

FILE#: G 13249

KINZUA CORP; GOODYEAR, KENT

RT 2 BOX 2100

NEPPNER, OR 97836

PORT OF MORROW

PO Box 200

BOARDMAN, OR 97818

Date filed

Priority 1-14-93

Action suspended until C40

"only day"

Return to applicant

Date of approval 4-11-96

CONSTRUCTION

Date for beginning APR 11 1997

Date for completion OCT 01 1998

Extended to

Date for application of water OCT 01 1999

Extended to 10-1-2012, 10/1/2040

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Application No.

G13249

Permit No.

G12370

Certificate No.

Stream Index, Page No.

Morrow

07-0010-2420

V44 Willow Creek

ASSIGNMENTS

Date

To Whom

Address

Volume

Page

REMARKS

Wells 6 & 7 - 1.448 cfs - Municipal Use
WMCP Port of Morrow Reconsideration v.134 p999

FEES PAID

Date	Amount	Receipt No.
1/14/93	350.00	96245
1/27/98	100.00	26369
2/27/15	575.00	115047

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
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Oregon

Tina Kotek, Governor

App: 13249

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

JUNE 18, 2025

Port of Morrow
Attn: Miff Devin
PO Box 200
Boardman, OR 97818

Dear Miff,

Pursuant to OAR 137-004-0080(5), the Department has reconsidered the Port of Morrow's Final Order Approving a Water Management and Conservation Plan, as evidenced by Special Order Volume 133, Page 885, issued February 25, 2022.

With conclusion of reconsideration the Department has issued an order on reconsideration, enclosed.

Please do not hesitate to contact me by telephone at 458-253-0597 or by e-mail at tamera.l.smith@water.oregon.gov if you have any questions or if I can be of any assistance.

Regards,

Tamera Smith

Tamera Smith
Water Management and Conservation Analyst
Water Right Services Division

CC: WMCP File

Application #G-14397 (Permit #G-18505)

Application #G-13249 (Permit #G-12370)

Watermaster 5 Watermaster Greg Silbernagel via email greg.m.silbernagel@water.oregon.gov

GSI, Bruce Brody-Heine via email: BBheine@gsiws.com

Tamra Mabbott, County of Morrow via email: tmabbott@co.morrow.or.us

Will Davidson, OWRD, via email

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water	)	ORDER ON RECONSIDERATION OF A
Management and Conservation Plan for	)	FINAL ORDER RECORDED IN SPECIAL
Port of Morrow, Morrow County	)	ORDER VOLUME 133, AT PAGE 885

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Under ORS 183.484 and OAR 137-004-0080, in response to a timely petition for reconsideration of a final order in other than a contested case, the Department may reconsider the final order and issue a superseding order that affirms, alters, or reverses the existing order.

Findings of Fact

1. The Port of Morrow submitted a Water Management and Conservation Plan (plan) and the required statutory fee for review of the plan to the Water Resources Department (Department) on August 26, 2022. The plan was an early submittal of a condition set forth under the Port's previously approved plan (Sp. Or. Vol. 107, Pg. 1034), issued on April 5, 2018.
2. The Department published notice of receipt of the plan on September 6, 2022, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the Port on November 23, 2022. In response, the Port submitted a revised plan on March 3, 2023.

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

4. The Department provided written comments on the Port's revised plan on July 20, 2023. In response, the Port submitted a second revised plan on September 15, 2023.
5. The Department provided written comments on the Port's second revised plan on September 20, 2023. In response, the Port submitted a third revised plan on October 10, 2023.
6. On November 27, 2023, the Department issued a Final Order Denying a Water Management and Conservation Plan (Special Order Volume 129, Page 437) associated with development limitations.
7. On January 26, 2024, the Port submitted a fourth revised plan along with a Petition for Reconsideration.
8. On March 25, 2024, the Department issued a letter that the Department would review the Final Order (Special Order Volume 129, Page 437).
9. On November 21, 2024, the Port submitted an addendum to the plan.
10. On February 25, 2025, the Department issued a Superseding Final Order to Approve a Water Management and Conservation Plan (Special Order Volume 133, Page 885).
11. On April 25, 2025, the Port submitted a Petition for Reconsideration of the February 25, 2025, Superseding Final Order to Approve a Water Management and Conservation Plan (Special Order Volume 133, Page 885).
12. The Port has requested access to an additional 0.34 cfs of water available under Permit G-12370, and 4.5 cfs of water available under Permit G-18505 (formerly G-13765) to help meet overall projected 20-year demands. These projections are reasonable and consistent with the Port's land use plan.
13. The system is fully metered at the Boardman Industrial Park, and the rate structure includes a base rate and volumetric charge. Unaccounted-for water at the Boardman Industrial Park is estimated at **19.2 percent**.
14. The System is not metered at the South Morrow and Airport Industrial Parks. Unaccounted-for water is unknown.
15. The plan includes 5-year benchmarks for evaluation, development, and implementation of the following Conservation Measures: Monthly and annual water audits; meter testing and replacement; requiring all new connections to the water system to be metered; exploring a rate structure that charges a higher rate when customers exceed their average rate; and discussion of water conservation measures in meetings with industrial customers.
16. The plan includes two (2) and five (5) -year benchmarks for the implementation of the following Conservation Measures:

- a. Annual Water Audits

- i. Within two years of issuance of this final order, the Port will provide a progress report to the Department with a description and analysis identifying the potential factors for the high-water loss and selected actions for remedy at the Boardman Industrial Park.
- ii. Within five years of issuance of this final order, the Port will establish a water loss reduction program consistent with the requirements of the rule, which may include development and implementation of a regularly scheduled and systematic program to detect and repair leaks in the transmission and distribution system using methods and technology appropriate to the size and capability of the Port, a line replacement program detailing the size and length of pipe to be replaced each year, or a water loss control program consistent with American Water Works Association standards at the Boardman Industrial Park, the South Morrow Park and the Airport Industrial Park.

b. Meter Testing and Maintenance

- i. The Port will continue to meter all existing water service connections and require meters at all water connections.
- ii. The Port will continue to test meters annually and repair or replace malfunctioning meters upon discovery.
- iii. The Port will continue its program of upgrading hand-read meters to AMR meters. The Port will upgrade hand-read meters to AMR meters when (1) hand-read meters reach the end of their useful life, (2) hand-read meters otherwise need to be replaced, or (3) the Port determines that such upgrades are feasible and advance the Port's conservation efforts.

c. System Wide Metering and Leak Detection

- i. Within five years, the Port will install meters at the South Morrow and Airport Industrial Parks.
- ii. Within two years of issuance of this final order, the Port will provide a description and analysis to OWRD identifying potential factors for the loss and selected actions for remedy.
- iii. The Port will continue to implement its leak detection and repair program.

d. Public Education

- i. The Port will continue notifying customers to conserve water due to weather conditions.

- ii. The Port will continue meeting with industrial customers to discuss potential water conservation measures.
17. To clearly describe and document the Port's progress toward implementing the conservation benchmark outlined in Finding of Fact #16.b.iii as required by OAR 690-086-0120(4)(a), the Port must track and document the number of hand-read meters replaced with AMR meters each year over the five years following issuance of this order and include the number of AMR meters installed each year as part of the five-year progress report required by OAR 690-380-0915(4)(c) and paragraph six (6) of the Order section of this Order on Reconsideration.
18. The plan identifies thirteen groundwater rights and three surface water rights (Columbia River) as the sources of the Port's water rights and accurately and completely describes the listed fish species that occur in the Middle Columbia River (approximate River Mile 271) in the vicinity of the Port's points of diversion as well as the water quality parameters for which the portion of Columbia River has been 303(d) listed by the Oregon Department of Environmental Quality. The Port's groundwater sources are not in a designated critical groundwater area.
19. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.
20. The diversion of water under Permits G-12370 and G-18505 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the 5-year benchmarks described in Findings of Fact Nos. 13 and 14, the final revised plan includes a schedule for the continuation and/or implementation of conservation measures that are equal to or lower than the cost of other identified sources.
 - b. Considering water savings alone from identified conservation and curtailment measures cannot fully meet the Port's water demand projections, access to an increased diversion of water under Permits G-12370 and G-18505 is the most feasible and appropriate alternative to the supplier.
 - c. The plan contains documentation that the Port is not subject to any mitigation requirements under state or federal law.

Conclusion of Law

The Water Management and Conservation Plan submitted by the Port of Morrow is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

The Superseding Final Order to Approve a Water Management and Conservation Plan, issued February 25, 2025 (Special Order Volume 133, Page 885), is hereby withdrawn and superseded by this Order on Reconsideration.

Duration of Plan Approval:

1. The Port of Morrow Water Management and Conservation Plan is approved and shall remain in effect until **February 15, 2035**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitations:

2. The limitation of the diversion of water under Permit G-12370 established by the extension of time issued on July 31, 2015, is removed and, subject to other limitations or conditions of the permit, the Port of Morrow is authorized to divert up to **0.45 cfs** (*out of the total permitted 1.448 cfs*) under **Permit G-12370**.
3. The limitation of the diversion of water under **Permit G-18505** established by the extension of time approved on May 24, 2012, is removed and, subject to other limitations or conditions of the permit, the Port of Morrow is authorized to divert up to **4.96 cfs** (*out of the total permitted 4.96 cfs*) under **Permit G-18505**.
4. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under **Permits G-12370 and G-18505** during review of the Port's next plan update.
 - a. Annual water audit (Finding of Fact #16(a))
 - b. Meter Testing and Maintenance (Finding of Fact # 16(b))
 - c. System Wide Metering and Leak Detection (Finding of Fact #16(c))

Plan Update Schedule:

5. The Port of Morrow shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) no later than **August 15, 2034**.

Progress Report Schedule:

6. Since the Port's water loss at the Boardman Industrial Park is above 10%, the Port will provide a description and analysis identifying potential factors for the loss and selected action for remedy in a progress report by **February 15, 2027**.
7. The Port of Morrow shall submit a progress report containing the information required under OAR 690-086-0120(4) and as specified in Finding of Fact No. 17 above by **February 15, 2030**.

Other Requirements for Plan Submittal:

8. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Port of Morrow from any existing or future requirements for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this day JUN 18 2025

Lisa J. Jaramillo

Lisa J. Jaramillo, Transfer and Conservation Section Manager for
IVAN GALL, DIRECTOR
Oregon Water Resources

Mailing date: JUN 20 2025

Notice Regarding Service Members: Active-duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free telephone number.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

March 25, 2024

Port of Morrow
Attn: Miff Devin
PO Box 200
No. 2 Marine Drive
Boardman, OR 97818

Re: Notice of Reconsideration of Port of Morrow Final Order Denying a Water Management and Conservation Plan

Dear Port of Morrow,

Pursuant to OAR 137-004-0080, the Department is reconsidering the Port of Morrow Final Order Denying a Water Management and Conservation Plan, as evidenced by Special Order Volume 129, Page 437, issued November 27, 2023. The Final Order remains in effect during reconsideration until stayed or changed. Following reconsideration, the Department will issue a new order, which may be an order affirming the existing order.

Sincerely,

Lisa J. Jaramillo, Transfer and Conservation Section Manager

CC: WMCP File
Application G-14397 File
Application G-13249 File
District #5, Watermaster Greg Silbernagel: *via email*
Bruce Brody-Heine, GSI Water Solutions, Inc. *via email: bbheine@gsiws.com*
Kirk B. Maag, *via email: kirk.maag@stoel.com*



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

November 27, 2023

Port of Morrow
Attn: Miff Devin
PO Box 200
Boardman, OR 97818

Subject: Water Management and Conservation Plan

Dear Miff:

Enclosed; please find the final order denying your Water Management and Conservation Plan.

The final order specifies that the diversion of water under Permit G-18505 remains authorized at no more than 0.46 cfs (*out of total permitted 4.96 cfs*) and the diversion of water under Permit G-12370 remains authorized at no more than 0.11cfs (*out of the total permitted 1.448cfs*).

Please note that this order will be reconsidered within 60-days of issuance if the information specified in the final order is provided to the Department.

This denial order also does not relieve the Port of Morrow from any exiting or future requirements for submittal of a Water Management and Conservation Plan.

Please do not hesitate to contact me at 503-979-9544 or Kerri.H.Cope@water.oregon.gov if you have any questions.

Sincerely,

Kerri Cope
Water Management and Conservation Analyst
Water Right Services Division

Enclosure

cc: WMCP File
Application #G-13249 (Permit #G-12370)
Application #G-14397 (Permit #G-18505)
District 5 Watermaster (via email)
GSI, Bruce Brody-Heine (via email)
Tamra Mabbott, County of Morrow (via email)

G13249
~~G12370~~

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water	)	FINAL ORDER DENYING A WATER
Management and Conservation Plan for	)	MANAGEMENT AND CONSERVATION
Port of Morrow, Morrow County	)	PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. The Port of Morrow submitted a Water Management and Conservation Plan (plan) and required statutory fee for review of the plan to the Water Resources Department (Department) on August 26, 2022. The plan was an early submittal of a condition set forth under the Port's previously approved plan (Sp. Or. Vol. 107, Pg. 1034) issued on April 5, 2018.
2. The Department published notice of receipt of the plan on September 6, 2022, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the Port on November 23, 2022. In response, the Port submitted a revised plan on March 3, 2023.
4. The Department provided written comments on the Port's revised plan on July 20, 2023. In response, the Port submitted a second revised plan on September 15, 2023.
5. The Department provided written comments on the Port's second revised plan on September 20, 2023. In response, the Port submitted a final revised plan on October 10, 2023.
6. The Department reviewed the final revised plan and finds that it contains all of the elements required under OAR 690-086-0125(1) and (3) – (7); however, it does not meet the

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

requirements of OAR 690-086-0125(2), nor does it meet the requirements of OAR 690-086-0130(1) and (2). The plan deficiencies are outlined below:

- a. As required by OAR 690-086-0125(2), the plan must include a municipal water conservation element that includes all of the items required under OAR 690-086-0150. The plan does not include an adequate 5-year update for implementation of the Port's public education benchmark agreed to in the previous final order (Sp. Or. Vol. 107, Pgs. 1034 – 1035, issued April 5, 2018) approving their 2017 plan, therefore the requirements of OAR 690-086-0150(1) have not been met resulting in the requirements of OAR 690-086-0125(2) not being satisfied;
 - b. The requirements of OAR 690-086-0130(1) are not met due to the deficiencies outlined in Finding of Fact #6-a above; and
 - c. The requirements of OAR 690-086-0130(2) are not met because the projections of future water needs in the plan do not adequately demonstrate a need for **4.5 cfs** of water available under **Permit G-18505** (formerly G-13765) and **0.34 cfs** of water available under **Permit G-12370** to help meet overall projected 20-year demands.
7. The system is fully metered, and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at **19.2 percent**.

Conclusion of Law

The Water Management and Conservation Plan submitted by the Port of Morrow is not consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Plan Reconsideration:

1. The Port of Morrow final revised Water Management and Conservation Plan is denied.
2. The Port has sixty (60) days from issuance of this final order to provide the five letters of intent from potential tenants at the Airport Industrial Park and the single letter of intent from the potential tenant at the South Morrow Industrial Park, all of which must include the minimum rate of gallons per minute for potable water to be provided by the Port of Morrow (water amounts must be visible and not redacted). If the Port chooses to provide these, along with No. 3 below, the Department will reconsider this final order and will authorize the green light water requests within the final revised plan for increased diversion of **4.5 cfs** of water available under **Permit G-18505** (formerly G-13765) and **0.34 cfs** of water available under **Permit G-12370** to help meet overall projected 20-year demands.
3. The Port has sixty (60) days from issuance of this final order to provide proof in the form of hard copies of targeted water conservation outreach emails (dates and conservation materials must be visible and not redacted) sent to customers, and dates of the in-person quarterly meetings with industrial customers where potential water conservation measures

were discussed. If the Port chooses to provide these, along with No. 2 above, the Department will reconsider this final order and will authorize the greenlight water requests within the final revised plan for increased diversion of **4.5 cfs** of water available under **Permit G-18505** (formerly G-13765) and **0.34 cfs** of water available under **Permit G-12370** to help meet overall projected 20-year demands.

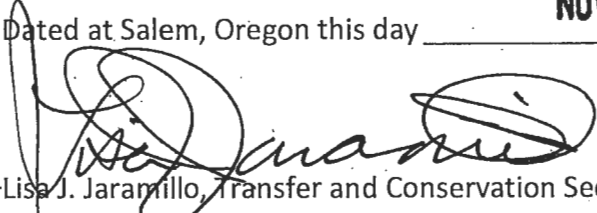
Development Limitation(s):

4. Provided the Port does not supply the additional information outlined in No. 2 & No. 3 above, the limitation of the diversion of water under **Permit G-18505** (formerly G-13765) established in the Final Order approving an Extension of Time for **Permit G-18505** (*issued on November 4, 2016*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the Port of Morrow remains authorized to divert only up to **0.46 cfs** (*out of the total permitted 4.96 cfs*) of water under **Permit G-18505**.
5. Provided the Port does not supply the additional information outlined in No. 2 & No. 3 above, the limitation of the diversion of water under **Permit G-12370** established in the Final Order approving an Extension of Time for **Permit G-12370** (*issued on July 31, 2015*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the Port of Morrow remains authorized to divert only up to **0.11 cfs** (*out of the total permitted 1.448 cfs*) of water under **Permit G-12370**.

Other Requirements for Plan Submittal:

6. This denial order (consistent with OAR Chapter 690, Division 086) shall not relieve the Port of Morrow from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this day NOV 27 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources

NOV 28 2023

Mailing date: _____

Notice Regarding Servicemembers: Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.



Oregon

Kate Brown, Governor

App G-13249

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

April 3, 2018

Port of Morrow
Attn: Miff Devin
PO Box 200
#2 Marine Drive
Boardman, OR 97818

Subject: Water Management and Conservation Plan

Dear Mr. Devin:

Enclosed, please find the Final Order approving your Water Management and Conservation Plan specifying that the diversion of water under Permits G-13765 and G-12370 remain authorized at more than 0.46 cfs for Permit G-13765 and 0.11 cfs for Permit G-12370.

The attached Final Order specifies that the Port of Morrow's plan shall remain in effect until **April 3, 2028**. Additionally, the Port of Morrow is required to submit a progress report to the Department by **April 3, 2023**, detailing progress made toward the implementation of conservation benchmarks scheduled in the plan. Finally, the Port of Morrow must submit an updated Water Management and Conservation Plan to the Department by **October 3, 2027**.

***NOTE:** The deadline established in the attached final order for submittal of an updated water management and conservation plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Port of Morrow from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.*

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-986-0919 or Kerri.H.Cope@oregon.gov if you have any questions.

Sincerely,

Kerri Cope
Water Management and Conservation Analyst
Water Right Services Division



Enclosure

cc: WMCP File
Application #G-14397 (Permit #G-13765)
Application #G-13249 (Permit #G-12370)
District 5 Watermaster, Greg Silbernagel
Mike Ladd, NC Regional Manager
GSI Water Solutions, Inc. Attn: Suzanne Szoek, 1600 Western Blvd. Ste 240, Corvallis, OR 97333

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water	)	FINAL ORDER APPROVING A
Management and Conservation Plan for the	)	WATER MANAGEMENT AND
Port of Morrow, Morrow County	)	CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department.

Findings of Fact

1. The Port of Morrow (Port) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on September 26, 2017. The plan was required by a condition set forth under the Port's previously approved plan (Sp. Or. Vol. 74, Pgs. 69-71) issued on January 18, 2008 and conditions set forth in Final Orders issued on July 31, 2015 and November 4, 2016 approving Extensions of Time for Permits G-12370 and G-13765, respectively.
2. The Department published notice of receipt of the plan on October 17, 2017, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the Port on December 14, 2017 and February 16, 2018. In response, the Port submitted revised plans on January 29, 2018 and February 23, 2018.
4. The Department reviewed the final revised plan and finds that the revised plan is consistent with the relevant requirements under OAR Chapter 690, Division 086.

Conclusion of Law

The Water Management and Conservation Plan submitted by the Port of Morrow is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

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

1. The Port of Morrow's Water Management and Conservation Plan is approved and shall remain in effect until **April 3, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation(s):

2. The limitation of the diversion of water under Permit G-12370 established in the Final Order approving an Extension of Time for Permit G-12370 (*issued on July 31, 2015*) and the limitation of the diversion of water under Permit G-13765 established in the Final Order approving an Extension of Time for Permit G-13765 (*issued on November 4, 2016*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the Port of Morrow remains authorized to divert up to 0.11 cfs (*out of the total permitted 1.448 cfs*) of water under Permit G-12370 and 0.46 cfs (*out of the total permitted 4.96 cfs*) of water under Permit G-13765.

Plan Update Schedule:

3. The Port of Morrow shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **October 3, 2027**.

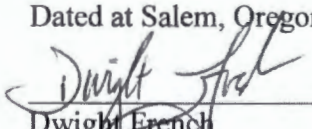
Progress Report Schedule:

4. The Port of Morrow shall submit a progress report containing the information required under OAR 690-086-0120(4) by **April 3, 2023**.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Port of Morrow from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 5th day of April, 2018.


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

Mailing date: APR 09 2018

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>

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF MORROW
PO BOX 200
BOARDMAN, OREGON 97818

(541) 676-9183

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13249

SOURCE OF WATER: WELLS 6 AND 7 IN THE WILLOW CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

RATE OF USE: 1.448 CUBIC FEET PER SECOND TOTAL

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 14, 1993

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 21, T2N, R26E, W.M.; WELL 6 - 2430 FEET NORTH AND 2590 FEET WEST; WELL 7 - 220 FEET NORTH AND 1980 FEET WEST, BOTH FROM THE SE CORNER OF SECTION 21

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 21

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SECTION 28

TOWNSHIP 2 SOUTH, RANGE 26 EAST, W.M.

SEE NEXT PAGE

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the wells shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 11, 1996

for 
Martha O. Pagel, Director
Water Resources Department

Application G-13249 Water Resources Department
Basin 07 Volume 4A Willow Creek & Misc.
MGMT.CODES 7AG, 7AR, 7BG, 7BR

PERMIT G-12370
District 05

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-13249

**Final Order
Extension of Time for Permit Number G-12370
Permit Holder: Port of Morrow**

Application File G-13249/ Permit G-12370
Basin 7 – Umatilla Basin / Watermaster District 21
Date of Priority: January 14, 1993

Authorized Use of Water

Source of Water:	Wells 6 and 7 within the Willow Creek Basin
Purpose or Use:	Municipal
Maximum Rate:	1.448 cubic feet per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-12370 was issued by the Department on April 11, 1996. The permit called for completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2015. On February 27, 2015, the Port of Morrow submitted an application to the Department for an extension of time for Permit G-12370. In accordance with OAR 690-315-0050(2), on June 2, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1,

2040 and to extend the time to fully apply water to beneficial use to October 1, 2040. The protest period closed July 17, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 2, 2015.

