manager: NCR
- Department of Agriculture

Copies Mailed By: <u>BW</u> (SUPPORT STAFF) on: <u>8/28/15</u> (DATE)

Affected District (include "Notice of Initial Review--Affected District")

- Hermiston Irrigation District, 366 E Hurburt Ave, Hermiston, OR 97838

Caseworker: Kim French

COPYSHIT IR

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <u>Gerardo Sanguino</u>
1. Article Addressed to: G-18115 Gerardo and Magda Sanguino 34 Pomono Drive Umatilla, OR 97882	B. Received by (Printed Name) <u>Gerardo Sanguino</u> C. Date of Delivery <u>8-31-15</u>
2. Article Number (Transfer from service label) <u>7013 2630 0000 2613 4811 WR</u>	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No RECEIVED SEP 03 2015 OWRD
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, February 2004	Domestic Return Receipt <u>BW/JKS</u> 102595-02-M-1540