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

CONDITIONS

1. Development Limitations

Appropriation of any water beyond 0.11 cfs up to 1.448 cfs under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. The amount of water used under Permit G-12370 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the appropriation of water under Permit G-12370 that has been established under a prior WMCP or Extension final order issued by the Department.

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

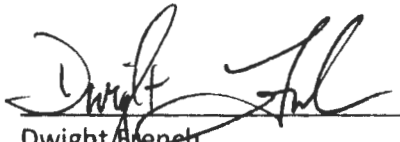
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-13249, Permit G-12370, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2015 to October 1, 2040. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2040.

DATED: July 31, 2015



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

If you have any questions about statements contained in this document, please contact
Machelle A. Bamberger at (503) 986-0802.

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

Mailing List for Extension FO Copies

FO Date: July 31, 2015

Application G-13249

Permit G-12370

Copies Mailed
By: <u>KF</u> (SUPPORT STAFF)
on: <u>7/31/15</u> (DATE)

Original mailed to permit holder:

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

Copies sent to:

1. WRD - App. File G-13249/ Permit G-12370

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 21, Ken Thiemann
4. WRD – Lisa Jaramillo, Transfer and Conservation Services (TACS)

Done by CC Date 7.30.15

CASEWORKER: MAB

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-12370, Water Right Application G-13249,) PROPOSED FINAL ORDER
in the name of the Port of Morrow)

Permit Information

Application File G-13249/ Permit G-12370

Basin 7 – Umatilla Basin / Watermaster District 21

Date of Priority: January 14, 1993

Authorized Use of Water

Source of Water:	Wells 6 and 7 in the Willow Creek Basin
Purpose or Use:	Municipal
Maximum Rate:	1.448 cubic feet per second (cfs)

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

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-12370, water right Application G-13249.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to complete construction from October 1, 2015 to October 1, 2040.
- Grant an extension of time to apply water to full beneficial use from October 1, 2015 to October 1, 2040.
- Make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
City – Port of Morrow
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

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

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

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use. Under specific circumstances, the Department may condition extensions of time for municipal water use permit holders to provide that use of the undeveloped portion of the permit maintains the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

OAR 690-315-0090(3) authorizes the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit G-12370 was issued by the Department on April 11, 1996. The permit authorizes the use of up to 1.448 cfs of water from Wells 6 and 7 (Kinzua Wells 6 and 7) in the Willow Creek Basin, for municipal use. It specified that construction of the water development project was to be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.
2. One prior permit extension has been granted for Permit G-12370. The most recent extension request resulted in the completion dates for construction and full application of water being extended to October 1, 2015.
3. The permit holder, the Port of Morrow, submitted an "Application for Extension of Time" to the Department on February 27, 2015, requesting the time to complete construction and apply water to full beneficial use under the terms and conditions of Permit G-12370 be extended from October 1, 2015 to October 1, 2040.
4. Notification of the City's Application for Extension of Time for Permit G-12370 was published in the Department's Public Notice dated March 17, 2015. No public comments were received regarding the extension application.

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

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080. This determination shall consider the applicable requirements of ORS 537.230¹, 537.630² and/or 539.010(5)³

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

5. On February 27, 2015, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Permit G-12370 was issued prior to June 29, 2005; therefore, the applicant is not required to provide evidence of actions taken to begin actual construction of the project.⁴

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.630 applies to ground water permits only.

³ ORS 537.010(5) applies to surface water and ground water permits.

⁴ Section 5, Chapter 410, Oregon Laws 2005 and OAR 690-315-0070(3)(d).

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

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

7. The remaining work to be accomplished under Permit G-12370 consists of completing construction and applying water to full beneficial use.
8. According to the Port's 2007 Water Management and Conservation Plan (WMCP), The Port manages three industrial parks in Morrow County which includes both industrial and commercial users and a small domestic population. Permit G-12370 services the South Morrow Industrial Park, located near Heppner, Oregon. Since the water system for the South Morrow Industrial Park is an isolated satellite system dedicated to supplying water only to this park, this Extension of Time PFO will only consider the water supply and demands within the South Morrow Industrial Park.
9. Prior to October 1, 2015, the permit holder had appropriated .11 cfs of the 1.448 cfs of water authorized under Permit G-12370 for municipal purposes. There is an undeveloped portion of 1.338 cfs of water under Permit G-12370 as per OAR 690-315-0010(6)(g).
10. In addition to the 1.448 cfs of water authorized under Permit G-12370 (Kinzua Wells 6 and 7), the Port holds the following rights for use in the South Morrow Industrial Park:
 - Certificate 38590 for 0.23 cfs of water, being 0.09 cfs from Heppner Well 1 and 0.14 from Heppner Well 2, in the Willow Creek Basin; and
 - Certificate 83182 for 0.9 cfs of water, being 0.51 cfs from Kinzua Well 1 and 0.39 cfs from Kinzua Well 4, in the Willow Creek Basin;These water rights and permits total 2.578 of groundwater. The Port of Morrow has not yet made use of 1.338 cfs of water, under Permit G-12370.
11. According to the Port's 2007 WMCP (page 2-7), the Port has following wells available for water supply:
 - Kinzua Well 1 is for domestic use;
 - Kinzua Well 7 has not been developed;
 - Kinzua Well 6 services the power plant; and
 - Kinzua Well 4 and Heppner Well 2 are not in use.
12. According to the Port's 2007 WMCP (page 2-3), their current peak daily demand at South Morrow Industrial Park was estimated at 0.77 cfs. An existing cogeneration power plant is currently the largest customer, along with five other businesses currently housed at the site.

13. According to the Port's 2007 WMCP (page 2-2 and 5-2), The South Morrow Industrial Park in about 100 acres. An existing cogeneration power plant is currently the largest customer, along with five other businesses currently housed at the site. Water demand is almost entirely from the power plant (0.24 cfs). If the power plant were to expand, the water demand would double. There are three large industrial locations as well as the potential to add an additional 1.7 cfs of water. In addition, there is a potential to develop a relationship with the city of Heppner to provide either primary or backup water supply. The Port projects their peak water demand at South Morrow Industrial Park will be 1.448 cfs in 2040.
14. Full development of Permit G-12370 is needed to address the present and future water demand of the South Morrow Industrial Park.
15. The Port's request for an extension of time until October 1, 2040, to complete construction and to apply water to full beneficial use under the terms and conditions of Permit G-12370 is both reasonable and necessary.

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

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3) and OAR 690-315-0080(4).

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

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

16. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-12370. Construction of Kinzua Well 6 (MORR 50383) began March 17, 1998 and was completed April 30, 1998.
17. During the last extension period, being October 1, 1999 to October 1, 2015, the Department approved the Ports plan to monitor and report the impact of water use under this permit on April 16, 2004. On January 18, 2008 the Department approved the Port's 2007 WMPC (Special Order Volume 74, page 69).
18. According to the Port, as of February 27, 2015, they have invested \$225,000, which is the total cost for complete development of this project.
19. According to the Final Order for the 2007 WMCP (Special Order Volume 74, page 69), 0.11 cfs of the 1.448 cfs is currently authorized for use under Permit G-12370.

20. The Department has considered the Port's compliance with conditions and did not identify any concerns.

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

21. According to the Port, as of February 27, 2015, they have invested \$225,000, which is the total cost for complete development of this project.

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

22. As described in Findings 8 through 14 above, the Port has indicated, and the Department finds that the Port must rely on full development of their Permit G-12370 to meet current and expected demands at the South Morrow Industrial Park.
23. Given the current water supply situation of the Port, including current and expected demands, there is a market and present demand for the water to be supplied under G-12370.
24. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that appropriation of water beyond 0.11 cfs up to 1.448 cfs under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 which grants access to a greater appropriation of water under the permit consistent with OAR 690-086-0130(7). A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

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

25. The Port expects to obtain a fair and reasonable return on investment by continuing development of Permit G-12370.

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

26. Delays caused by any other governmental requirements in the development of this project have not been identified.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

27. Delay of development under Permit G-12370 was due, in part, to the size and scope of the municipal water system, which was designed to be phased in over a period of years.

Maintaining the Persistence of Listed Fish Species [OAR 690-315-0080(1)(f) and (2)]

The Department's determination regarding maintaining the persistence of listed fish species shall be based on existing data and advice of the Oregon Department of Fish and Wildlife (ODFW). The determination shall be limited to impacts related to stream flow as a result of use of the undeveloped

portion of the permit and further limited to where, as a result of use of the undeveloped portion of the permit, ODFW indicates that stream flow would be a limiting factor for the subject listed fish species.

28. On August 10, 1993 the Water Resources Department determined under OAR Chapter 690 Division 9, that use of water under this ground water Permit G-12370 does not have the potential for substantial interference with surface water.
29. This will be the second extension of time issued after June 29, 2005 for this permit, which is a municipal use permit issued before November 2, 1998. A Final Order on the first extension of time after June 29, 2005, was issued on December 20, 2007. Thus, this extension of time request is not subject to fish persistence criteria under 690-315-0080(1)(f) and (2).
30. Based upon the Department's determination described in Finding 28 and 29, the use of the undeveloped portion of Permit G-12370 does not have the potential for substantial interference with surface water, and therefore the persistence of listed fish species will be maintained.

CONCLUSIONS OF LAW

1. The Port is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(2).
2. The Port has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. Pursuant to Section 5, Chapter 410, Oregon Laws 2005, the permit holder is not required to demonstrate that actual construction of the project began within one year of the date of issuance of the permit, as otherwise required by OAR 690-315-0080(1)(b).
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2040⁵ pursuant to OAR 690-315-0080(1)(d).
6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made

⁵ Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a water right examiner to survey the appropriation. When in one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the City has shown good cause for an extension of time to complete construction and to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).

7. As required by OAR 690-315-0090(3) and as described in Finding 24, above, and specified under Item 1 of the "Conditions" section of this PFO, the appropriation of water beyond 0.11 cfs up to 1.448 cfs under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7).
8. In accordance with OAR 690-315-0080(1)(f), and as described in Findings 28 and 30, above, the use of the undeveloped portion of the permit does not have the potential for substantial interference with surface water.
9. As described in Finding 29, above, this will be the 2nd extension issued after June 29, 2005 for this permit, which is a municipal use permit issued before November 2, 1998; therefore this extension of time request is not subject to fish persistence criteria under 690-315-0080(1)(f) and (2).

Continued on the following page

Proposed Order

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

Extend the time to complete construction under Permit G-12370 from October 1, 2015 to October 1, 2040.

Extend the time to apply the water to beneficial use under Permit G-12370 from October 1, 2015 to October 1, 2040.

Subject to the following conditions:

CONDITIONS

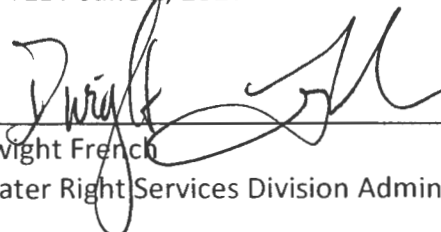
1. **Development Limitations**

Appropriation of any water beyond 0.11 cfs up to 1.448 cfs under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. The amount of water used under Permit G-12370 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the appropriation of water under Permit G-12370 that has been established under a prior WMCP or Extension final order issued by the Department.

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

DATED: June 2, 2015


Dwight French
Water Right Services Division Administrator

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **July 17, 2015**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active Duty service members have a right to stay these proceedings under federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.of.mil>

-
- If you have any questions about statements contained in this document, please contact Machelie A. Bamberger at 503-986-0802.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to: Water Right Services Division
725 Summer St NE, Suite A
 - Fax: 503-986-0901 Salem, OR 97301-1266
-

Mailing List for Extension PFO Copies

PFO Date: June 2, 2015

Application G-13249
Permit G-12370

Copies Mailed
By: <u>KF</u> (SUPPORT STAFF)
on: <u>6/2/15</u> (DATE)

Original mailed to Applicant:

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

Copies sent to:

1. WRD - App. File G- 13249/ Permit G-12370

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 21 – Ken Thiemann
4. WRD – Lisa Jaramillo, Transfer and Conservation Services (TACS)
Done by _____ Date _____

CASEWORKER: MAB

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water	)	FINAL ORDER APPROVING WATER
Management and Conservation Plan for	)	MANAGEMENT AND
Port of Morrow, Morrow County, Oregon	)	CONSERVATION PLAN
	)	

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Background

On September 19, 2005, the Port of Morrow submitted a draft Water Management and Conservation Plan (WMCP) for review under OAR Chapter 690, Division 086 (November 2002). Submittal of the plan was required as an update of a previously approved WMCP.

The Department published notice of receipt of the plan on September 27, 2005. No public comments were received.

The Department provided comments on the plan to the Port on February 9, 2006 and, in response, the Port submitted a revised plan on November 9, 2007.

Findings of Fact

1. The Port of Morrow Water Management and Conservation Plan contains all of the plan elements required under OAR 690-086-0125.
2. The projections of future water needs in the plan demonstrate a need for over 17.2 cfs of which, 0.57 cfs of water available under permits G 13765 and G-12370 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the Port's land use plan.
3. The plan includes 5-year benchmarks for implementation of metering of Port owned landscape, provide full for future industrial supply metering at all facilities; use portable

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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meter to spot-check for un-metered water users and water audit of internal Port uses and Port customers. The system is metered for Port customers and the rate structure includes a base rate and volumetric charge. System leakage is estimated at 10 percent.

4. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to revitalize the Water User's Committee at Boardman and initiate similar groups for the Airport and South Morrow. Establish an annual meeting for Port water users to discuss system issues and provide technical assistance to customers.
5. The plan identifies ground water as the source of the Port's water rights. It also accurately and completely describes the source of water as ground water not involved in endangered species or within critical ground water areas but recognizes the proximity to critical ground areas.
6. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
7. The diversion of 0.46 cfs under permit G 13765 and 0.11 cfs under permit G-12370 will be initiated during the next 20 years and consistent with OAR 690-086-0130(7):
 - a. OAR 690-086-0130(7)(a) requires the plan includes a schedule for development of any conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources and the supplier has provided sufficient justification for the factors used in selecting other sources for development. The plan meets these requirements through best management practices and water reuse.
 - b. OAR 690-086-0130(7)(b) requires increased use from the source is the most feasible and appropriate water supply alternative available to the supplier. The Port is one of the largest users of water reuse and has continued to implement low use irrigation practices. However, the total twenty year additional demand is projected to be a total of 17.2 cfs which would exceed the capacity of conservation and reuse at the current level and other close alternatives would be from the Columbia River which have endangered species issues or other areas within designated critical ground water management areas. The plan is consistent with this requirement by use or conservation methods or pursuit of new ground water permits outside the critical ground water management areas.
 - c. OAR 690-086-0130(7) (c) requires that the plan contains documentation that the supplier is complying with the mitigation requirements. The use of this groundwater is not known to have any obligations under the Endangered Species Act.

Conclusion of Law

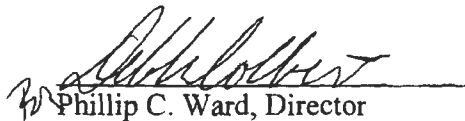
The water management and conservation plan submitted by the Port of Morrow is consistent with the criteria in OAR Chapter 690, Division 086.

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Now, therefore, it is ORDERED:

1. The Port of Morrow Water Management and Conservation Plan is approved and shall remain in effect until November 30, 2017, unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The limitation of the diversion of water under Permit G-12370 established by the extension of time approved on December 20, 2007 is removed and, subject to other limitations or conditions of the permit, the Port of Morrow is authorized to divert up to 0.11 cfs under Permit G-12370.
3. The limitation of the diversion of water under Permit G 13765 established by the extension of time approved on December 20, 2007 is removed and, subject to other limitations or conditions of the permit, the Port of Morrow is authorized to divert up to 0.46 cfs under Permit G 13765.
4. The Port of Morrow shall submit an updated plan within ten years and no later than November 30, 2017.

Dated at Salem, Oregon this 18th day of January, 2008.


Phillip C. Ward, Director

Mailing date: FEB 06 2008

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SALEM, OREGON

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued on or prior to November 2, 1998

(OAR 690-315-0010 through OAR 690-315-0060)

NO F.P.

(2nd Ext)

Application: G- 13249 Permit: G- 12370 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Port of Morrow Attn: Ron McKinnis

Permit Holder's Mailing Address: PO Box 200, #2 Marine Drive, Boardman, OR 97818 email ronm@portofmorrow.com

Phone Number: 541-481-7678

POD Location: Township 2S Range 26E Section 21 $\frac{1}{4}$ $\frac{1}{4}$ NWSE, SWSE

Drainage Basin: 7 County: Morrow Watermaster District: 5 Watermaster: Greg Silbernagel

Date Permit was issued: 4/11/1996

Priority Date: 1/14/1993

Date of PN: 3/10/2015

Source: Kinzua Wells 6 and 7 within Willow Creek Basin

South Morrow Park

17

Use: ☒ Municipal ☐ Quasi Municipal ☐

"Q": 1.448

Orig "A" Date:

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 2/27/2015

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2015

Request Number (1, 2, 3...): 2nd

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2040

project 1.24 2025 2.17 2025 WMC

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	install meters
☒	☐	develop a plan to monitor and report GW levels
☒	☐	WMCP - permit condition; WMCP prior extension condition
☐	☐	
☐	☐	

ext 1 2012

ext 2

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0.11 ☒ cfs ☐ gpm ☐ af Undeveloped portion 1.338 ☒ cfs ☐ gpm ☐ af

- ☒ ☐ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$225,000 Estimated Remaining Cost: \$0

GW REVIEW: Y ☒ N ☐

MITIGATION REVIEW: Y ☒ N ☐

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

Population (Year) As of Population Projected by (Year) Calculated? Yes ☐

Peak Demand .011 cfs (Year) 2015 ☐ Peak Demand 1.448 cfs by (Year) 2040 Calculated? Yes ☐
For MUNICIPAL permits ONLY.

Yes No

- ☒ ☐ Is this a Municipal use Permit (If YES, proceed. If NO, skip to "Good Cause")
☐ ☒ Has full "Q" been beneficially used? (If YES, skip to "Good Cause")
☐ ☒ Is this the first extension issued since 6/29/05? (If NO, skip to "Good Cause")
☐ ☐ If GW permit, does it have PSI? (If NO, skip to "Good Cause")
☐ ☐ Does the permit holder have any existing fish protection agreements with a state or federal agency?

Date sent to ODFW for review _____

Date returned from ODFW _____

2nd Extension after 6/29/05
no F.P. review

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

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

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

Conditions to be included in Extension PFO (if applicable)? Yes ☐ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

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

☐ Other: _____

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

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

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

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

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

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

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline
Date: _____

Reviewer's Name: _____ Date: _____

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or

NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- ☒ 1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- ☒ 2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____
If the permit has been cancelled, the Extension Application cannot be accepted.
- ☒ 3. Is the extension applicant's name and mailing address supplied? _____
If yes, is the extension applicant a permit holder of record (i.e., *permit either issued to them or assigned to them*)? _____

If the extension applicant is **NOT** a permit holder of record, a "Request for Assignment" must be processed before the Extension Application can be accepted.

If an Assignment has **not** yet occurred, or if a concurrent "Request for Assignment" was **not** submitted along with the Extension Application, the Extension Application cannot be accepted.

***NOTE:** The applicant can submit both the assignment and extension of time requests at the same time, if they present a complete application for assignment, with proof of ownership if the previous owner was not available to sign the form, and the statutory fee of \$85 for the assignment, and the necessary items for the application for Extension of Time.

- ☒ 4. Is the appropriate Extension of Time Application used? _____
If the wrong application form is used, the Extension Application cannot be accepted.
- If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."

- ☒ 5. Are the requested date(s) for extension identified (*Page 1*)? _____ **RECEIVED**
FEB 27 2015
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- Check the permit to see if it includes a "B-Date" and/or a "C-Date."
- "B-Date" = date by which construction of the water delivery system for the permit is to be completed.
"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

NOTE: For permits with both a "B-Date" and a "C-Date," the applicant will likely request an extension of both dates (i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" (i.e., to apply water to full beneficial use).

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

- ☒ 6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____
(If signed by agent, documentation from the permit holder(s) granting authorization to agent to sign on their behalf must be provided or already in the permit file.)

If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.

NOTE: If the permit covers land that has been subdivided and assigned to different, individual parties... we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

- ☐ 7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

The tables below are informational only. No need to check off.

■ **For NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:**

▪ Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
▪ Ques. #2 - Information provided on compliance with permit conditions.	▪ Ques. #6 - Information provided on number of acres irrigated, if applicable.
▪ Ques. #3 - Description provided of progress made in developing the permit.	▪ Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
▪ Ques. #4 - Monetary investment made in the project to date provided.	▪ Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
▪ Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #5-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #10 - Justification provided of why the requested time is necessary to complete project.

■ **For Municipal/Quasi-Municipal Permit Extension Applications:**

▪ Ques. #2 - For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #8 - Estimate provided of current peak water demand of the population served <u>and</u> the methodology used to make the estimate.
▪ Ques. #3 - For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.	▪ Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.
▪ Ques. #5-A & #5-B - Information provided on compliance (or non-compliance) with permit conditions.	▪ Ques. #10-B - For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
▪ Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #11 - Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
▪ Ques. #6-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
▪ Ques. #6-C - Well location information provided <u>and</u> whether a permit amendment is necessary.	▪ Ques. #14 - A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
▪ Ques. #7 - Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.	▪ Attachment A - A tabular inventory of the water supplier's water rights and any other water use authorizations.

- ☐ 8. Has the \$575 fee been paid? _____
 (As of July 1, 2013, the Extension of Time fee is \$575.)

If the fee has **NOT** been paid, the application cannot be accepted.

NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within a certain timeframe, hold the Extension Application. If the fee does not arrive within that timeframe, return the Extension Application to the applicant.

- ☐ 9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Michele McAleer**. She will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: _____ Date: _____

Application # G-13249

Permit # G-12370

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 2-27-2015

◆ **Extension Specialist ...**

☐ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Codi Holmes...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 3-17-2015

☒ Update WRIS Database

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

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

☐ Yes or ☐ No: Return file to Extension Specialist after PN _____

**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 # **115047**

INVOICE # _____

RECEIVED FROM: POM; Port of Morrow

APPLICATION	G-13249
PERMIT	
TRANSFER	

BY: _____

CASH: ☐ CHECK:# ☒ 215436 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ **575.00**

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	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$ 575.00

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	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 _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **115047**

DATED: 2/27/15 BY: M. A. [Signature]



Oregon
Kate Brown, Governor

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

March 10, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-13249 (Permit G-12370)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Anne Reece at (503) 986-0834. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



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

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany the extension of time application.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

I, Port of Morrow

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

Ronald V. McKinnis

NAME OF CONTACT

P.O. Box 200, #2 Marine Dr.

ADDRESS

Boardman

CITY

Oregon

STATE

97818

ZIP

541-481-7678

PHONE

ronm@portofmorrow.com

E-MAIL ADDRESS

RECEIVED

the permit holder of:

Application Number G-13249

FEB 27 2015

Permit Number G-12370

[OAR 690-315-0070(3)(b)]

WATER RESOURCES DEPT
SALEM, OREGON

do hereby request that the time in which to:

- ☐ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, ____, be extended to October 1, ____,

and/or the time in which to:

- X apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2012, be extended to October 1, 2040.

15

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Signature

Date

02/27/2015

Kinzik & t

CHART-I

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – e.g. Well drilled.</i>	COST
03-17-98	Well Drilled	200,000
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	COST
	Date the permit was signed - find date above signature on last page of permit.	
04-11-96	Signed	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
04-11-97	Permit Start of Construction	
01-01-97	Actual Start of Construction - Clearing Log Deck and Pipeline Work	
03-17-98	Well Drilling Started	Above
09-01-98	Well Tied to Water System	25,000
09-01-99	Water Used for Power Plant	
10/1/99	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request.</i> <i>For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
10-01-99	None - POA can provide all of allowed rate	
01-20-15	None - POA can provide all of allowed rate (Latest Extension)	
	Beneficial Use Cannot be made for Full Rate for a COBU	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED <i>For Other than 1st Application for Extension of Time: List any work/actions done during the time period most recent extension.</i>	COST
10/1/12	Date of the last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
01-20-15	None - POA can provide all of allowed rate	
	None - POA can provide almost all of allowed rate	

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WATER RESOURCES DEPT
SALEM, OREGON

CHART-I (continued)		
10/1/12	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED <i>List work/actions done after the last authorized date for complete application of water has passed.</i>	COST
01-20-15	None - POA can provide all of allowed rate	
	None - POA can provide almost all of allowed rate	
Total Cost to Date		\$225,000

[OAR 690-315-0070(3)(f)]

CHART-II

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
A	3-2000	Install Meter
B	3-2000	Develop Water Monitor Plan - Submitted to the Dept.
C	01-18-08	Approved Water Management & Conservation Plan
D	12-20-07	Previous Extension of Time to 10-01-2012
E	11-30-17	New Water Management & Conservation Plan Required By Order 74-69

**** Condition No:** Attach a copy of the permit and, if applicable, any prior permit extensions or permit amendments with conditions identified and hand-numbered in a continuous number sequence throughout all such documents. Responses to Items 5-A and 5-B should reference each condition by number to correspond with the hand-written number sequence on the attached documents containing permit conditions.

5-B) If applicable conditions have NOT complied with all, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-III

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
E	11-30-17	Submit New Water Management & Conservation Plan
	01-27-15	Beneficial Use Cannot be made for Full Rate for a COBU
F	10-01-40	Complete Use of Full Water Rater to Beneficial Use

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SALEM, OREGON

CHART-IV

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number E.g. MULT 60493	Well Tag Number E.g. # 40151 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See below)	Maximum instantaneous rate used by C-date or prior extension -- from this well -- under <u>this permit only</u> (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the rate used from this well under each water right. (Typically the total of all uses from a single well will not exceed the well's pumping capacity.)
Kinzua #6	1513	Yes ☒ No ☐	50383	L12672	Yes ☒ No ☐	1.448 CFS	Yes ☐ No ☒	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
Total instantaneous rate from all wells utilized under this permit used by C-date or most recent "extended to" date						1.448	Capped at .11 By WMC P	

6-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed with OWRD? Yes ☐ No ☒

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well #____: Actual location: _____

Well #____: Actual location: _____

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate. [OAR 690-315-0070(3)(h)]

Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

Current Population: N/A as of Year: 2015 (Industrial Park)

Methodology used to estimate current population served: N/A

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SALEM, OREGON

[OAR 690-315-0070(3)(p)]

8. Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate.

Identify the total rate, or duty if applicable, of water being used to meet the current peak demand for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm

(gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on “Attachment A” in the column named “*Max Amount of Beneficial Water Used to Date*” [under Item 10-A (a)].

Current Peak Water Demand: 0.11 CFS as of Year: 2015

Methodology used to estimate current peak demand: Actual Water Used by Record
0.11 for Municipal to Date

[OAR 690-315-0070(3)(k)]

9. **Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.**

Use is Only Delayed by Industrial Growth at this Industrial Park Location

[OAR 690-315-0070(3)(l)]

- 10-A. **Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.**

NONE AT THIS TIME

- b) Water Supply Contracts and/or Agreements

List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities.

Port Municipal Water is listed as an Optional Back-up Supply to the City of Heppner

List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

NONE

- c) Projected Population

Identify the projected population growth rate. The population projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the population projections such as historical growth rates or any factors affecting growth trends.

Population Growth Rate: N/A%

Projected Population: N/A as of Year: 2015 (Industrial Park)

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**WATER RESOURCES DEPT
SALEM, OREGON**

Methodology used to estimate projected population and population growth rate: N/A

d) Future Peak Water Demands

Identify the projected peak water. The peak water demand projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the water demand projection, such as historical growth rates or any factors affecting growth trends. Include a summary of how the subject permit, and other water rights and /or supply contracts held by the permit holder are planned or expected to be used to meet anticipated future water needs

Projected Peak Water Demand: 1.448 CFS as of Year: 2040

Methodology used to estimate peak water demand: N/A

e) Potential Growth

Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

Only Growth would be within this Industrial Park

f) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2040**

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SALEM, OREGON

[OAR 690-315-0070(3)(l)]

- 10-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.**

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

NONE

[OAR 690-315-0070(3)(j) and OAR 690-315-0070(3)(m)]

- 11. Provide an estimate of the costs to complete water development and summary of the future plan and schedule to complete construction and/or perfect the water right.**

Considering the demand projections in Item 10-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the major planning, work and/or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit.

The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plans may help when formulating a response.

NONE

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
	N/A - Municipal Use via Industrial Use vs. City Population	
Year: <u>2024</u>	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		UNKNOWN

[OAR 690-315-0070(3)(n)]

12. **Justify the time requested to complete the project and/or apply the water to full beneficial use.**

A justification should integrate information from Items 5-B, 6-A or 6-B, 9, 10-A, and 11 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

Conservative Projections of Expanded Industrial Use

[OAR 690-315-0070(3)(o)]

13. **Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time**

0.11 CFS Developed to Municipal - Power Plant Operations

[OAR 690-315-0070(3)(q)]

14. **For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.**

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WATER RESOURCES DEPT
SALEM, OREGON

Water Rights Inventory for (Name of Entity) Port of Mor

(List of All Permits, Permit Amendments, Certificates, Tr

Ground Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. ¹ or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	id ii (cl
South Marrow I. Park				2				
G-11233	G-10312	02-08-84	83182	0.51	Well	Kinzua #1	Industrial	0.4
G-4909	G-4626	06-18-69	38590	0.09	Well	Heppner #1	Industrial	0.
G-11233	G-10312	02-08-84	83182	0.39	Well	Kinzua #4	Industrial	0.
G-4909	G-4626	06-18-69	39590	0.14	Well	Heppner #2	Industrial	0.
G-13249	G-12370	01-14-93	N/A	1.448	Well	Kinzua #6	Municipal	1.

Total 2.578

Surface Water

Application No.	Permit No.	Priority Date	Certificate No.	P.A. or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	id ii (cl

Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate

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WATER RESOURCES
SALEM, OREG

¹ P.A. = Permit Amendment

² Date by which full application of water is to be made within the terms and conditions of the permit (date will be s

³ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is diversion rate is less than a certificated rate, please explain why.

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MAY 26 1998

Tag 612672

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

Morr
50383

WATER RESOURCES DEP (START CARD) #

63428

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

SALEM, OREGON

(1) OWNER:

Name Kinqua Lumber Well Number _____
Address Rt 2 Box 2100
City Heppner State OR Zip 97236

(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 408 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE

Diameter	From	To	Material	From	To	Sacks or pounds
16	0	36	Cement	0	36	42 SKS
12	36	408				

SEAL

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

Backfill placed from _____ ft. to _____ ft. Material _____

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 12	0	36	375	☒	☐	☒	☐
Liner:				☐	☐	☐	☐

Final location of shoe(s) 36

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing
Yield gal/min 400+ Drawdown _____ Drill stem at 408 Time 1 hr.

Temperature of water 58° 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 Morrow Latitude _____ Longitude _____
Township 2 N or S Range 26 E or W. WM.
Section 21 SW 1/4 SE 1/4
Tax Lot 2202 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:

25 ft. below land surface. Date 5-1-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 8 ft

From	To	Estimated Flow Rate	SWL
8	19	20	8
130	210	300	25
304	408	100 +	25

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Silt & gravels	0	11	
Brown Basalt	11	19	
Black Basalt	19	130	25
Fractured Basalt	130	210	
Grey Basalt	210	304	
Vesicular Basalt	304	351	
Fractured Basalt	351	408	

Date started 3-17-98 Completed 4-30-98

(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.

WWC Number _____

Signed _____ 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.

WWC Number 759

Signed St Brown Date 5-1-98

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water	)	FINAL ORDER APPROVING WATER
Management and Conservation Plan for	)	MANAGEMENT AND
Port of Morrow, Morrow County, Oregon	)	CONSERVATION PLAN
	)	

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Background

On September 19, 2005, the Port of Morrow submitted a draft Water Management and Conservation Plan (WMCP) for review under OAR Chapter 690, Division 086 (November 2002). Submittal of the plan was required as an update of a previously approved WMCP.

The Department published notice of receipt of the plan on September 27, 2005. No public comments were received.

The Department provided comments on the plan to the Port on February 9, 2006 and, in response, the Port submitted a revised plan on November 9, 2007.

Findings of Fact

1. The Port of Morrow Water Management and Conservation Plan contains all of the plan elements required under OAR 690-086-0125.
2. The projections of future water needs in the plan demonstrate a need for over 17.2 cfs of which, 0.57 cfs of water available under permits G 13765 and G-12370 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the Port's land use plan.
3. The plan includes 5-year benchmarks for implementation of metering of Port owned landscape, provide full for future industrial supply metering at all facilities; use portable

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

meter to spot-check for un-metered water users and water audit of internal Port uses and Port customers. The system is metered for Port customers and the rate structure includes a base rate and volumetric charge. System leakage is estimated at 10 percent.

4. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to revitalize the Water User's Committee at Boardman and initiate similar groups for the Airport and South Morrow. Establish an annual meeting for Port water users to discuss system issues and provide technical assistance to customers.
5. The plan identifies ground water as the source of the Port's water rights. It also accurately and completely describes the source of water as ground water not involved in endangered species or within critical ground water areas but recognizes the proximity to critical ground areas.
6. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
7. The diversion of 0.46 cfs under permit G 13765 and 0.11 cfs under permit G-12370 will be initiated during the next 20 years and consistent with OAR 690-086-0130(7):
 - a. OAR 690-086-0130(7)(a) requires the plan includes a schedule for development of any conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources and the supplier has provided sufficient justification for the factors used in selecting other sources for development. The plan meets these requirements through best management practices and water reuse.
 - b. OAR 690-086-0130(7)(b) requires increased use from the source is the most feasible and appropriate water supply alternative available to the supplier. The Port is one of the largest users of water reuse and has continued to implement low use irrigation practices. However, the total twenty year additional demand is projected to be a total of 17.2 cfs which would exceed the capacity of conservation and reuse at the current level and other close alternatives would be from the Columbia River which have endangered species issues or other areas within designated critical ground water management areas. The plan is consistent with this requirement by use or conservation methods or pursuit of new ground water permits outside the critical ground water management areas.
 - c. OAR 690-086-0130(7) (c) requires that the plan contains documentation that the supplier is complying with the mitigation requirements. The use of this groundwater is not known to have any obligations under the Endangered Species Act.

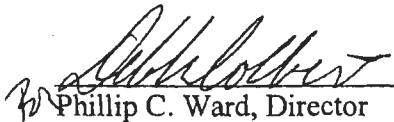
Conclusion of Law

The water management and conservation plan submitted by the Port of Morrow is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The Port of Morrow Water Management and Conservation Plan is approved and shall remain in effect until November 30, 2017, unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The limitation of the diversion of water under Permit G-12370 established by the extension of time approved on December 20, 2007 is removed and, subject to other limitations or conditions of the permit, the Port of Morrow is authorized to divert up to 0.11 cfs under Permit G-12370.
3. The limitation of the diversion of water under Permit G 13765 established by the extension of time approved on December 20, 2007 is removed and, subject to other limitations or conditions of the permit, the Port of Morrow is authorized to divert up to 0.46 cfs under Permit G 13765.
4. The Port of Morrow shall submit an updated plan within ten years and no later than November 30, 2017.

Dated at Salem, Oregon this 18th day of January, 2008.


Phillip C. Ward, Director

Mailing date: FEB 06 2008

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-12370, Water Right Application G-13249,)
in the name of Port of Morrow) **PROPOSED FINAL ORDER**

Permit Information

Application File G-13249/ Permit G-12370

Basin 7 – Umatilla Basin / Watermaster District 7

Date of Priority: January 14, 1993

Authorized Use of Water

Source of Water:	Wells 6 and 7 in the Willow Creek Basin
Purpose or Use:	Municipal
Maximum Rate:	1.448 Cubic Feet per Second (cfs)

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

***Please read this Proposed Final Order in its entirety as it contains additional
conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-12370, water right Application G-13249. A copy of Permit G-12370 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time to apply water to full beneficial use from October 1, 1999 to October 1, 2015; and
- make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

Port – Port of Morrow

ODFW – Oregon Department of Fish and Wildlife

PFO – Proposed Final Order

WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

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

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

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use. Under specific circumstances, the Department may condition extensions of time for municipal water use permit holders to provide that use of the undeveloped portion of the permit maintains the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

OAR 690-315-0090(3) authorizes the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit G-12370 was granted by the Department on April 11, 1996. The permit authorizes the use of up to 1.448 cfs of water for municipal use from Wells 6 and 7 (Kinzua Wells 6 and 7) within the Willow Creek Basin. It specified that construction of the water development project was to be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.
2. The permit holder, the Port of Morrow (Port) submitted a \$100.00 application fee and an "Application for Extension of Time" to the Department on November 27, 1998, requesting the time to complete construction of the water system be extended from October 1, 1998 to October 1, 1999. This is the first extension of time request for Permit G-12370.
3. Due to an ongoing permit extension rulemaking, the Department placed all pending Applications for Extension of Time for municipal and quasi-municipal permits on hold and did not require municipal and quasi-municipal water use permit holders to submit Applications for Extension of Time until the new rules were adopted.
4. Municipal and quasi-municipal water use permit extension rules OAR 690-315-0070 through 690-315-0100 became effective on November 1, 2002, were amended, filed with the Secretary of State, and became effective on November 22, 2005.
5. On April 15, 2004, the Port submitted a modified "Application for Extension of Time," consistent with the OAR Chapter 690 Division 315 rules governing extensions of time for municipal and quasi-municipal water use permits. The Port's modified Application for an Extension of Time requested that the time to apply water to full beneficial use be extended from October 1, 1999 to October 1, 2007. This was subsequently amended to be extended from October 1, 1999 to October 1, 2015.
6. Notification of the Port's Application for Extension of Time for Permit G-12370 was published in the Department's Public Notice dated April 20, 2004. No public comments were received regarding the extension application.
7. On February 2, 2007, the Port submitted additional information to supplement their Application for Extension of Time.

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

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

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 539.010(5) applies to surface water and ground water permits.

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

8. On November 27, 1998, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

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

9. Ground water permits held by municipal corporations for municipal purposes are not subject to the requirement to begin actual construction work within one year from the date of approval of the application.⁵

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

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

10. The remaining work to be accomplished under Permit G-12370 consists of applying water to full beneficial use.
11. According to the Port's 2007 Draft Water Management and Conservation Plan (WMCP) the Port's water supply system services both industrial and commercial users and a small domestic population (Page 1-3). The service areas for the Port consist of Boardman Industrial Park, Airport Industrial Park and South Morrow Industrial Park (near Heppner). Due to the remoteness of South Morrow Industrial Park compared to the other two industrial parks, this Extension of Time PFO will only consider the water supply and demands within the South Morrow Industrial Park.
12. As of November 27, 1998, the permit holder has appropriated 1.337 cfs of the 1.448 cfs of water authorized under Permit G-12370 for municipal purposes.
13. In addition to the 1.448 cfs of water authorized under Permit G-12370 (Kinzua Wells 6 and 7), the Port has access to the following water right certificates for industrial use in South Morrow Industrial Park:
- Certificate 38591 for 0.09 cfs of water from Heppner Well 1 and 0.14 cfs of water from Heppner Well 2, and
 - Certificate 83182 for 0.51 cfs of water from Kinzua Well 1 and 0.39 cfs of water from Kinzua Well 2.

These water right certificates and permit total 2.578 cfs of water. According to the Port's 2007

⁵ Section 5, chapter 410, Oregon Laws 2005, provides:

Sec. 5. (2) The amendments to ORS 537.230 and 537.630 by sections 1 and 2 of this 2005 Act apply to requests for extensions of time to complete construction or to perfect a water right made before, on or after the effective date of this 2005 Act, whether or not construction has commenced under a permit prior to the request.

(3) All final orders by the department that resulted in the issuance of a water right permit, the issuance of a water right certificate or the approval of an extension of time to complete construction or to perfect a water right for a municipal use that were issued before the effective date of this 2005 Act are not subject to challenge in an administrative or judicial proceeding with respect to the requirement to commence and complete construction within a specified period of time. [2005 c.410 §5]

Draft WMCP (Page 2-7) Kinzua Well 4 and Heppner Well 2 are not in use at this time, and Kinzua Well 7 has not been drilled. Kinzua Well 1 is used for domestic use. The Port has not yet made beneficial use of 0.111 cfs of water under Permit G-12370.

14. According to the Port's 2007 Draft WMCP (Page 2-3), the current maximum daily demand at South Morrow Industrial Park is estimated at 0.775 cfs.
15. The Port projects, based on the growth rate at the Boardman Industrial Park, the peak day demand at the South Morrow Industrial Park will reach 1.08 cfs of water by the year 2015. However, based on potential growth specific to the South Morrow Industrial Park, the Port anticipates that the peak demand could exceed the available water supply at South Morrow Industrial Park by the year 2012.
16. According to the Port's 2007 Draft WMCP (Page 5-2), the current water demand is almost entirely from a power plant customer. Completion of the expansion (Phase 2) of this power plant would likely double water use at the South Morrow Industrial Park. In addition, this industrial park has three available industrial locations, which could potentially add an additional demand of 1.7 cfs of water. Furthermore, the Port is currently discussing the possibility of an intergovernmental agreement with the City of Lexington to provide either primary or backup water supply.
17. Full development of Permit G-12370 is needed to address the present and future water demand of the Port.
18. The Port's request for an extension of time until October 1, 2015 to complete construction of the water system and to apply water to full beneficial use under the terms of Permit G-12370 is both reasonable and necessary.

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

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

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

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

19. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-12370.
20. As of April 15, 2004, the permit holder has invested \$50,000, which is 100 percent of the total projected cost for complete development of this project. The Port does not anticipate any additional investment will be needed for the completion of this project.
21. Since the issuance of Permit G-12370 on April 11, 1996, approximately 1.337 cfs of the 1.448 cfs allowed has been appropriated from Well 6 for beneficial municipal purposes under the terms

of this permit.

22. The Department has considered the Port's compliance with conditions, and did not identify any concerns.

Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose

[OAR 690-315-0080(3)(b)]

23. As of November 27, 1998, the permit holder has invested \$50,000, which is 100 percent of the total projected cost for complete development of this project. The Port does not anticipate any additional investment will be needed for the completion of this project.

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

24. As described in Findings 11 through 17 above, the Port has indicated, and the Department finds that the Port must rely on its water right Permit G-12370 to meet current and expected demands at the South Morrow Industrial Park.
25. Given the current water supply situation of the Port, as well as current and expected demands, there is a market and present demand for the water to be supplied under Permit G-12370.
26. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide the diversion of water beyond 1.337 cfs under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

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

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

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

28. Delays caused by any other governmental requirements in the development of this project have not been identified.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

29. Delay of development under Permit G-12370 was due, in part, to the size and scope of the municipal water system, which was designed to be phased in over a period of years, and the time required to rebuild and activate Phase 1 of the power plant.

Maintaining the Persistence of Listed Fish Species [OAR 690-315-0080(1)(f) and (2)]

The Department's determination regarding maintaining the persistence of listed fish species shall be based on existing data and advice of the Oregon Department of Fish and Wildlife (ODFW). The determination shall be limited to impacts related to stream flow as a result of use of the undeveloped portion of the permit and further limited to where, as a result of use of the undeveloped portion of the permit, ODFW indicates that stream flow would be a limiting factor for the subject listed fish species.

30. On August 10, 1993 the Water Resources Department determined under OAR Chapter 690

Division 9, that use of water under this ground water Permit G-12370 does not have the potential for substantial interference with surface water.

31. Based upon the Department's determination described in Finding 30, the use of the undeveloped portion of Permit G-12370 does not have the potential for substantial interference with surface water, and therefore the persistence of listed fish species will be maintained.

CONCLUSIONS OF LAW

1. The Port is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(2).
2. The Port has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. Pursuant to Section 5, Chapter 410, Oregon Laws 2005, the permit holder is not required to demonstrate that actual construction of the project began within one year of the date of issuance of the permit, as otherwise required by OAR 690-315-0080(1)(b).
4. The time requested to apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Full application of water to beneficial use can be completed by October 1, 2015⁶ pursuant to OAR 690-315-0080(1)(d).
6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the Port has shown good cause for an extension of time to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
8. As required by OAR 690-315-0090(3) and as described in Finding 26 above and specified under Item 1 of the "Conditions" section of this PFO, the diversion of water beyond 1.337 cfs under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.
9. In accordance with OAR 690-315-0080(1)(f), and as described in Findings 30 and 31 above, the persistence of listed fish species will be maintained in the portions of the waterways affected by water use under this municipal use permit.

⁶Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

Proposed Order

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

extend the time to apply the water to beneficial use under Permit G-12370 from October 1, 1999 to October 1, 2015.

Subject to the following conditions:

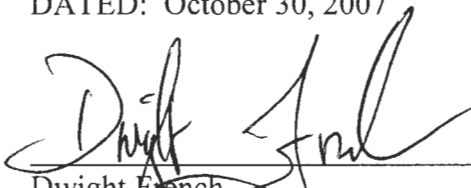
CONDITIONS

1. **Development Limitations**

Diversion of any water beyond 1.337 cfs under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit G-12370 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 that is on file with the Department.

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

DATED: October 30, 2007


Dwight French
Administrator
Water Rights and Adjudications Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **December 14, 2007** being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;

- c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Ann L. Reece at 503-986-0827.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Dwight French at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to: Water Rights and Adjudications Division
725 Summer St NE, Suite A
 - Fax: 503-986-0901 Salem, OR 97301-1266
-

Mailing List for Extension PFO Copies

PFO Date: October 30, 2007

Application G-13249

Permit G-12370

Original mailed to Applicant:

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

Copies Mailed
By: <u>SOS</u> (SUPPORT STAFF)
on: <u>10/30/07</u> (DATE)

Copies sent to:

1. WRD - App. File G- 13249/ Permit G-12370
2. WRD - Watermaster District 5 – Tony Justus

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. None

CASEWORKER: ALR

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13249

Final Order
Extension of Time for Permit Number G-12370

Appeal Rights

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

Application History

Permit G-12370 was granted by the Department on April 11, 1996. The permit called for completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. On November 27, 1998, Port of Morrow submitted an application to the Department for an extension of time for Permit G-12370. In accordance with OAR 690-315-0050(2), on October 30, 2007, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2012. The protest period closed December 14, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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

CONDITIONS

1. **Development Limitations**

Diversion of any water beyond 1.337 cfs for municipal use under Permit G-12370 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-12370 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as

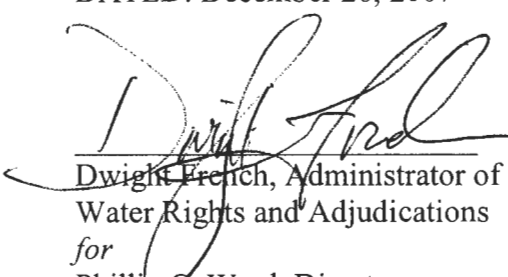
established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

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

Order

The extension of time for Application G-13249, Permit G-12370, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2012.

DATED: December 20, 2007



Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0827.

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

Mailing List for Extension FO Copies

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

FO Date: December 20, 2007

**Application G-13249
Permit G-12370**

Original mailed to permit holder:

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

Copies sent to:

1. WRD - App. File G-13249/ Permit G-12370
2. WRD - Watermaster District 5, Tony Justus
3. WRD – NCR Regional Manager, Mike Ladd
4. WRD – Sarah Henderson, Technical Services
5. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

6. None

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

7. None

CASEWORKER: ALR

Copies Mailed	
By:	<u>MS</u> (SUPPORT STAFF)
on:	<u>12/20/07</u> (DATE)

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

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

	7. [OAR 690-315-0070(3)(i)] A description of financial expenditures made toward completion of the water development; \$ 50,000 (well construction; installation of pipe & pump)
	8. [OAR 690-315-0070(3)(j)] An estimate of the cost to complete the water development; 0
	9. [OAR 690-315-0070(3)(k)] A summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project that have significantly delayed completion of construction or perfection of the right; waiting for rebuild & activation of the power plant and expansion of power plant
NEED OK	10. [OAR 690-315-0070(3)(l)] PART A: An estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use. Current Peak Water Demands: 64 cfs Projected Population: Demand Based on Industrial use 2007 Draft WMCP = Page 26 WMCP August 2005 Potential Growth: expansion of power plant page 5-2 WMCP / growth of industrial use / Primary or back up for Heppner (potential) Inventory of Water Rights Held: Permit G-12370 is the only Port of Morrow Municipal water right at South Morrow Industrial Park / access to Certs 38590 + 83182 PART B: Extension requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.
NEED OK	11. [OAR 690-315-0070(3)(m)] A summary of the applicant's plan and schedule to complete construction and/or perfect the water right; ? Plan to install well? - p. 2-7 of WMCP (NO) - beneficial use (expansion of power plant) must be completed.
OK NEED	12. [OAR 690-315-0070(3)(n)] Justification for the time requested to complete the project and/or apply the water to full beneficial use;
	13. [OAR 690-315-0070(3)(o)] Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and rules;
OK NEED	* [OAR 690-315-0070(3)(p)] Any other information required by the Department that is necessary to evaluate the application in accordance with applicable statutory requirements. Length of Extension Amended 7.1.4 @ 2005
	[OAR 690-315-0070(3)(q)] For Municipal water use permits issued on or before November 2, 1998: for the first extension issued after June 29, 2005, the completed application must include a copy of any agreements regarding the use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit.
	* Signature(s) of the water right permit holder(s) or authorized agent.

S:\groups\wr\extensions\forms and templates\Completeness of Ext Appl\completeness checklist_div 315 muni.wpd

Name of Reviewer:

A. Reece

Date:

10-12-07

Application # G-13249 / Permit # G-12370

Permit Holder: Port of Morrow

Drainage Basin: 07 / Umatilla

Watermaster Name and #: Jpel 21 Clark

AKA's: Heppner Industrial Park (South Morrow Indl Park) Willow Creek

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

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

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

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

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

2-A. [OAR 690-315-0070(3)(c)] For Quasi-Municipal water use permit holders, evidence of the actions taken to begin actual construction on the project, as defined in 690-315-0020(3)(d), if required under the applicable statute;

- "Actual construction" means physical work performed toward completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence;
- "Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying.

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

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

"A" Date Met? YES or NO

2-B. [OAR 690-315-0070(3)(d)] - For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project, as defined in 690-315-0020(3)(d);

- "Actual construction" means physical work performed toward completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence;
- "Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying.

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

"A" date: N/A "B" date: 10-1-1998 "C" date: 10-1-1999

"A" Date Met? YES or NO N/A for Muni

✓ 3. [OAR 690-315-0070(3)(e)] - This is extension request # 1

Evidence of actions taken to develop the right within the original permitted time period
OR, during the most recent extension period from 4-11-96 to 10-1-1999

constructed well #6, installed pump & pipe distribution pipe 4/2001

OK 4. [OAR 690-315-0070(3)(f)] Evidence of compliance with conditions contained in the permit and any previous extension(s) or the reason the condition was not satisfied;

✓ install meter 4-2001
✓ plan to monitor & report water use - DRAFT 3-23-04 - OK see 4-16-04 email from EW.
✓ W MCP by April 11, 1998 (Oct 1999 Draft Plan) (and 2005 Draft Plan)

Need OK 5. [OAR 690-315-0070(3)(g)] Evidence of the maximum INSTANTANEOUS rate (or duty if applicable) of diversion for beneficial water use, if any, made to date;

0.89 cfs 600 gpm as per 2/2/07 note from Boned McKinis
= 1.34 cfs

✓ 6. [OAR 690-315-0070(3)(h)] An estimate of the population served and a description of the methodology(ies) used to make the estimate;

no residential population
transient population of 2,000

Use	P/S	Priority Date	Start Date	End Date	Acres	Rate/Acre	Duty	Max Rate	Rate	Acre Feet	Acre Feet	Status	Ren
MU	P	01/14/1993	1/1	12/31				1.448	0.0 (est)			NC	

Place of Use

Use	P/S	Priority Date	Location (T-R-S-QQ)	DLC/Lot	Acres	Status	Remarks
MU	P	01/14/1993	2.0S-26.0E-21-SWNE			NC	
MU	P	01/14/1993	2.0S-26.0E-21-SENE			NC	
MU	P	01/14/1993	2.0S-26.0E-21-NESW			NC	
MU	P	01/14/1993	2.0S-26.0E-21-NWSW			NC	
MU	P	01/14/1993	2.0S-26.0E-21-SESW			NC	
MU	P	01/14/1993	2.0S-26.0E-21-NESE			NC	
MU	P	01/14/1993	2.0S-26.0E-21-NWSE			NC	
MU	P	01/14/1993	2.0S-26.0E-21-SWSE			NC	
MU	P	01/14/1993	2.0S-26.0E-21-SESE			NC	
MU	P	01/14/1993	2.0S-26.0E-28-NENE			NC	
MU	P	01/14/1993	2.0S-26.0E-28-NWNE			NC	

Water Right Genealogy

No genealogy records available for this water right, try the family link below instead. If you are the correct genealogy, please forward this information to [WRIS Genealogy](#)

[View Water Rights in same Family](#)

[Definition of codes and abbreviations](#)

[Report Errors with Water Right Data](#)

[Return to the Water Right Information search screen](#)

2/2/2007

APPLICATION FOR EXTENSION OF TIME

for Quasi-Municipal and Municipal Water Use Permits

TO THE WATER RESOURCES DIRECTOR OF OREGON

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

RECEIVED

APR 15 2004

WATER RESOURCES DEPT
SALEM, OREGON

I, PORT OF MORROW

NAME

Contact: Ronald V. McKinnis, Port Engineer

P.O. BOX 200, #2 MARINE DRIVE

ADDRESS

BOARDMAN

CITY

OR

STATE

97818

ZIP

541-481-7678

PHONE

owner of record, or duly authorized agent, of Application No. G-13249, Permit No. G-12370,
do hereby request that the time in which to:

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

and/or the time in which to:

- ☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2007. 2015

NOTE:

Permit extensions for Quasi-Municipal and Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances, upon issuance of an order approving an extension, you will be required to submit within 3 years a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of your WMCP. The rules may be viewed at: "www.wrd.state.or.us/law/oar1999.shtml"

Attached are instructions to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules require this information to be considered by the Water Resources Department when reviewing a Quasi-Municipal or Municipal water use permit extension application. For each permit, a separate extension application must be submitted. All items must be addressed or the application may be returned. Please feel free to provide the Department with any additional information or evidence that will aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

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

In order for the Department to evaluate your extension of time request for a Quasi-Municipal or Municipal water use permit, please provide the following:

RECEIVED
APR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

1. The appropriate fee (see the Department's Fee Schedule at www.wrd.state.or.us or call 503-986-0900).
2. For Quasi-Municipal water use permits, evidence of the actions taken to begin actual construction on the project, if required under the applicable statute.
ATTACHED WELL LOG & START CARD
3. Evidence of actions taken to develop the right within the permitted time period and/or time period of the previous extension.
*ONLY WELL 6 DRILLED
SEE PREVIOUS APPL. FOR EXTENSION - SUPPLIED 1.44BCFS +
WELL 7 NOT NEEDED*
4. Evidence of compliance with conditions contained in the permit and any previous extension(s). If any of the conditions have not been satisfied, please explain the reason(s) why. *SEE ATTACHED*

5. Evidence of the maximum rate of water diverted to date, if any, for Quasi-Municipal or Municipal purposes. *SEE ATTACHED →*

6. An estimate of the population served under this permit and a description of the methodology(ies) used to make this estimate.
*ADDITION
WATER QUANTITIES BASED ON IND. & POWER PLANT
FOR ONLY INCIDENTAL TO IND. USES*
7. A description of the financial expenditures made toward completion of the water development. *\$50,000 WELL - PUMP & PIPE*

8. An estimate of the cost necessary to complete the water development.
\$ 0

9. A summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project that have significantly delayed completion of construction or perfection of the right.

10. An estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights and contracts held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.
*COMPLETION OF RE-BUILD & ACTIVATION (PHASE 1) OF POWER PLANT
(PHASE NOT COMPLETE)*

SEE #6 & #9

Extension requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.

PHASE 1 10 MWATT
PHASE 2 5 MWATT
POWER PLANTS

11. A summary of the plan and schedule to complete construction and/or perfect the water right.

PHASE 2 Complete Within 12-24 MONTHS

12. Justification for the time requested to complete the project and/or apply the water to full beneficial use.

REQUIRED 2 MORE YEARS to Complete POWER Plant

13. Any other information you wish the Department to consider while evaluating the extension of time application.

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Signature

Date

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

MAIL COMPLETED APPLICATION and FEE TO:

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

RECEIVED
APR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

Port of Morrow
Application #G-13249 / Permit #G-12370

SOURCE: Wells 6 and 7 in the Willow Creek Basin
USE: Municipal
RATE: 1.448 cubic feet per second

RECEIVED
APR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

Items or Information Needed for Permit #G-12370:

1. ✓ Must complete and submit the new "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits."
2. ✓ Must provide statement or documentation that identifies the date(s) when actual construction of the permitted wells (Wells 6 and 7) began.
3. Must indicate whether or not a meter or other suitable measuring device has been installed.
McCrometer Installed 4/2001
4. ✓ Must submit a plan as required by the following condition included in Permit #G-12370:

"The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit."

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **26369**

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

INVOICE # _____

RECEIVED FROM: Port of Morrow
BY: _____

APPLICATION	G-13249
PERMIT	G-12370
TRANSFER	

CASH: ☐ CHECK: # 196-411 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(ew) TC165 DEPOSIT LIAB. (IDENTIFY)

\$

(isting) TC168

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) Extension of Time 100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

26369

DATED

11-27-98

BY

[Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **26369**

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

INVOICE # _____

RECEIVED FROM: Port of Morrow
BY: _____

APPLICATION	G-13249
PERMIT	G-12370
TRANSFER	

CASH: ☐ CHECK: # 196-411 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

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

(isting) TC168

WATER RIGHTS:

0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$

EXAM FEE

\$	0202
\$	0204
\$	0206

EXAM FEE

\$	0219
	0220

RECORD FEE

\$
\$
\$

LICENSE FEE

\$
\$

0240 OTHER (IDENTIFY) Extension of Time 100.00

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

LIC NUMBER

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

RECEIPT # **26369**

DATED: 11-22-98

BY: [Signature]

RECEIVED

File No. G-13249

NOV 27 1998

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON
WATER RESOURCES DEPT.
SALEM, OREGON

I, Port of Morrow

P.O. Box 200 Boardman OR 97818 541-481-7678
address city state zip phone

record owner of permit No. G-12370, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 1999, and/or the time in which to

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

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

- (1) within past year WELL WAS STARTED & COMPLETED, WE COMPLETED A PUMP TEST & INSTALLED A PERMANENT PUMP SYSTEM
- (2) ~~prior to this past year~~ WE ARE NOW WAITING TO HAVE POWER EXTENDED TO THE WELL SITE.
- (3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)

(4) unable to complete construction and/or application of water within the permit time limits because NEW POWER IS NOT

EXTENDED TO SITE FOR OPERATION OF NEW SYSTEM.

[Signature]
signature

11/23/98
date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

Ronald V. McKinnis
CWRE #202

FOR WATER RESOURCES DEPARTMENT USE ONLY

Date Postmarked _____

Date Hand-delivered _____

Watermaster Initials _____

W 63428

WRD Receipt _____

Date Fee Received _____

Check No. _____

NOV 27 1998

START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION

(as required by ORS 537.762)

PERMIT

#6-12370

WATER RESOURCES DEPT.
SALEM, OREGON

This form must be completed, signed by both the owner (or authorized agent) and constructor, and the original mailed or delivered to the Water Resources Department, 3850 Portland Road NE, Salem, OR 97310, no later than the day construction, alteration, conversion or abandonment work begins. A \$75 fee shall accompany all notices for new well construction or conversion of an existing hole not previously used to obtain water (make checks payable to the Water Resources Department). Notices meeting this requirement but received without the required fee will not be accepted as properly and timely filed. In addition, the constructor shall provide the "Watermaster Copy" of this notice to the office of the district watermaster within which the well is being constructed, altered, converted or abandoned using one of the following options: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; or, (b) by hand delivery, during regular office hours, no later than the day work is commenced; or, (c) by FAX no later than the day work is commenced. If this method is used, the original "Watermaster copy" of this notice shall also be mailed or delivered to the office of the district watermaster no later than the day work is commenced. The Water Resources Commission has authority to impose civil penalties for failure to submit the required \$75 fee with the start card and for failure to submit cards prior to beginning any construction, alteration, conversion or abandonment work.

Owner's name and mailing address: _____

Kingda Corp

RT 2 Box 2100

Heppner OR 97836

Check type of work: Fee Required ☒ New construction ☐ ConversionNo Fee Required ☐ Alteration (Repair/Recondition) ☐ Deepening ☐ Abandonment

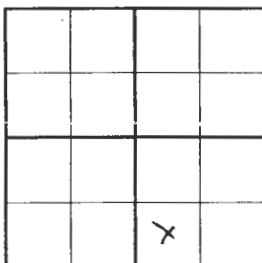
Original Start Card Number _____

Proposed Commencement Date 3-17-98 Existing or Proposed Well Depth 400 Diameter 12

Check Use: ☐ Domestic ☐ Community ☒ Industrial ☐ Irrigation ☐ Monitoring
☐ Thermal ☐ Injection ☐ Other

Proposed Well Location: County Morrow Owner's Well Id. No. _____

Township 2 (N or S) Range 26 (E or W) Section 21



1. SW 1/4 of SE 1/4 of above section

2. Street address of well location _____

3. Tax lot number of well location 2202

4. Attach map with location identified.
See reverse of this form for approved maps.

5. Show well location within 1/4, 1/4 of section grid at left.

We hereby certify that we have read the back of this form, and that to the best of our knowledge the information provided herein is accurate and the well is being properly located from septic tanks, septic drain fields and other hazards. (See #2 on back)

Owner's signature or authorized agent _____

Home phone _____

Work phone _____

Bonded Water/Monitor Well Constructor _____

License No. 759

Company Waterwell Dev. & Const.

NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required.

THIS COPY TO CUSTOMER

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

Permit # G-12370

(START CARD) #

63428

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

(1) OWNER:

Well Number

Name Kinqua Lumber
Address Rt 2 Box 2100
City Heggen State OR Zip 97836

(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 408 ft.

Explosives used ☐ Yes ☒ No Type Amount

HOLE

SEAL

Diameter	From	To	Material	From	To	Sacks or pounds
16	0	36	Cement	0	36	42 SKS
12	36	408				

How was seal placed: Method ☐ A ☒ B ☐ C ☐ D ☐ E

☐ Other

Backfill placed from ft. to ft. Material

Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 12	0	36	375	☒	☐	☒	☐

Liner:

Final location of shoe(s) 36

(7) PERFORATIONS/SCREENS:

☐ Perforations Method
☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump	☐ Bailer	☒ Air	☐ Flowing
Yield gal/min	Drawdown	Drill stem at	Time
400+		408	1 hr.

Temperature of water 58 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 Harrow Latitude Longitude
Township 2 N or S Range 26 E or W. WM.
Section 21 SW 1/4 SE 1/4
Tax Lot 2202 Lot Block Subdivision
Street Address of Well (or nearest address)

(10) STATIC WATER LEVEL:

25 ft. below land surface. Date 5-1-98
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 8 ft

From	To	Estimated Flow Rate	SWL
8	19	20	8
130	210	300	25
304	408	100 +	25

(12) WELL LOG:

Ground Elevation

Material	From	To	SWL
Silt & gravels	0	11	
Brown Basalt	11	19	
Black Basalt	19	130	25
Fractured Basalt	130	210	1
Grey Basalt	210	304	
Vesicular Basalt	304	351	
Fractured Basalt	351	408	

RECEIVED

NOV 27 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 3-17-98 Completed 4-30-98

(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 [Signature] WWC Number 759 Date 5-1-98

Water Rights Information Query Results

Printed 6-30-03
by L. Juul

Name	Application	Permit	Certificate	Decree	Claim	Transfer	Status
LARRY LINDSAY PORT OF MORROW (C/O) PO BOX 200 BOARDMAN OR 97818 (details)		G4918	One Well - in Industrial 0.67 cfs		Columbia Use	T7262	NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)		G5332	One Well - in Municipal Use 2.0 cfs		Columbia	T6965	NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)		G8263	One Well in Municipal Use 1.1 cfs		Columbia	T6976	NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)		G8619	Sump Wells #1 & 2 - in Municipal Use 4.0 cfs Well #1		Columbia	T6966	NC
PORT OF MORROW ONE MARINE DRIVE BOARDMAN OR 97818 (details)	G7221	G6640	57216	Port Well #4 - in Irrig of 1.25 cfs		99.0 ac	NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)	G7698	G7158	68545	One Well - Industrial 3.0 cfs			NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)	G11239	G10550	One Well Irrig. of 522.0 ac 6.525 cfs				NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)	G11992	G10975	One Well - in Industrial 4.46 cfs		Columbia		NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)	G13249	G12370	Well #6 - in Municipal Use 1.448 cfs		Willow Cr.		NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)	G13264	G12729	Wells #4, 5-A, 6 & 7 - in 15.37 cfs - being: 9.8 cfs for Pri & Supp Irrig & 5.57 cfs for Industrial		Umatilla		NC

Page: 1 2 [Next](#) [Last](#)

[Download Place of Use Data](#), [Point of Diversion Data](#), or [Owner Data](#)

[Return to the Water Right Information search screen](#)

Paul R. Cleary, Director
Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503) 378-8455 • Fax: (503) 378-2496

Water Rights Information Query Results

Name	Application	Permit	Certificate	Decree	Claim	Transfer	Status
PORT OF MORROW PO BOX 200 ONE MARINE DR BOARDMAN OR 97818 (details)	-Subject G14397	Permit G13765	- Wells #1 & 2 IR & mu 4.96 cfs		- in	Columbia R. Basin	NC
PORT OF MORROW PO BOX 200 BOARDMAN OR 97818 (details)	S70734	- Columbia River - Irrigation 6.53 cfs			Requested		NC

Page: [First](#) [Previous](#) [1](#) [2](#)

[Download Place of Use Data](#), [Point of Diversion Data](#), or [Owner Data](#)

[Return to the Water Right Information search screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

June 27, 2003

PORT OF MORROW
PO BOX 200
BOARDMAN OR 97818

REFERENCE: Permit #G12370 (Application File #G13249) and the Adoption of New Administrative Rules for Municipal and Quasi-Municipal Water Use Permit Extensions

Dear Municipal and/or Quasi-Municipal Water Use Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of Municipal and Quasi-Municipal permit extension requests. The new rules are contained in Oregon Administrative Rules Chapter 690, Division 315 (OAR 690-315-0070 through 690-315-0100). If you wish to view a copy of the new Chapter 690, Division 315 Extension Rules, you may access the document from the Department's web page at:

http://www.wrd.state.or.us/cgi-bin/notices.pl?new_oars

The Department is preparing to implement the new Division 315 extension rules. As part of this process, we assessed pending permit extension applications and determined there is not sufficient information to meet the requirements of the new Division 315 standards. The Department, therefore, must receive the following:

- 1. Please complete and return the enclosed new "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits." *Note that the Department has also enclosed a copy of your previously submitted Extension of Time application and related attachments for your use.***

You may also access the "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits" on the Department's website at:

<http://www.wrd.state.or.us/publication/forms/index.shtml>

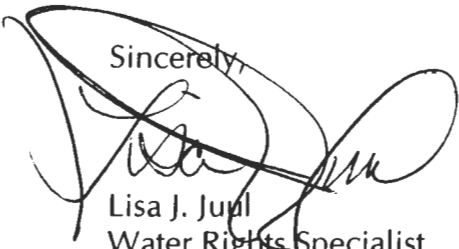
Please submit this information by **September 25, 2003.**

June 27, 2003
Page two of two

If you have an urgent need for the Department to process your extension request, please describe in a cover letter the circumstances that necessitate prompt review.

You may contact me by telephone at 503-378-8455, extension 272 if you have any questions concerning the new rules or our request for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa J. Juul', is written over the word 'Sincerely,' and extends down over the typed name.

Lisa J. Juul
Water Rights Specialist
Water Rights Section

enclosures

cc: Application File #G13249 (Permit #G12370)

RECEIVED

File No. G-13249

NOV 27 1998

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON
WATER RESOURCES DEPT
SALEM, OREGON

I, PORT OF MORROW

P.O. Box 200 Boardman OR 97818 541-481-7678
address city state zip phone

record owner of permit No. G-12370, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 1999, and/or the time in which to

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

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

- (1) within past year WELL WAS STARTED & COMPLETED, WE COMPLETED A PUMP TEST & INSTALLED A PERMANENT PUMP SYSTEM
- (2) ~~prior to this past year~~ WE ARE NOW WAITING TO HAVE POWER EXTENDED TO THE WELL SITE.

(3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)

(4) unable to complete construction and/or application of water within the permit time limits because NEW POWER IS NOT

EXTENDED TO SITE FOR OPERATION OF NEW SYSTEM.

[Signature] 11/23/98
signature date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

Ronald V. McKinnis
CWIRE #202

Date Postmarked _____

Date Hand-delivered _____

RECEIVED

W 63428

WRD Receipt _____

Date Fee Received _____

Check No. _____

PERMIT

NOV 27 1998

START CARD**NOTICE OF BEGINNING OF WELL CONSTRUCTION**

#6-12370

(as required by ORS 537.762)

WATER RESOURCES DEPT.

SALEM, OREGON

This form is to be completed, signed by both the owner (or authorized agent) and constructor, and the original mailed or delivered to the Water Resources Department, 3850 Portland Road NE, Salem, OR 97310, no later than the day construction, alteration, conversion or abandonment work begins. A \$75 fee shall accompany all notices for new well construction or conversion of an existing hole not previously used to obtain water (make checks payable to the Water Resources Department). Notices meeting this requirement but received without the required fee will not be accepted as properly and timely filed. In addition, the constructor shall provide the "Watermaster Copy" of this notice to the office of the district watermaster within which the well is being constructed, altered, converted or abandoned using one of the following options: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; or, (b) by hand delivery, during regular office hours, no later than the day work is commenced; or, (c) by FAX no later than the day work is commenced. If this method is used, the original "Watermaster copy" of this notice shall also be mailed or delivered to the office of the district watermaster no later than the day work is commenced. The Water Resources Commission has authority to impose civil penalties for failure to submit the required \$75 fee with the start card and for failure to submit cards prior to beginning any construction, alteration, conversion or abandonment work.

Owner's name and mailing address: _____

Kingzaa Corp

PO Box 2100

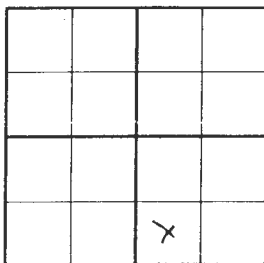
Happier OR 97836

Check type of work: Fee Required ☒ New construction ☐ Conversion No Fee Required ☐ Alteration (Repair/Recondition) ☐ Deepening ☐ Abandonment

Original Start Card Number _____

Proposed Commencement Date 3-17-98 Existing or Proposed Well Depth 400 Diameter 12

Check Use: ☐ Domestic ☐ Community ☒ Industrial ☐ Irrigation ☐ Monitoring
☐ Thermal ☐ Injection ☐ Other

Proposed Well Location: County Morrow Owner's Well Id. No. _____Township 2 (N or S) Range 26 (E or W) Section 211. SW 1/4 of SE 1/4 of above section

2. Street address of well location _____

3. Tax lot number of well location 22024. Attach map with location identified.
See reverse of this form for approved maps.

5. Show well location within 1/4, 1/4 of section grid at left.

We hereby certify that we have read the back of this form, and that to the best of our knowledge the information provided herein is accurate and the well is being properly located from septic tanks, septic drain fields and other hazards. (See #2 on back)

Owner's signature or authorized agent _____

Bonded Water/Monitor Well Constructor _____

Home phone _____

Work phone _____

License No. 759Company Waterwell Dev. Assoc.

NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required.

THIS COPY TO CUSTOMER

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

Permit # G-12370

(START CARD) #

63428

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

(1) OWNER: Well Number _____
Name Kin Zua Lumber
Address Rt 2 Box 2100
City Heppner State OR Zip 97836

(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 408 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE				SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds	
16	0	36	Cement	0	36	42 Sks	
12	36	408					

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

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 12	11	36	375	☒	☐	☒	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
Liner:				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐

Final location of shoe(s) 36

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

Yield gal/min	Drawdown	Drill stem at	Time
400+		408	1 hr.

Temperature of water 58° 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 Harrow Latitude _____ Longitude _____
Township 2 N or S Range 26 E or W. WM.
Section 21 SW 1/4 SE 1/4
Tax Lot 2202 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
25 ft. below land surface. Date 5-1-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 8 ft

From	To	Estimated Flow Rate	SWL
8	19	20	8
130	210	300	25
304	408	100 +	25

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Silt & gravel	0	11	
Brown Basalt	11	19	
Black Basalt	19	130	25
Fractured Basalt	130	210	
Grey Basalt	210	304	
Vesicular Basalt	304	351	
Fractured Basalt	351	408	

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WATER RESOURCES DEPT.
SALEM, OREGON

Date started 3-17-98 Completed 4-30-98

(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 _____ WWC Number 759 Date 5-1-98

Sent to Ron McKinnis
via e-mail on
1-26-04

1-26-04
L. Junl

Port of Morrow
Application #G-13249 / Permit #G-12370

SOURCE: Wells 6 and 7 in the Willow Creek Basin
USE: Municipal
RATE: 1.448 cubic feet per second

* Make Sure Mike
Zwart gets
Copy of Draft
Plan. Submitted
w/ Appx on 4-15-04.

Items or Information Needed for Permit #G-12370:

1. Must complete and submit the new "Application for Extension of Time for Quasi-Municipal and Municipal Water Use Permits."
2. Must provide statement or documentation that identifies the date(s) when actual construction of the permitted wells (Wells 6 and 7) began.
3. Must indicate whether or not a meter or other suitable measuring device has been installed.
4. Must submit a plan as required by the following condition included in Permit #G-12370:

"The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit."

As of
4-15-04
Still
Need:

* 5-5-04 → Working to send Q info.

* Max "Q" for start-up process. & date occurred.
* Max "Q" for normal use.

Port of Morrow

Appl #G-13249 / Permit G-12370
-Municipal

★ - Need to Submit New Muni
Ext. Appl.

~~Consent of~~

Need to: ← "A" Date Met?

- Document when ^{actual} construction of the permitted wells began.
- Meters installed?
- Submittal of Monitoring & Reporting Plan.

OK → Div 86 WMCP approved —
by Dept on 4-11-98.

"ronm@portofmorrow.com"

Application # G-13249 / Permit # G-12370

Route Slip ... Extension of Time

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

- ◆ **WRIG...**
Money Received: \$100.00 on 11-27-98
- ◆ **Lisa Juul...**
Extension Completeness: OK
(If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

- ◆ **Jonnine Fuss...**
Initial 30-day Public Notice: 4/20/04 J
Update Extension Database: 4/20/04 J
Files back to filing cabinets: Back to Lisa 4/20/04

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

- ◆ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

- ◆ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

Within 60 days after the close of the 45-day PFO Protest Period...

(PFO Protest Period ends 45 days from PFO sign date)...

- ◆ **Lisa Juul...**
Issue an Extension FO: _____

Municipal or Quasi-Municipal EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: G-13249 / Permit #: G-12370

Permittee's Name: Port of Morrow

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

POD Location: Township 2-N Range 26-E Section 21 $\frac{1}{4}$ $\frac{1}{4}$ ^{NWSE} ~~SWSE~~

Stream Basin: _____ County: Morrow

✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No

***If "No"..... has certified request for the new extension form been sent? Yes / No

\$100.00 on
11-27-98

✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No

*** (NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)

✓ 3. Date Permit was issued: 4-11-96 Priority Date: 1-14-93

✓ 4. Source: Wells 6 & 7 in the Willow Creek Basin

✓ 5. Use: Municipal Use

✓ 6. "Q": 1.448 cfs

✓ 7. Orig "A" Date: 4-11-97 Orig "B" Date: 10-1-98 Orig "C" Date: 10-1-99

8. Conditions of Permit:

Before Water Use begins → shall install a meter or other suitable meas. device
Within One Year → Develop plan to monitor & report water use impact.
Within Two Years → shall submit a Div 86 WMCP, → rec'd as

✓ 9. Extension request received: orig appl & \$ on 11-27-98
amended on 4-15-04 Request Number (...1st 2nd, 3rd): 1st

✓ 10. Last Authorized "B" Date: 10-1-98 Last Authorized "C" Date: 10-1-99

✓ 11. Proposed "B" Date: _____ Proposed C Date: 10-1-2007

✓ 12. Amount Invested to date: \$50,000.⁰⁰ Estimated Total Cost: \$50,000.⁰⁰
(***Estimated Remaining Cost: \$0.⁰⁰)

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

14. Work on the water development project completed to date includes: _____

15. The work remaining to be completed consists of: _____

16. Progress in perfecting the permit is being held up by: _____

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

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

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

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

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

20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates

Checklist Last Revised: 1 / 31 / 2003

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

Protest Deadline Date: _____ Date: _____

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

• Did NOT meet "A" Date.
Well construction began on 3-17-98.

• Plan to monitor & report with use submitted & approved.

14. Work on the water development project completed to date includes: ^{because - See Mike Zwart's comments on} ^{Port of} ^{Ext. GW Review dated 4-27-04.}
• Div 86 Plan NOT yet approved by WRD, ^{failed to respond.}

• One Well constr. (Well #6).
• Installed pump & distrib. pipe.

• meter installed in April 2001

15. The work remaining to be completed consists of: _____

• Full beneficial use of water.

16. Progress in perfecting the permit is being held up by: _____

• waiting for rebuild & activation of the power plant to be complete beneficial use of water

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

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

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

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

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

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

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

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)?
- within or above a state scenic waterway? No
- within a ground water limited/critical area? No
- within or above a segment that has been identified as a federal wild and scenic river? No
- within an area that ODFW has identified as an ST&E Area? NOT in ST&E - per ODFW ST&E map.
- within an area that ODFW has identified as a LOW Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? No
- Other: _____

• 8-10-93 Div 9 GW review
- will NOT have potential for sub. inter. w/ Willow Cr.
- (and's added to avoid injury)

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

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

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

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

☐ 5-year Progress Report Checkpoints

☒ Other: Development Limitations Condition.

- NOTE: Deadline ~~plan~~ for a plan in the extension does NOT relieve permittee from complying with deadline in original permit

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

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

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

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

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

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

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

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Drafting / Issuance Date:

Reviewer's Name:

Re-test Deadline Date:

Date:

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF MORROW
PO BOX 200
BOARDMAN, OREGON 97818

(541) 676-9183

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13249

SOURCE OF WATER: WELLS 6 AND 7 IN THE WILLOW CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

RATE OF USE: 1.448 CUBIC FEET PER SECOND TOTAL

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 14, 1993

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 21, T2N, R26E, W.M.; WELL 6 - 2430 FEET NORTH AND 2590 FEET WEST; WELL 7 - 220 FEET NORTH AND 1980 FEET WEST, BOTH FROM THE SE CORNER OF SECTION 21

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 21

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SECTION 28

TOWNSHIP 2 SOUTH, RANGE 26 EAST, W.M.

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WATER RESOURCES DEPT
SALEM, OREGON

SEE NEXT PAGE

Application G-13249 Water Resources Department

PERMIT G-12370

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Application G-13249 Water Resources Department

RECEIVED PERMIT G-12370

FEB 27 2015

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the wells shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 11, 1996

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WATER RESOURCES DEPT
SALEM, OREGON

Martha O. Pagel
for Martha O. Pagel, Director
Water Resources Department

Application G-13249 Water Resources Department
Basin 07 Volume 4A Willow Creek & Misc.
MGMT.CODES 7AG, 7AR, 7BG, 7BR

PERMIT G-12370
District 05

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WATER RESOURCES DEPT
SALEM, OREGON

WATER MANAGEMENT/CONSERVATION PLAN
Port of Morrow
Heppner Site (Permit G-12370)
Heppner, Oregon

October 1999



Cascade Earth Sciences, Ltd.

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APR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

WATER MANAGEMENT/CONSERVATION PLAN
Port of Morrow
Heppner Site (Permit G-12370)
Heppner, Oregon

Principle Author:

Greg Thurman, P.E., Managing Engineer

Reviewed By:

Doug Wanta, RPG, Senior Geologist

Prepared For:

Port of Morrow
PO Box 200
Boardman, OR 97818

Site Location:

Port of Morrow
1 Marine Drive
Boardman, OR 97818

Hepp.?

Prepared By:

Cascade Earth Sciences
107 Island Avenue
La Grande, OR 97850
(541) 963-7758

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 SALEM, OREGON

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Table 1.	Summary of Permitted Water Sources
----------	------------------------------------

FIGURES

Figure 1.	General Site Plan
Figure 2.	Water Flow Schematic

1.0 PROJECT DESCRIPTION

1.1 Introduction

The Port of Morrow (Port) administers and maintains a small industrial park located near Heppner, Oregon. It is a municipal corporation classified as a Special District under Oregon Revised Statute (ORS) 777 et seq. and is responsible for providing and maintaining potable water supplies to its industrial and commercial tenants. As required by the conditions outlined in Water Rights Permit No. G-12370 and in accordance with Oregon Administrative Rules (OAR) 690-86, the Port is required to submit a Water Management/Conservation Plan to the Oregon Water Resources Department (OWRD) for review.

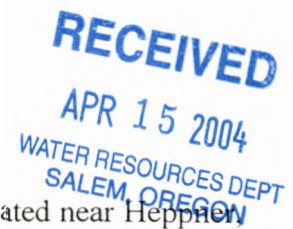
1.2 Purpose and Scope

The primary purpose of this Water Management/Conservation Plan is to provide a framework for managing existing water supplies with improved water-use efficiency. Specifically, this plan was developed to:

- Provide a detailed description of the existing water supply system and usage
- Report on conservation elements implemented by the Port to prevent waste
- Forecast future water supply needs
- Confirm that the Port's water supply system is in compliance with permitted water rights
- Present water conservation and curtailment plans as required
- Determine water system compliance issues

1.3 General Description

The Port's Heppner industrial park is located approximately 1 mile west of Heppner, Oregon (Figure 1). At this time, the site is vacant except for equipment remaining from the former Kinzua Mill facility. The Port plans to supply water from groundwater sources for a variety of purposes including manufacturing, food processing, landscape irrigation, fire suppression, and domestic use (Figure 1). If and when this area expands in the future, any industrial process water (i.e., water that has been used as part of an industrial process such as food processing) will hopefully be recycled through agricultural irrigation on the adjacent ground. All process water will be land applied under a Water Pollution Control Facilities (WPCF) permit issued and administered by the Oregon Department of Environmental Quality (ODEQ).



2.0 WATER SUPPLY SYSTEM

2.1 Sources

The Port will utilize groundwater for its water supply system. The groundwater is/will be obtained from four wells operated under OWRD permits G-10312 and G-12370 (all wells have been constructed but are currently not in use). On the whole, the Port has industrial/municipal water rights to 2.74 cubic feet per second (cfs). The sources, permit numbers, permitted uses, point of diversions, and withdrawal rates are summarized in Table 1. Water well locations are shown on Figure 1.

2.2 Groundwater Supply Characteristics

2.2.1 Geology

2.2.1.1 Stratigraphy

Soils occurring on basalt hillslopes at the site are shallow and formed in volcanic ash and loess (eolian deposits). Soils occurring along the narrow valley bottom adjacent to Willow Creek (within 5 feet of grade), are deep, well drained and formed in volcanic ash/loess and mixed alluvium. Soils below 5 feet and to a depth of about 25 feet on the valley bottom, are variable but are typically composed of moderately well graded alluvium. Interbedded fine sediments and coarse alluvium are common. Cemented alluvium also occurs in localized areas. Basalt is typically encountered in the valley bottom at about 25 feet.

The Columbia River Basalt Group is the formal geologic name applied to several interrelated Miocene formations consisting of basalt lava flows and interbedded sediments that underlie the Columbia River Plateau. The Plateau covers over 50,000 square miles of eastern Washington, western Idaho, and northeastern Oregon. The Oregon part of the Columbia River Plateau is referred to as the Deschutes-Umatilla Plateau. The basalt was erupted from volcanic vent systems in northeastern Oregon and southeastern Washington. Within much of the Deschutes-Umatilla Plateau in Oregon, the basalt nearly is a continuous unit that locally exceeds several thousand feet in thickness. The upper 1,500 feet or so of the basalt is developed as a source of water for irrigation and other uses in several areas.

Based upon published reports (Gonthier, 1985, and Davies-Smith et al., 1988), the Columbia River Basalt Aquifer is underlain at depths of about 1350 feet below grade, by a formation of older volcanic rocks ("Older Volcanic Rocks", Figure 2). These rocks include andesites, rhyolites and tuffs of the Clarno Formation, and provide small amounts of water to some wells in the John Day and Mitchell areas.

2.2.1.2 Structure

Generally, individual basalt flows range from a few feet to as much as 300 feet thick (Davies-Smith et al., 1988). Typically, these flows exhibit a dense center with vertical jointing and a scoriaceous or brecciated zone at the top and bottom. These zones at the tops and bottoms of individual flows are

called interflow zones, and are often highly transmissive as a result of the above mentioned jointing, breccia, etc. In addition, where sufficient time lapse occurred between individual eruptive events, sediments comprised of eolian silt and sands, and fluvial or glaciofluvial sands and gravels were deposited. These sediments are sometimes referred to as interbeds (or part of the interflow zone), and range from a few feet to more than 200 feet in thickness. Where they occur as extensive deposits of sands and gravels, these deposits create an important source of groundwater.

2.2.2 Basalt Aquifer

As discussed above, the site is underlain by basalts of the Columbia River Basalt Group (CRBG). Individual flows range from a few feet to as much as 300 feet thick, with total basalt thickness estimated at 10,000 feet or more (Davies-Smith et al., 1988). Typically, these flows exhibit a dense center with vertical jointing and a scoriaceous or brecciated zone at the top and bottom. These zones at flow tops and bottoms are called interflow zones, and are often highly transmissive as a result of the above mentioned jointing, breccia, etc. In addition, where sufficient time lapses occurred between individual eruptive events, sediments comprised of eolian silt and sands, and fluvial or glaciofluvial sands and gravels were deposited. These sediments are sometimes referred to as interbeds, and range from a few feet to more than 200 feet in thickness. Where they occur as aerially extensive deposits of sands and gravels, these deposits create an important source of groundwater.

At the Airport Site, groundwater occurs in fractured zones within the uppermost 10 to 30 feet of the basalt. The uppermost 5 to 10 feet of the basalt is comprised of either a dense, apparently low permeability basalt unit, or a highly weathered clayey basalt unit. Both appear to serve as an aquitard, creating confined groundwater conditions at depth.

2.2.2.1 Source of Recharge

The major source of recharge to the zones is precipitation that infiltrates the ground, especially in the highlands to the south (the Blue Mountains), where the interflow zones are exposed at the land surface (Oberlander and Miller, 1981). Recharge occurs primarily during the winter and spring, when precipitation and snowmelt are at a maximum, and evapotranspiration is at a minimum. Though annual precipitation may exceed 20 inches in the Blue Mountains, only 4.5 to 7 inches per year is available for groundwater recharge, with the rest lost to evapotranspiration.

Additional recharge to the basalt aquifer may occur via leakage from streams and from overlying alluvial aquifers. While most streams in the region gain from the groundwater in their upper reaches, many lose water at their lower reaches. Many smaller streams are ephemeral in their lower reaches, losing all of their water during the dry summer and fall months (Davies-Smith et al., 1988). While vertical flow from alluvial aquifers is generally retarded by dense, non-porous sequences of basalt, it may be locally important where interflow zones are connected to the alluvial sediments. Vertically extensive faults and fractures may also facilitate vertical flow within the basalt.

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2.2.2.2 Hydraulic Characteristics

Both horizontal and vertical movement of groundwater reportedly occurs in the basalts. In general, horizontal movement predominates in the interflow zones, while vertical movement occurs through fractures within the basalt flows. Most aquifers within the basalt occur under confined conditions.

The hydrology of the basalt aquifer is complex and ground-water flow in the system, both on a local and a regional scale, is strongly influenced by geologic structures such as folds and faults, and by permeability differences among the stratigraphic units. Recent mapping of the basalt by numerous workers (Swanson and others, 1981) has led to an improved understanding of the basalt aquifer system and studies are underway in Washington and Oregon to unravel the hydrogeologic complexities of this major interstate aquifer. Regionally, groundwater flow within the basalt aquifer is to the north-northwest, towards the Columbia River.

As suggested, many factors combine to influence groundwater flow. Locally, principal controls on groundwater flow include aquifer transmissivity, hydraulic head distribution, groundwater pumping, stratigraphy, and geologic structures such as faults and folds. The local groundwater flow direction is generally to the northwest, similar to the regional trend (Gonthier, 1985).

As shown on Figure 1, the wells in the site produce water from the Columbia River Group basalt system. Details of the local stratigraphy, structure, and occurrence of water-bearing zones is difficult to assess from available well logs largely due to incomplete or poor descriptions of the materials drilled provided on the well logs by some drillers. However, published data (Gonthier, 1985) indicates the site is underlain by the Grande Ronde Formation of the Columbia River Basalt Group. This formation is characterized by thick, dense basalt flows. Water-bearing interflow zones are scarce relative to younger basalt formations (e.g., Saddle Mountain and Wanapum Formations, which overlie the Grande Ronde at locations north of the site). According to driller reports, the first water-bearing zone within the site area appears to exist at a depth of 75 to 175 feet below grade. The occurrence of water-bearing zones is uncertain below this, though, in general, 12 to 20 percent of the borehole length may be water-bearing based on regional investigations (Hogenson, 1964).

The Columbia River Basalt Group is underlain by the Clarno Formation, about 1350 feet below grade. The contact zone between the two units may produce additional groundwater if this zone is highly fractured. However, the potential yield within this zone in the region is uncertain.

A northwest trending fault was observed in exposures near the western edge of the site. This fault appears to pass through, or near, Kinzua Well #1. As a result, groundwater flow through this area may be affected. Though the actual effects cannot be determined based upon available data, the fact that Well 1 goes dry after a short period of pumping suggests the potential for impaired groundwater flow in this area (see Figure 1). Also, Kinzua Well #1 has been reported to be obstructed about 350 feet below ground surface. These obstructions prevent a deeper pump setting at this time. Kinzua Well #1 was reamed and cleaned to a depth of 350 feet in 1982 (total original depth was 474 feet). These obstructions may be due to extensive fracturing of the basalt, causing the open borehole to collapse. Such fracturing may be due to the nearby fault. Kinzua Well #4 is apparently free of obstructions, and

appears to be located east of the fault zone (Note: Kinzua Well #4 has been reported to display a sulfur odor, while #1 does not).

Though detailed, site-specific, basalt aquifer tests have not been conducted at the site, regional values for transmissivity may be used as a means of estimating potential groundwater yield. The mean transmissivity for the Stage Gulch area (about 30 miles north-northeast of the site) is about 7,571 ft²/day (data from Zwart, 1990). According to one report involving numerical groundwater modeling of the region (Davies-Smith, et al, 1988), transmissivities for the site may be similar to the above value. This is in contrast to the transmissivities observed throughout the Lower Umatilla Basin, which approach 50,000 ft²/day in some areas. Such information suggests groundwater yields within the site area may be lower than areas to the north.

2.2.3 Alluvial Aquifer

The unconfined alluvial aquifer fluctuates seasonally, primarily in response to infiltration from Willow Creek, tributary drainages, and runoff. Seasonally hydraulic connection likely exists between Willow Creek and the alluvial aquifer. The potential yield of the alluvial aquifer is very poor, as evidenced by the lack of alluvial wells in the area. This is due to the hydraulic characteristics of the aquifer (interbedded fine sediments and coarse alluvium) and its shallow saturated depth and narrow width. Because of this, development of the alluvial aquifer is not considered as a reliable source of water.

2.2.4 Water Quality

Water quality from the existing sources is generally good to very good with respect to the intended uses. All water sources designated for municipal and industrial use are monitored for quality characteristics in accordance with Oregon Health Department guidelines.

2.3 Distribution and Storage System

Figure 2 is a generalized flow diagram illustrating the existing supply system. The water main lines are constructed of steel. As shown in Figure 2, this supply originates from the basalt aquifer and is pumped directly into the distribution network.

2.4 Current Water Demand

Only a very limited amount of potable water is used at the site at this time (<1 gpm) by Kinzua Mill employees. As stated earlier, the Kinzua Mill has been closed and is currently being dismantled.

2.5 Customer/Capacity Characteristics

The water to be supplied by the Port will be used for a variety of applications including industrial and domestic purposes (i.e., minimal landscape irrigation, drinking water, sanitary facilities, cleaning, etc.).

There are no major capacity limitations to the distribution system at this time. However, the system will probably have to be upgraded when industrial clients move to the site.

3.0 WATER CONSERVATION PROGRAM

3.1 Water-Use Reports

The Port currently submits annual water-use reports to the OWRD in accordance with OAR 690-85 et. seq. Water utilization is currently measured on a weekly basis through a series of meters located at key locations (refer to Section 3.2).

3.2 Water-Use Reduction Programs

3.2.1 Leak Repair Program

The water distribution system is less than 15 years old and, according to maintenance history, no problems with leakage or significant water loss has been evident. The piping is still functioning well and has not posed any problems. Based upon this information, it is not likely that a program for pipe replacement is needed within the next 10 to 20 years.

At this time, the Port has available the necessary equipment, pipe, and fittings to do emergency repairs. Anticipated response time is reported to be a maximum of 24 hours for complete repair of a system leak.

The current leak repair/detection program is based upon the metering of water sources. Water meters are in-place at all industrial/commercial facilities for billing purposes. In addition, all source wells, as well as key main-line junctions, are equipped with meters to determine pumping volumes for water-use reporting (refer to Section 3.1). All meters are read on a daily basis and a water balance completed to determine actual water delivery rates. If the water balance exceeds 5%, or if an industrial/commercial tenant finds inaccuracies in monthly bill (i.e., the facilities have their own internal water metering devices), the Port maintenance staff is alerted to determine the cause of the error. This program has worked well over the past several years to detect faulty meters, cracks in lines, and significant coupling leaks. Under this system, the goal is to reduce water loss due to leakage to less than 5%.

3.2.2 Landscape Irrigation Policy

Under current plans, landscape areas at the Heppner Site will be minimal. In addition, the following techniques will be used as part of the Port's conservation program for landscape irrigation:

- 1) Lawn watering systems are shut off at the first sign of surface soil saturation or runoff.

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- 2) Watering is done at night or in the early morning or evening hours when evaporation is least likely to occur. Drip irrigation may be used during the day with reduced evaporation losses.
 - 3) Watering is done at a maximum frequency of twice per week or less if the lawns need less moisture. Sandy soils in the area require a maximum of 1.5 inches of water per application (USDA, SCS, 1985).
 - 4) Watering is discouraged during periods of high winds.
 - 5) The sprinkler system is maintained to eliminate leaks and overspray on paved areas or buildings.
 - 6) When re-seeding or selecting plants for landscaping, low water-using varieties will be chosen. Plants of similar water needs will be placed in common areas in order to benefit from the same application of water.

3.2.3 Incentive Programs/Policies

Water conservation and water use efficiency as used herein, relate to the purposeful inefficient or uncontrolled use of water resources. The Port is committed to water conservation and water use efficiency to the extent practicable, especially where there is no opportunity for reuse or recycling of the water for beneficial uses (e.g., agricultural irrigation, steam re-use, etc.). The Port sells metered water to customers within its industrial zone. Because of this, there is a financial incentive in-place for the industrial clients to conserve water.

3.2.4 Fixture Replacement/Retrofit

Fixtures such as toilets, sinks, and showers will be are few. The installation/replacement of inefficient water fixtures at future industrial facilities will be encouraged through the Port's water supply rate structure (i.e., all supplies are metered and tenants pay on an "as used" basis). Port-owned facilities will be routinely monitored and upgraded/repared by the Port maintenance staff.

3.2.5 Water Conservation Rate Structure

NO USERS ?

The current rate structure is based on contacts with industrial and commercial companies and cannot be readily changed in the near future. However, major water users have a large financial incentive under the current structure to conserve water inside their various facilities.

3.2.6 Water Reuse

Because of low utilization and type of water use at the site, the Port does not currently recycle water. However, the Port has a demonstrated commitment to water recycling (e.g., Farms 1 and 2 at the main Industrial Park near Boardman) and has a policy of incorporating the agricultural reuse of process water. The water reuse program will be incorporated as the site is expanded for industrial use.

*REQ'S
NEW LAND*

3.3 Water Conservation Measures

3.3.1 Annual Water Audit

An expanded audit of water use at the Port will be conducted annually as part of the state's annual water use reporting program. The expanded audit will include, among other items, a review of the fresh water distribution system, the irrigation system, water use trends by the major customers, current water rights and needs, conservation measures, and future water demands expected to meet expansion needs.

In addition, the auditor will conduct the following:

- 1) Inspect all plumbing fixtures.
- 2) Inspect storage facilities.
- 3) Interview select customers about water use habits.
- 4) Inspect irrigation systems (landscape and field).
- 5) Review water use/leak detection records to evaluate system performance.

3.3.2 System Metering

All municipal water will be fully metered and measurements recorded on a daily basis.

3.3.3 Leak Detection

The leak detection program implemented by the Port is described in Section 3.2.1.

3.3.4 Meter Testing/Maintenance Program

The Port will check its meter performance through the water balance program described in Section 3.2.1. In addition, all meters will be inspected and tested on a scheduled basis per manufacturers suggested guidelines. Records of the testing of all metering systems will be kept on file at the Port.

3.3.5 Public Education Program

Annual meetings will be scheduled that include representatives from the Port and its water customers. These meetings will take place on a semi-annual basis in conjunction with the Port's Water Committee, which is made up of representatives from the Port, City of Heppner, and industrial tenants. These meetings will typically occur after the results of the annual water audit are complete. Discussions will typically include observations made by the water audit concerning water conservation and how it might be improved.

4.0 WATER CURTAILMENT PROGRAM

4.1 Past Supply Deficiencies

To date, industrial demand has not exceeded the available supply.

4.2 Deficiency Warning Plan

This section presents three levels, or conditions, of alert for potential water shortages due to supply limitations or water service problems. These levels address potential problems, ranging from mild supply problems to critical emergencies

4.2.1 Level One

A Level One condition, as defined herein, occurs when steady state (60 or more consecutive days) water demand reaches 80 percent of the maximum water supply capabilities. A Level One condition will also occur if transient (5 consecutive days per month) demand reaches 85 percent of the Port's maximum water supply capabilities. Monitoring of select flow meters (i.e., at industrial user locations) on a daily basis will allow an assessment of water demand.

In the event that a Level One condition occurs, the Port of Morrow will stress those conservation measures discussed in Section 3.0 above (e.g., reduction/elimination of lawn watering, immediate repair of any leaky lines, cessation of any parking lot or sidewalk "washing", etc.). If these measures fail to reduce demand within 60 days, then the condition will be upgraded to Level Two.

4.2.2 Level Two

A Level Two condition occurs when demand exceeds those levels established under Level One. As above, recording of select flow meters on a daily basis will allow an assessment of water demand. In the event that a Level Two condition occurs, the Port will increase its conservation measures and eliminate all non-critical water usage (i.e., elimination of lawn watering, outdoor washing, water intensive construction projects). If these measures fail to reduce demand within 30 days, then the condition will be upgraded to Level Three.

In addition to the above supplements, the Port will re-evaluate projected industrial growth trends, and will examine the feasibility of such growth. Should water supply become a limiting factor to continued development of Port-based industries, the Port will consider alternative sources, and/or consider maintaining industrial activities at that level sustainable by the available water supply.

4.2.3 Level Three

A Level Three condition is defined as one in which steady state or transient water demand meets or exceeds all available water resources during any time period. Under such conditions, emergency

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measures will be taken. Such measures include complete shutdown or curtailment of any industries defined to be both water intensive and/or of relatively low economic importance.

5.0 LONG-TERM WATER SUPPLY

5.1 Projected Demand

Long-term peak water demands have been projected as follows:

Ind. Reuse?

Years	Industrial/Municipal	Irrigation	Total Demand
Present	<1 gpm	0 gpm	<1 gpm
5 Years	30 gpm	0 gpm	30 gpm
10 Years	500 gpm	0 gpm	500 gpm
20 Years	1,000 gpm	0 gpm	1,000 gpm

The projected demands for industrial usage are based upon current growth trends with regards to Port development. As shown, the current municipal water rights could be exceeded within 20 years. At this time, it is assumed that 80% of industrial process water can be recycled on the adjoining agricultural fields.

Peak water demand by the Port and its users may approach the total permitted withdrawal rates within the next 10 years. As such, additional water storage capacity and/or water rights may be required for municipal purposes.

5.2 Future Water Sources

The existing basalt aquifer is the only source of water available within the airport area. As a result, future water needs will rely on this source, with additional water rights filed as needed.

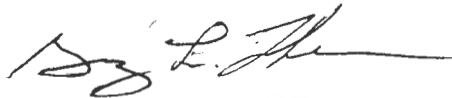
6.0 PLAN REVIEW AND AMENDMENT PROCEDURES

The Port will review this plan on an annual basis as part of the annual water audit and amend it as necessary for any of the following reasons:

- Increased water use by industrial tenants (greater than 10%)
- Whenever there is a change in facility design, construction, operations, or maintenance that materially affects the water conservation program
- If revised growth projections indicate a significant change from the projected water demands outlined herein

In any case, the Port will review and update this plan, as needed, every 5 years. At a minimum, an updated water management and conservation plan will be submitted to OWRD every 10 years.

CASCADE EARTH SCIENCES



Greg L. Thurman, P.E.
Senior Project Manager



REFERENCES

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TABLES

Table 1. Summary of Permitted Water Sources

**Table 1. Summary of Permitted Water Sources
Port of Morrow, Heppner, Oregon**

Source Name	Permit No.	Point of Diversion	Permitted Use	Source	Permitted Rate (cfs)
Kinzua Well 1	G-10312	T2S, R26E, SESE Sec. 21	Industrial	Basalt Aquifer	1.292
Kinzua Well 4					
Kinzua Well 6	G-12370	T2S, R26E, SWSE Sec. 10	Municipal	Basalt Aquifer	1.448
Kinzua Well 7					
Proposed Total:					2.740

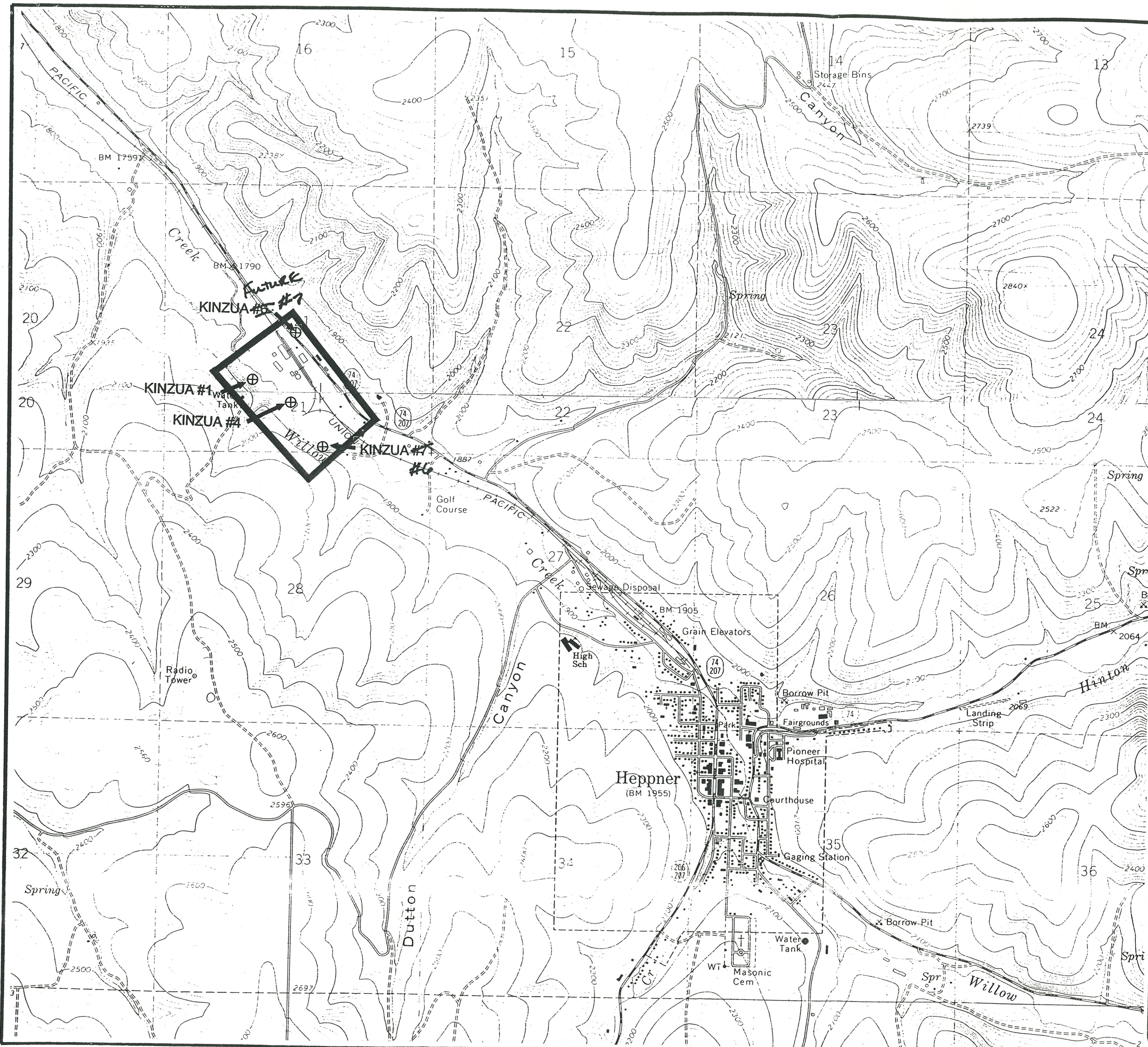
W 1.3 cfs

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FIGURES

- | | |
|------------------|-----------------------------|
| Figure 1. | General Site Plan |
| Figure 2. | Water Flow Schematic |



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(SOURCE: 7.5 MIN USGS TOPOGRAPHIC MAPS OF
 HEPPNER, OR 1968 AND SWAGGART BUTTE, OR 1968)

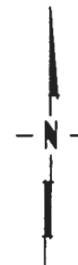
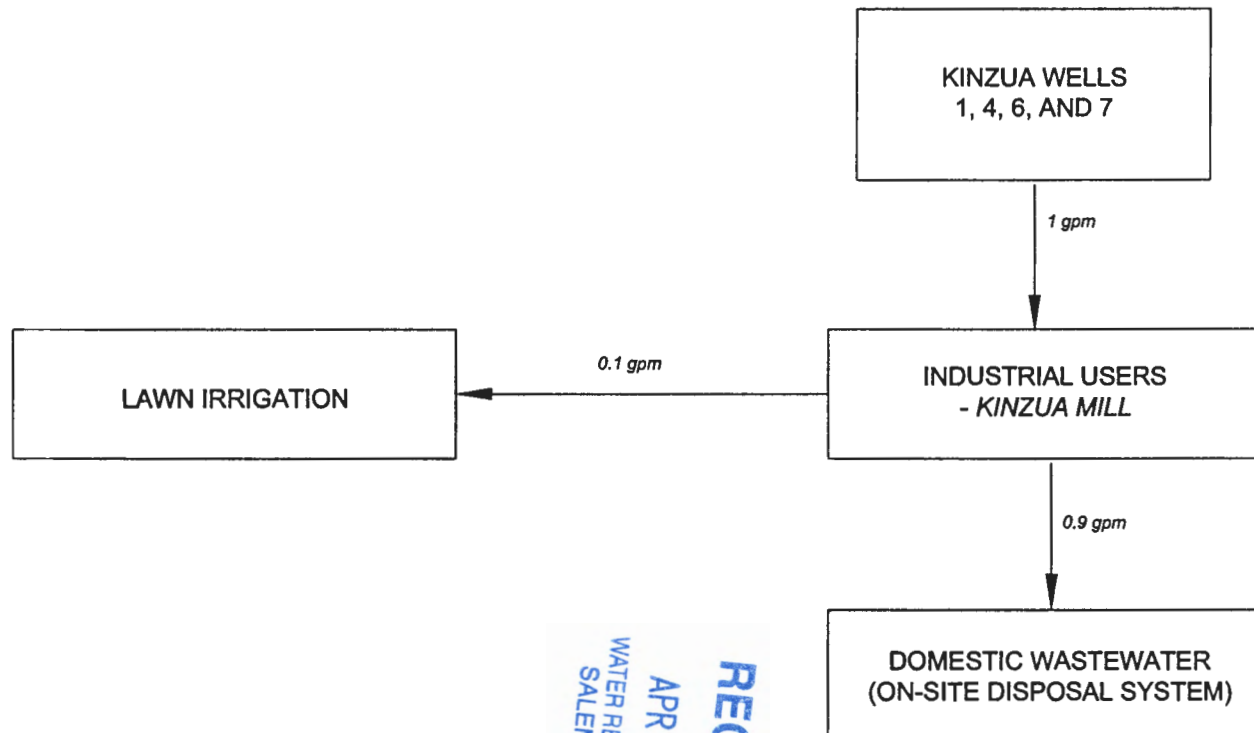
EXPLANATION

- Site Boundary
- ⊕ Water Well



Figure 1. General Site Plan

PROJECT NUMBER:	9630017	WATER MANAGEMENT/ CONSERVATION PLAN PORT OF MORROW HEPPNER SITE HEPPNER, OREGON	
DATE:	9/30/99		
DWG BY:	KAC		
DWG NO:	96L017F6		
PROJECT MANAGER:	GLT		
REVISED:		 CASCADE EARTH SCIENCES A Valmont Industries Company	



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EXPLANATION

1 gpm

Average Flow Rate Based on Monthly Water Use Data

Figure 2. Water Flow Schematic

PROJECT NUMBER: 9630017		WATER MANAGEMENT/ CONSERVATION PLAN
DATE: 10/6/99		
DWG BY: KAC	DWG NO: 96L017F7	PORT OF MORROW HEPPNER SITE HEPPNER, OREGON
PROJECT MANAGER: GLT		
REVISED:		 CASCADE EARTH SCIENCES A Valmont Industries Company

Range 26 E. W. M. .



FROM OFFICE OF THE STATE ENGINEER

Examined July 14, 1909.

WILLOW CREEK ADJUDICATION

T2S, R26E, W. M.,

MORROW COUNTY, OREGON

Application Map for KINZUA CORP.

Rt. 2, Box 2100

Heppner, OR. 97836

Phone No. 676-9183

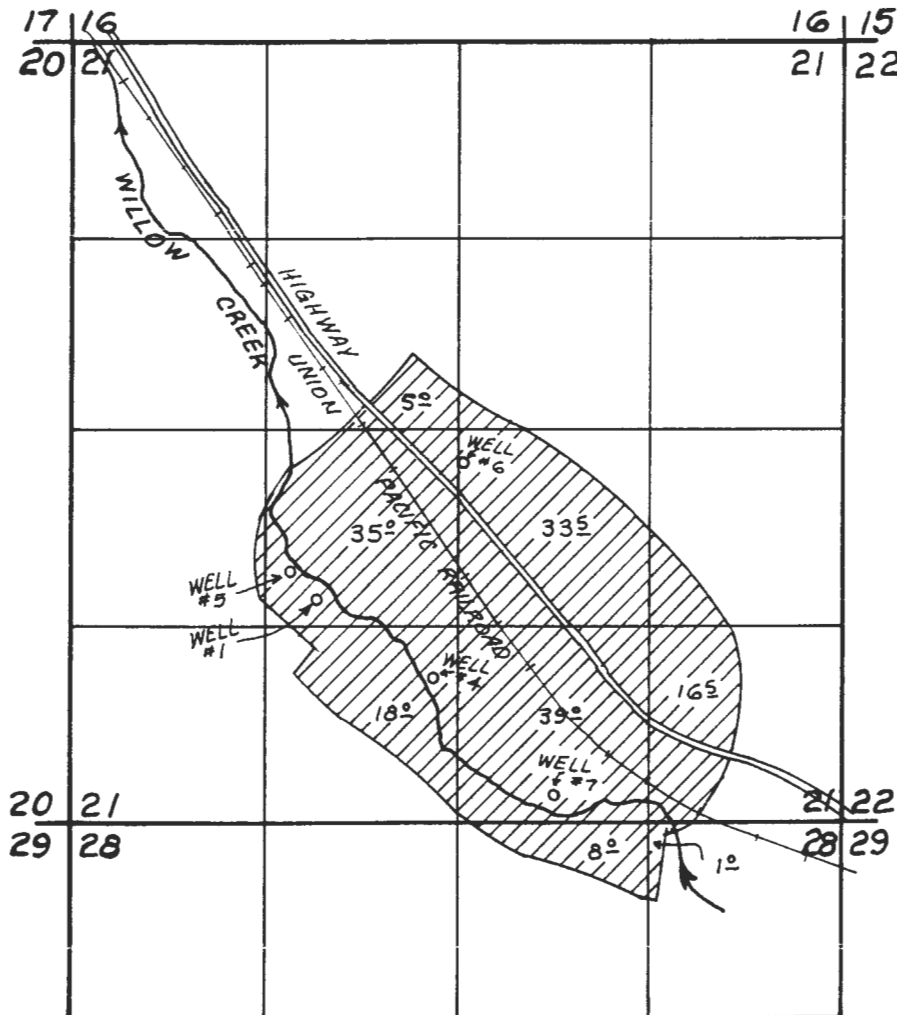
Application No. G-13249

Permit No. G12370

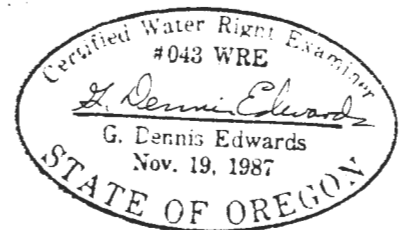
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Scale: 1" = 1320'



Existing Well #1 lies 1463' N. & 3603' W. of SE corner of Section 21.

Existing Well #4 lies 971' N. & 2840' W. of SE corner of Section 21.

Existing Well #5 lies 1680' N. & 3779' W. of SE corner of Section 21.

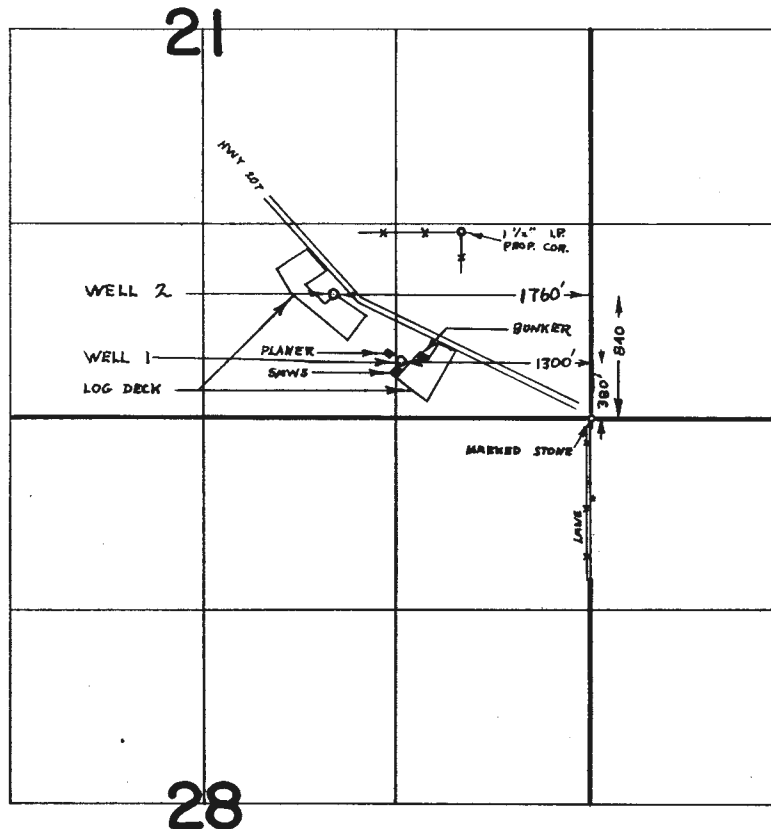
Proposed Well #6 lies 2430' N. & 2590' W. of SE corner of Section 21.

Proposed Well #7 lies 220' N. & 1980' W. of SE corner of Section 21.

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

Edwards Surveying P.O. Box
567-3336 Hermiston, OR. 97838
12/29/92 Job #W9212087

T. 2 S. R. 26 E. W. M



FINAL PROOF SURVEY
UNDER

Application No. G-4909 Permit No. G-4626
IN NAME OF
J. B. MALCOM CO., INC. dba.
HEPPNER LUMBER COMPANY

Surveyed MAY 6, 1971, by R. MUCKEN

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. B. MALCOM COMPANY, INCORPORATED
dba HEPPNER LUMBER COMPANY
of P. O. Box 453, Heppner, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
two wells

a tributary of Willow Creek for the purpose of
industrial use in sawmill and log deck sprinkling

under Permit No. G-4626 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from June 18, 1969

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.23 cubic foot per second, being 0.02 cubic foot per second for log deck
sprinkling and 0.07 cubic foot per second for industrial use from well No. 1,
and 0.14 cubic foot per second for log deck sprinkling from well No. 2.

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 21, T. 2 S., R. 26
E., W. M. Wells located: #1- 300 feet North and 1300 feet West; #2- 840 feet
North and 1760 feet West both from SE Corner, Section 21.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to _____ of one cubic foot per second
per acre,

This right shall be limited to appropriation of water only to the extent
that it does not impair or substantially interfere with existing surface water
rights of others,

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

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21
T. 2 S., R. 26 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this date. September 28, 1972

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF

MORROW

CERTIFICATE OF WATER RIGHT

This is to certify, That ANNA GRAHAM

of Route 2, Box 2135, Heppner, State of Oregon 97836, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Graham Well No. 2

a tributary of Willow Creek for the purpose of
supplemental irrigation of 124.1 acres

under Permit No. G-7210 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
May 20, 1977

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is
limited to an amount actually beneficially used for said purposes, and shall not exceed
1.0 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is
located in the NE 1/4 NE 1/4, Section 20, T2S, R26E, WM; 440 feet
South and 870 feet West from NE Corner, Section 20.

The amount of water used for irrigation, together with the amount secured under any other right
existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated
during the irrigation season of each year

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

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

SEE NEXT PAGE

CERT # 53472

12.5 acres NW 1/4 SE 1/4
15.8 acres SW 1/4 SE 1/4
15.5 acres SE 1/4 SE 1/4
Section 17

19.3 acres NE 1/4 NE 1/4
1.9 acres SE 1/4 NE 1/4
Section 20

16.0 acres NW 1/4 NW 1/4
32.0 acres SW 1/4 NW 1/4
4.5 acres SE 1/4 NW 1/4
3.6 acres NE 1/4 SW 1/4
3.0 acres NW 1/4 SW 1/4
Section 21

Township 2 South, Range 26 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

*WITNESS the signature of the Water Resources Director, affixed
this date. October 28, 1985*

*...../s/ William H. Young.....
Water Resources Director*

Recorded in State Record of Water Right Certificates, Volume 48 , page 53472

to, restrictions on the use, penalties, or cancellation of the permit.

7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
11. Within one year from the date the Water Resources Commission adopts rules describing the schedules, standards and procedures for water conservation management plans by water suppliers, the city shall submit a plan which is consistent with said rules.
12. Within one year of permit issuance, the city shall prepare a plan/timetable for the Water Resources Commission which shall indicate the steps which the City intends to pursue to obtain a long-term water supply.

PROPOSED PERMIT CONDITIONS

Application: G-13249

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: YEAR ROUND
3. Rate of use: 1.448 CFS
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited

groundwater resource.

CONFLICTS WITH OTHER WATER RIGHTS:

There **are no** existing rights from this point of diversion. See proposed permit conditions.

There **are no** existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Water in the amount of 1.448 CFS is likely available for 12 months of the 12 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

DRAFT

WATERMASTER# 5

Report Date: DATE1

DATESENT 10-28-93

REVIEW 2/2

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: DATE2

1. APPLICATION FILE NUMBER - G-13249

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

PORT OF MORROW

PO BOX 200

BOARDMAN, OR 97818

UMATILLA COUNTY 503-481-PORT

Date application received for filing and/or tentative date of priority: 1/14/93

SOURCE: TWO WELLS TRIBUTARY TO: WILLOW CREEK

Purpose and/or use: MUNICIPAL

Flow: 1.448 CUBIC FEET PER SECOND (CFS)

Point of Diversion Location:

T 2 S, R 26 E, W.M.; SEC 21, NESW

Place of use:

INDUSTRIAL PART

SECTION 21

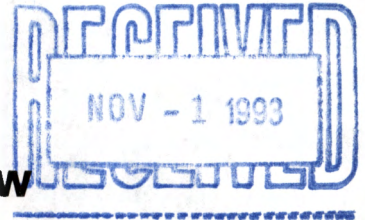
T 2 S, R 26 E, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported that the groundwater for the proposed use can, if properly conditioned, avoid injury to existing rights or to the



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NOV - 5 1993

WATER RESOURCES DEPT.
SALEM, OREGON

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) N/A A written copy of the legal description of the property on which the water is to be used.
- (10) N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S ^{MUNI} ~~INDUSTRIAL~~ use(s) is/are classified uses(s) under the UNATURAL Basin Program, OAR 690 - 507.290 3(a)(i)
- (14) HS The application, map and supporting data are complete and free of defects. Fees, (644)

Land Use Compatibility:

- (15) As expressed by the Planning Department of MORROW CO.
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section ?).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) XS A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) S The report from groundwater section has been received.

For reservoir applications:

- (22) N/A Plans, specifications and supporting information for the dam and impoundment area.



TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: G-13249(2) Review Date: 9-7-9310-26-93

- S Indicates information was completed or adequately addressed.
U Indicates information is needed, or incomplete, or inadequately addressed
N/A Indicates Not Applicable

SUMMARY

US Completeness NEED COPY OF DECISION OR LEGAL DESCR.
S Land Use FEES
S GW Interference (if potential interference with surface water, see results of water availability analysis)
US Conflicts
S Water Availability

(3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) US Application fees:

Examination fee:	\$ 200.00	1.45 CFS
Recording fee:	\$ 275.00 150	1 = 100
TOTAL REQUIRED	\$ 475.00 350	0.45 = 50
TOTAL SUBMITTED	\$ 350.00	
AMOUNT DUE prior to issuance of permit	\$ 125.00	
AMOUNT OVERPAID		
refund due applicant	\$ 0	

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP: ☒ Prepared by a CWRE
☐ Exempt under QAR 690-11-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 6-13249

WATERWATCH

ODF&W

MORROW

WATERMASTER # 5

REGIONAL MANAGER - NC

Ken Stahn

OTHER ADDRESSES:

G.D. EDWARDS # 43 CWRE

CASCADE EARTH SCIENCES, LTD

PO Box 1514

La GRANDE OR 97850

ATTN SCOTT URBAN

NURSGEN MGN

DEQ

CASEWORKER

SHOOK

ORIGINAL TO APPLICANT

10-26-93

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

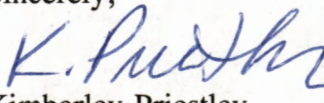
The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the creek. See also OAR 690-11-195(4)(c).

The technical report does not reveal whether or not DEQ has made a determination regarding the effect of this proposed use on the water quality of Willow Creek and the Umatilla River, much less indicate whether or not this applicant will even be allowed to discharge. Until the DEQ has done this analysis, the Department has insufficient information upon which to make a public interest determination. This application should be put on hold until DEQ has made a determination. If the applicant obtains a NPDES permit, and if a water use permit is subsequently issued, the water use permit should be conditioned to require that water use under the permit is only allowed if the applicant continues to maintain a valid NPDES permit and is in compliance with the terms of the NPDES permit.

6. A public interest determination is impossible because essential information appears to be missing.

The proposed permit condition in the technical reports require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then condition 9 should be added to require periodic pump tests. The condition should not, however, limit the Director's discretion as to when she can require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

Sincerely,



Kimberley Priestley
Legal/Policy Analyst

Allowing these uses to go forward, as currently conditioned, violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Umatilla basin will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

5. Water quality

The application contemplates the use of water for municipal use, though it is going to be used for industrial use (see argument above). It is unclear whether this industrial use involves a discharge of pollutants into the Umatilla River. If this use of water will involve discharges to the Willow Creek or other water bodies, the applicant must first get an NPDES permit from the Department of Environmental Quality (DEQ) before any discharges can occur. When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The fact that this segment of the Umatilla River is listed by the Department of Environmental Quality as Water Quality Limited - only partially supporting the listed beneficial uses of aesthetics and water contact - means this analysis is even more crucial to the protection of the resource. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

measures were and whether the Company has incorporated those measures into a plan. In any event, the water suppliers in application G 12875 and G 11819 should both be required to develop plans that at a bare minimum include metering of service connections within the system.

The Water Resources Department has developed expended state funds to develop an enforcement and monitoring program to ensure that streamflows are shepherded through the system. The "proposed" use is of special concern to WaterWatch since it is apparently an already existing illegal use of water. See Order Approving Transfer 5285, facts 5,6, Volume 40 page 187. The proposed use would expand water rights for consumptive use in the Umatilla Basin, and thus conflict directly with existing federal and state rights for instream uses which already have insufficient water. OAR 537.170(5)(a) and (f); OAR 690-11-195(2)(d).

3. Measurement and reporting.

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

4. The proposed use is contrary to Oregon policy and the Umatilla Basin Program.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

In addition, Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. This applicants should be required to show, prior to issuance of any permit, that their proposed use is efficient. The applicant should also be required to submit a water conservation/management plan and implement the plan as a condition of use.¹

¹ We note that there is information in the file for G 12875 which indicates that the water company has instituted conservation measures in the past but does not indicate what those

"taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking, as defined in Section (3)(18), includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988) (habitat alteration rises to the level of a take) . Significantly, the Palilia case involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

As stated in WaterWatch's January, 1994 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to protect the public's interest in the resource, and the threatened and endangered fish species which rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined above, and in WaterWatch's January Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

b. Umatilla River

The lower Umatilla River suffers from very low seasonal flows. These low flows, combined with fish passage problems caused by irrigation diversion facilities, have decimated the Umatilla's anadromous fish runs. "Low streamflows are the chief limiting factor to salmonid production. Low streamflows impeded and block fish migration, increase water temperatures, and contribute to reduced habitat and competition from warm water fish species. . . Additional instream flows are needed to meet Indian treaty fishing rights." (1988 Oregon Water Plan, Umatilla Basin Section, page 19.)

In addition, sufficient water is often unavailable to meet the state's 1983 instream water right in the Umatilla River. ODFW instream water rights are frequently not met in the Umatilla River. See Letter to Water Rights Section, from Mirati, ODFW, re: 71358, 1/28/94. Streamflow measurements taken in December of 1993 revealed that instream water rights were not met during parts of the month. Id. In addition, the point of diversion is a hazard to fish passage at the diversion dam and the existing diversion structures are leaky and do not have sufficient fish protection structures in place. Id.

Federal taxpayers and Northwest ratepayers have already paid millions, and will pay millions more, in an effort to remedy these problems through the Umatilla Basin Project.

contains proposed condition 9 which allows regulation of use if it interferes with surface water rights. Thus, it appears that there is potential for interference. Exacerbating this problem is the fact that Columbia River Basalt Aquifers are prone to excessive water level declines wherever development of them has occurred.

Willow Creek is a tributary of the Umatilla River, which in turn is a tributary to the Columbia River. The proposed uses would deplete flows needed for numerous public instream uses of these Rivers.

2. The proposed is likely to impair the public interest because the use will interfere with flows needed for threatened and endangered fish.

As noted, Willow Creek is a tributary of the Umatilla River, which in turn is a tributary to the Columbia River.

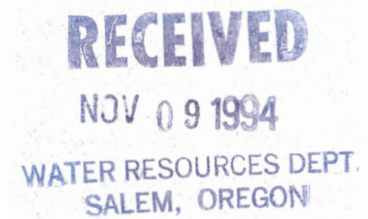
a. The Columbia River Mainstem

The Department has a duty to ensure that this proposed use does not interfere with existing instream water rights in the Umatilla River Basin. Moreover, it must ensure that the use does not deplete flows needed for endangered fish in the Columbia River mainstem. Attempts by the Department to estimate water availability confirm that the Columbia system is already overallocated. Using 80% exceedence flow figures and fish flow proposed by the Columbia Basin Fish and Wildlife Authority, fish needs are not met in the Columbia River from at least April to August.

The Northwest Power Planning Council has directed the states of Oregon and Idaho to secure one million acre feet of **additional** water from the Upper Snake River Basin for mainstem fish flows. The Council, in its Strategy for Salmon, Volume II, has called on the State of Oregon to establish instream flow protection levels and "deny new water rights if water is not available **consistent** with salmon and steelhead needs." Strategy, pg. 74. The Bureau of Reclamation is in the process of purchasing storage in upriver reservoirs for releases to assist migrating salmon. Finally, the Snake River Salmon Recovery Team, in its draft recovery plan recommendations, has recommended a "**moratoria** on new water diversion permits in the Snake River Basin and lower Columbia river until the water needs for flow augmentation have been established." See Snake River Salmon Recovery Team, *Draft Recovery Plan Recommendations for Peer Review*, October 1993, at VIII-9 (emphasis).

If there is in fact substantial interference with surface water resource, the proposed use will decrease the amount of water flowing downstream to the Columbia mainstem. The state and federal Endangered Species Acts place a burden on the Commission. Under the state act, the Department has a duty to consult with the ODFW to ensure that the Department's actions do not adversely affect listed species. The federal Act prohibits the

WaterWatch



Via Messenger

November 9, 1994

Oregon Water Resources Department
Water Rights Section
158 12th St. NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-13249, Port of Morrow, Municipal, Willow Creek
Tributary to Umatilla River, Umatilla Co.

If this application is approved, WaterWatch supports condition #11 requiring that within one year after issuance of this permit, the applicant shall prepare a water management and conservation plan. However, we do have other concerns, thus WaterWatch submits the following objections pursuant to OAR 690-11-170:

♦ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

Moreover, the technical report lists the proposed use as municipal. This application was originally for industrial use. Given that the Port of Morrow is an industrial user, the use should be limited to industrial use.

♦ **The Use As Proposed is Not in the Public Interest**

The proposed use fails to pass the public interest considerations in ORS 537.170 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed use is likely to impair the public interest
because it will interfere with surface waters in the basin.**

Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a).

While the technical report and the groundwater staff memo concluded that the proposed use would not interfere with streamflows in Willow Creek, the technical report

Application No. 6-13249

Permit No.

Description of Water Use

Planning Official Initials: 

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

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

Applicant Name: Kinzua Corporation
Address: Rt. 2, Box 2100
Heppner, OR 97836
Attn: Kent Goodyear
Phone: (503) 676-9183

RECEIVED

JAN 14 1993

WATER RESOURCES DEPT.
SALEM, OREGON

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

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☒ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): Wood products
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☒ Other (Name and list key characteristics): Domestic use at proposed Heppner Industrial Park

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☐ Surface Water Name sources: _____ _____	<u>1,448</u> Cubic feet per second. <u>650</u> Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☒ Ground Water	

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

Port of Morrow
P.O. Box 200
Boardman, OR 97818

6-13249

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

4a. Article Number

056458

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

12/6/99

8. Addressee's Address (Only if requested and fee is paid)

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Deane Seeger
Title: Narrow County Planner

Date: 12/21/92
Phone: 922-4624

Signature: [Signature]

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

Additional Comments:

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

Application No. 6-13249
Permit No. RECEIVED
JAN 14 1993

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

Applicant's Name: Kinzua Corporation **Attn:** Kent Goodyear
Address: Rt. 2, Box 2100
City: Heppner **State:** OR **Zip:** 97836 **Day Phone:** 676-9183

WATER RESOURCES DEPT.
SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T2S, R26E,				
Sec. 21				

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

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

For Local Government Use Only

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

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

☒ Land use is to be carried forward " " " "

Version: 6/92

Oregon Water Resources Department
3850 Portland Rd. NE
Salem, OR 97310
378 - 3671

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____

6. THE WELL construction deficiency:

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

7. THE WELL construction deficiency is described as follows: _____

8. THE WELL
- a. ☐ was, or constructed according to the standards in effect at the time of
 - b. ☐ was not original construction or most recent modification.
 - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1993.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 1993.

(Signature)

(WRFORM8\91)

TO: Water Rights Section

FROM: Groundwater/Hydrology Section M1

SUBJECT: Application G- 13249

1. PER THE _____ Basin rules, one or feet/mile of a surface water source (_____ connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect:
- _____ will, or _____ have the potential for sub
 - ☒ will not _____ source, namely Willis.
 - _____ will, if properly conditioned, adequately
 - _____ The permit should contain condi
 - _____ The permit should contain specia
 - _____ The permit should be conditione
 - _____ will, with well reconstruction, adequatel
3. BASED UPON available data, I have determi
- _____ will, or _____ likely be available in the
 - _____ will not _____ within the capacity of th
 - ☒ can, if properly conditioned, avoid injt
 - ☒ The permit should contain cond
 - _____ The permit should contain special ~~conditions~~, _____
 - _____ The permit should be conditioned as indicated in item 4 below.
4. a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
- b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
- c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13249

ROUTED TO: Water Rights / Tom Shook

TOWNSHIP/

RANGE-SECTION: 25/26E-21

APPLICATION ACCEPTED? ☒ yes ☐ no

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

REMARKS:

6-13249

SAT T.R.

22 26E 21

PFO CHECK SHEET

APP. NO. 6-13249 DATE OF APP. 1-14-1993

RATE & DUTY: ✓

SCENIC: N

TMDL: N OK ALLOWED

USE: MUNICIPAL

AMOUNT: 1.448 cfs

SEASON: YEAR ROUND

ODFW COMMENTS: _____

WM: 5 RM: NC

M & R: M

CWRE IF AGENT: CASCADE EARTH SCIENCES LTD., G.D. EDWARDS # 043

AREA SUBMERGED: 1

DEPTH OF WATER: 1

HEIGHT OF DAM: 1

CC LIST: _____

MACROS: 7A & 7R - CON PLAN

CONDITIONS: 11

JKS C:\WP51

- WILL NOT HAVE POTENTIAL - Willow Creek
 - CAN IF PROPERLY CONSIDERED
 - WATER AVAIL YEAR ROUND
- 1033 ASSOCIATION

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
11. Within one year after issuance of this permit, the applicant shall prepare a water management and conservation plan consistent with the requirements of OAR Chapter 690, Division 86.

PROPOSED PERMIT CONDITIONS

Application: G 13249

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: YEAR ROUND
3. Rate of use: 1.448 CFS
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

GROUNDWATER AVAILABILITY .

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported that the groundwater for the proposed use can, if properly conditioned, avoid injury to existing rights or to the groundwater resource.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 1.448 CFS is likely available for 12 months.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

Report Date: September 14, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: NOVEMBER 28, 1994

1. APPLICATION FILE NUMBER -G 13249
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

PORT OF MORROW
PO BOX 200 503-676-9183
BOARDMAN, OR 97818
COUNTY OF MORROW

Date application received for filing and/or tentative date
1/14/1993

SOURCE: WELLS 6 AND 7 IN WILLOW CREEK BASIN

Purpose and/or use: MUNICIPAL

Flow: 1.448 CUBIC FEET PER SECOND (CFS)

Point of Diversion Location:

NW 1/4 SE 1/4, SECTION 21, T 2 S, R 26 E, W.M.;
2430 FEET NORTH & 2590 FEET WEST FROM SE CORNER, SECTION 21.
SW 1/4 SE 1/4, SECTION 21, T 2 S, R 26 E, W.M.;
220 FEET NORTH & 1980 FEET WEST FROM SE CORNER, SECTION 21.

Place of use:

INDUSTRIAL PARK AREA
SECTIONS 21 & 28
TOWNSHIP 2 SOUTH, RANGE 26 EAST, W.M.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before **NOVEMBER 28, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. E. Shook", enclosed within an oval-shaped ink stroke.

Thomas E. Shook
Water Right Specialist

Enclosures

September 14, 1994

WATER
RESOURCES
DEPARTMENT

PORT OF MORROW
PO BOX 200
BOARDMAN, OR 97818

Reference: File G 13249

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



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

COMPLETENESS DETERMINATION CHECKLIST

COMPLETED

Application #	Review Date	Reviewer
G-13249	11/8/95	GERRY

200 Exam
~~125~~
150 2cts

A checkmark (✓) indicates that the item is incomplete or defective.

350 Total
350 Received
Fees OK

1. Examination fees (and recording fees, if for PFO/FO).
2. Name and address of the applicant, and title if applicable.
3. Source of water.
4. Use of water.
5. Amount of water.
6. Description of delivery system.
7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
9. Proposed dates of beginning and completion of construction, and complete application of water.
10. If for **municipal use**, the present population to be served and expected future water requirements.
11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. An oath that the application information is true and correct.
16. The signature of the applicant(s).
17. A satisfactory map of the proposed POD & POU.
18. A Land Use Information Form or receipt.
19. A legal description of the property where water will be used.

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13249

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 2S/26E - 21

CONDITIONS ATTACHED? ☒ Yes ☒ No

REMARKS OR FURTHER INSTRUCTIONS:

Recommend current conditions 7A+7B

Reviewer: Michael Zwart

Water Resources Department

MEMO

January 20, 1996

TO Application G-13249

FROM GW: Michael Zwart
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☐ Yes

The source of appropriation is within or above a Scenic Waterway.

☒ No

☐ Yes

Use the Scenic Waterway condition (Condition 7J).

☒ No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)



At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

13249

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT

Water Resources Department
Director

Application G-13249 Water Resources Department
Basin 07 Volume 4A Willow Creek & Misc.
JKS MGMT.CODE

PERMIT DRAFT
District 05

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

DRAFT
STATE OF OREGON

COUNTY OF MORROW

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PORT OF MORROW

PO BOX 200

BOARDMAN, OREGON 97818

(541)676-9183

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13249

SOURCE OF WATER: WELLS 6 AND 7 IN THE WILLOW CREEK BASIN WITHIN THE UMATILLA BASIN

PURPOSE OR USE: MUNICIPAL USE

RATE OF USE: 1.448 CFS

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 14, 1993

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 21, TOWNSHIP 2 NORTH, RANGE 26 EAST, W.M.; WELL 6 - 2430 FEET NORTH & 2590 FEET WEST; WELL 7 - 220 FEET NORTH & 1980 FEET WEST, BOTH FROM SE CORNER, SECTION 21

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 21

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SECTION 28

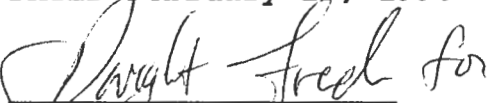
TOWNSHIP 2 SOUTH, RANGE 26 EAST, W.M.

8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-13249 in the name of the Port of Morrow be approved for Municipal use as provided in the attached draft permit.

DATED February 13, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on March 29, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

- c. Water for the proposed use is available in the amounts requested for the period Year round.
 - d. The use would not injure existing water rights.
5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-13249, the following criteria were found to be relevant by the Department.
- a. The Umatilla Basin Program (OAR Chapter 690, Division 507)
 - b. The Morrow County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The Scenic Waterway Act (ORS 390) as amended by SB 1033 enacted by the 68th Legislative Assembly.
 - e. The established rate and duty for the proposed use
 - f. Pending, senior applications and existing water rights of record
 - g. Comments received

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the technical review remain valid.
2. Based on comments and data received, the Department has determined that the proposed use can be allowed as conditioned. The Department has further determined that, to protect the resource, an additional condition(s) on the proposed water use is necessary. The condition(s), as further described on the attached draft permit, would require developing a plan to monitor and report the impact of water use and, substantial interference conditioning.
3. The period of allowed use is Year round
4. The Department finds that no 1.448 cfs would be necessary for the proposed use. The amount of water requested, 1.448 cubic feet per second, is allowable for the proposed use.
5. Morrow County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Morrow County Comprehensive Land Use Plan.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-13249 submitted by	)	ORDER
PORT OF MORROW		

FINDINGS OF FACT

Water Use Request

1. The Port of Morrow requested use of 1.448 cubic feet per second of water from wells 6 and 7 in the Willow Creek basin for Industrial and Domestic use within the Umatilla basin.
2. The area of proposed use is in Morrow County within Sections 21 and 28, Township 2 South, Range 26 East, W.M.
3. The water delivery system is described by the applicant as follows: Groundwater will be diverted by 40 hp submersible pumps in both wells into 4 inch steel pipe that will deliver water to the proposed area.
4. The request was made in Application G-13249 which was received by the Water Resources Department on January 14, 1993. On October 5, 1993 the Department recieved a letter from the applicant stating that the use of water would be best described as a Municipal use, and the amount of water requested remained unchanged.

Affected Waters

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Willow Creek.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on September 14, 1994.
4. The technical review determined:
 - a. Municipal use is allowed under the Umatilla Basin Program.
 - b. The use is not prohibited by Statute.

PFO TO FO CONVERSION

INITIALS : LLS

14. Y / N Team leader review completed

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-13249

WATERMASTER # 05

REGIONAL MANAGER: NORTH CENTRAL

ODF&W - Morrow County:

CWRE (if agent): CASCADE EARTH SCIENCES LTD. G D EDWARDS #043

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) _____ NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

KINZUA CORPORATION

ROUTE 2, BOX 2100

HEPPNER, OREGON 97836

ATTENTION: KENT GOODYEAR

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

CASEWORKER : JKS

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13249

Final Order

Application History

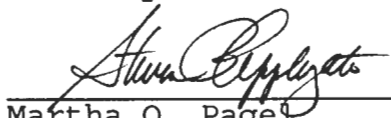
On January 14, 1993, PORT OF MORROW submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 13, 1996. The protest period closed March 29, 1996, and no protest was filed.

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

Order

The application therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12370 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED April 11, 1996


for Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper. Please send the completed form at your earliest convenience to my attention at the following address:

Water Right Permit Extensions
Water Resources Department
158 12th Street NE,
Salem, Oregon 97310.

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Patrick Lee (ext. 276) or Dwight French (ext 268). If you have an interest in the community water supply group, please contact Patrick Lee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dallas Miller".

Dallas Miller
Water Rights Specialist



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 8, 1998

PORT OF MORROW
RONALD McKINNIS
PO BOX 200
BOARDMAN, OR 97818

Dear Municipal Water Use Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. The new rules are contained in OAR Chapter 690, Division 320. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office in June 1997. Many permit holders elected to hold their extension requests until the new rules were in place. The new rules provide an opportunity for the holders of permits for municipal use to delay action on permit extensions through June 30, 2001. The temporary exemption of municipal use permit holders included in the new permit extension rules was included to provide time for the Department to convene a work group to review issues relating to community water supply, and recommend changes, if appropriate, to current laws and rules. A first meeting with a group of stakeholders to scope out the charge of the community water supply group was held on October 26, 1998. Barring any changes emanating from the work group, municipal use permit holders will be subject to the provisions of OAR Chapter 690, Division 315 as of July 1, 2001.

Notwithstanding the temporary exemption in the new rules, should a municipal use permit holder voluntarily wish to apply for a permit extension between now and June 30, 2001, it may be done in accordance with Division 320. Because of the Attorney General's advice, extensions will no longer be limited to five years for municipal use permit holders. Applicants should request to extend permits for the amount of time necessary to fully complete the projects and put the water to beneficial use. By allowing a reasonable period of time for perfection of water rights, it is the Department's hope that future permit extensions will not be necessary. For permit extensions exceeding five years in length, a system of "checkpoints" will apply. This system will require the submission of progress reports at periodic intervals, not exceeding five years, that the Department will review to evaluate permit holders' continuing diligence in fully developing and perfecting water rights.

For municipal use permit holders who wish to proceed with a permit extension under Division 320, please fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve extension requests. It is important for



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 15, 1999

Port of Morrow
PO Box 200
Boardman, OR 97818

Dear Port of Morrow:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, OR 97310

I would be happy to send you a copy of the new permit rules, upon request. If you have any questions, please contact me at 1-800-624-3199 x269. If I am not available, you may contact either Dallas Miller (ext. 272) or Pat Lee (ext. 276).

Sincerely,

Matthew Gerbrandt
Permit Extension Technician



Oregon

John A. Kitzhaber, M.D., Governor

File-6-13249

Water Resources Department

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

May 4, 1998

Mr. Gary Neal, General Manager
Port of Morrow
P.O. Box 200
Boardman, OR 97818

Dear Mr. Neal:

Thank you for taking the time to meet with me on April 23, 1998 to discuss the Port's Water Management and Conservation Plan (Plan). As we discussed, it has been five years since the Port submitted a plan. In addition, new water right permits have been obtained by the Port in the last five years. The new permits also have the condition that a water management and conservation plan shall be submitted to the Department. Based on the new permit conditions and the five year period of time that has passed since the Port submitted the original plan, the Department requests that the Port submit an updated plan that addresses current water usage throughout the Port.

As we agreed on April 23rd, the Port has one year from that date to complete an updated plan. It would be helpful if a draft plan was submitted for informal review several months prior to the due date. This will allow the Department and the Port to address issues which may not be consistent with the Department's Division 86 Rules prior to the plan becoming due. If you have any questions or need guidance in preparing the plan please call me at (800) 624-3199, ext. 236.

Sincerely,

Michael L. McCord
Resource Management Division

c: Dick Bailey, Water Rights and Adjudications
Mike Ladd, North Central Region

Oregon Water Resources Department
158 - 12th St. NE
Salem, Oregon 97310-0210

Phone: (503) 378-8455 ext 254

-or-

toll free in Oregon 1 (800) 624-3199 ext 254

FAX: (503) 378-8130

web page address: <http://www.wrd.state.or.us>

We make good water resource policy every day. Thanks for your help.

X-Sender: fujiiwh@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.3 (32)
Date: Thu, 10 Dec 1998 16:16:57 -0800
To: Matthew Gerbrandt <Matthew.K.Gerbrandt@wrd.state.or.us>
From: Bill Fujii <William.H.FUJII@wrd.state.or.us>
Subject: Re: Permit G-12370
Cc: Richard.D.BAILEY@wrd.state.or.us, Dwight.W.FRENCH@wrd.state.or.us,
Michael.F.LADD@wrd.state.or.us, Mike.L.MCCORD@wrd.state.or.us

Matthew - Permit G-12370 does have a condition that the Port of Morrow submit a water management and conservation plan to the Department under the standards of Division 86. A letter in the file date May 4, 1998 by Mike McCord authorizes an extension of time for the plan until April 23, 1999. It appears to me that the Port is in the process of developing submission of this plan.

I've printed a copy of this email for the file.

At 01:02 PM 12/10/98 -0800, you wrote:

>
>Bill,
>
>Related to extension requests and mandatory permittee information submittals:
>
>The permittee for permit G-12370, application file G-13249 (Port of Morrow)
>was, according to my review, to have submitted a monitoring plan no later
>than April 11, 1997. Please let me know by email whether you have evidence
>of any such information being submitted to the Department or if they are in
>the process of having such a plan approved.
>
>Thank you very much,
>
>Matt
>=====

>Matthew Gerbrandt
>Water Rights Information Group
>Oregon Water Resources Department
>158 12th ST NE, Salem Oregon 97310
>=====

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>

Bill Fujii, Natural Resource Specialist 3
Resource Management Division

X-Sender: zwartmj@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.3 (32)
Date: Tue, 08 Dec 1998 11:17:00 -0800
To: Matthew Gerbrandt <Matthew.K.Gerbrandt@wrd.state.or.us>
From: Mike Zwart <Mike.J.ZWART@wrd.state.or.us>
Subject: Re: Permit Requirement- Monitoring Plan

Matt: I have nothing in my files to indicate that the permittee has submitted a water level measurement plan.

Mike

At 09:47 AM 12/8/98 -0800, you wrote:

>
>
>Mike,
>
>Related to extension requests and mandatory permittee information submittals:
>
>The permittee for permit G-12370, application file G-13249 was, according to
>my review, to have submitted a monitoring plan no later than April 11,
>1997. Please let me know by email whether you have evidence of any such
>information being submitted to the Department.

>Thank you very much,

>
>Matt

>=====

>Matthew Gerbrandt
>Water Rights Information Group
>Oregon Water Resources Department
>158 12th ST NE, Salem Oregon 97310

>=====

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Michael J. Zwart, Hydrogeologist (503)378-8455 ext. 207
Oregon Water Resources Department 1-800-624-3199 (in state)
158 12th Street NE Fax: (503)378-2496
Salem, OR 97310-0210 e-mail: Mike.J.ZWART@wrd.state.or.us

Neal
July 7, 1999
Page 2

Per our conversation today, the Port of Morrow has agreed to submit a water management conservation plan that will comply with Division 86 as soon as possible, but not later than three months from today (October 7, 1999). This additional time is not an extension and the WRD retains the discretion to enforce pursuant to OAR 86-690-920(5) at any time. This plan, if it is approved, will fulfill the permit condition for a water management conservation plan for permits G 13283, G 12370 and G 10975.

Please feel free to contact me if I may be of any assistance in writing the Port's plan. My phone number is: 1-800-624-3199 Ext. 239. Email: Renee.M.MOULUN@wrdd.state.or.us. As I mentioned on the phone, it would be a good idea to submit the plan to the WRD for an informal review before the draft plan is turned in. This will assure that any problems with the plan will be addressed before the plan is submitted for public notice.

Again, thank you for your time today. Please call if you have any questions regarding this letter.

Sincerely,



Renee Moulun
Resource Management Division

Cc: Mike Ladd
Tony Justus
Dwight French



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

July 7, 1999

Gary Neal
General Manager
Port of Morrow
P.O. Box 200
Boardman, OR 97818

Re: Water Management Conservation Plans for Permits G 13283; G 12370 and G 10975

Dear Mr. Neal:

Thank you for taking the time to talk with me today. In this letter I would like to reiterate some points made in our conversation.

As you know, the Port of Morrow has three permits which require water management conservation plans: G 13283, G 12370, and G 10975. The Port of Morrow submitted a "Water Management Plan" on March 22, 1993 to fulfill permit requirements for G 10975. Although the Department's Division 86 rules had not yet been passed, the Water Resources Department (WRD) conditionally approved the Port of Morrow's Water Management Plan on May 18, 1993. The condition for approval read:

This approval should be conditioned on the Port agreeing to comply with any additional planning requirements added in the adoption of our water management planning rules. If additional planning requirements are adopted, the Port shall comply with them within one year from adoption of the rules.

The Port agreed to this condition in writing, asserting: "The Port of Morrow agrees with the above [r]ecommendation, subject to being properly notified." s/ Gary Neal 11/16/93.

The WRD's Division 86 rules were passed 9/21/94, so a new plan should have been submitted by the Port by 9/21/95. None was submitted. On May 4, 1998, the WRD gave the Port of Morrow an extension for completing the plan until April 23, 1999. Letter McCord to Neal, May 4, 1998. The WRD still has not received an updated water management conservation plan to cover the permit requirements of G 13283, G 12370 and to update the water management conservation plan for G 10975.

Pursuant to the enforcement provisions of Division 86, if the water supplier has failed to submit a water management plan that is required under a permit condition, the WRD may either assess a civil penalty or cancel the permit. OAR 690-86-920(5).



IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I,, the holder of Permit No.

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the day of, 19.....

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this day of, 19.....

(Signature of Applicant)

(Address)

Application No. G-13249

NOTICE OF COMPLETION OF CONSTRUCTION

I, Port of Morrow, the holder of Permit No. G-12370

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the day of September, 1999

Remarks: Well Drilled, Well Drawdown Test, & Pump Installed.

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this day of September, 1999

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

Application No. G 13249

NOTICE OF BEGINNING OF CONSTRUCTION

I, Port of Morrow / Kinzua Resources, the holder of Permit No. G 12370

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 24 day of March, 1997

Remarks: Wells location - drilling Quates

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by the permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of March, 1997

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

If you need to request additional time to submit the new extension form or a request to hold process of your extension, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.

Should you have any questions regarding your extension request or the required materials listed above, please call me at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura K. Snedaker". The signature is fluid and cursive, with the first name "Laura" being more prominent.

Laura K. Snedaker
Senior Water Rights Technician

Enclosure: New Extension Request Form & Instructions

cc: Tony Justus, Watermaster District #5
Ronald McKinnis, CWRE



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL Return Receipt Requested

December 3, 1999

Port of Morrow
P.O. Box 200
Boardman, Oregon 97818

RE: File # G-13249 (Permit G-12370)

Dear Permittee:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

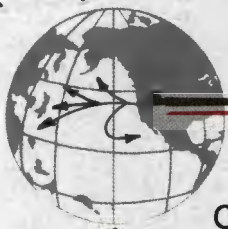
- ▶ Please fill out and return the enclosed new extension request form. Due to the new extension rules adopted by the Department, the original form that you submitted no longer contains sufficient information for the Department to properly evaluate an extension request.

OR

Under the current extension rules, the holder of a municipal permit may elect to hold their extension requests. The new rules provide an opportunity for holders of permits for municipal use to delay action on permit extensions through June 30, 2001. This temporary exemption of municipal use permit holders included in the new permit extension rules was included to provide time for the Department to convene a work group to review issues relating to community water supply, and recommend changes, if appropriate, to current laws and rules. If you wish to take advantage of the temporary exemption for municipal use permit holders, please submit a written request to the Department to hold your extension request until June 30, 2001. If you wish to pursue the extension request now, you will need to fill out and submit the new extension form.

Please submit this information by **January 3, 2000**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.





PORT OF MORROW

MORROW COUNTY OREGON

P.O. Box 200, Boardman, OR 97818

(503) 481-PORT • Fax (503) 481-2679

October 5, 1993

RECEIVED

OCT - 8 1993

**WATER RESOURCES DEPT.
SALEM, OREGON**

Water Resources Department
3850 Portland Rd NE
Salem, OR 97310

RE: PENDING APPLICATION #G-13249

Dear Sir:

In January, 1993, we submitted an application for water rights to drill two wells at the Kinzua facility near Heppner. The Application number is G-13249. Our consultant prepared the application and signed in our behalf.

An error was made regarding the name to issue the permits. The application indicated Kinzua. However, it should be the Port of Morrow. Also, in discussing permit use issues with your agency, it will be more appropriate to issue these permits for Municipal use, not just Industrial. The Port is developing an industrial park at this site. The water will be used not only for Industrial purposes, but also office use, fire protection, other client potential use other than Industrial, restrooms, showers, etc.

Please make the requested corrections and changes in the application you are reviewing.

Sincerely,

Gary Neal
General Manager

kh

c: Kinzua
Cascade Earth Sciences

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 14th day of January, 1993, at 8:00 o'clock, A M.

APPLICATION NO: 6-13249

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

<i>Applicant</i>	<i>CWRE</i>	<i>X</i>	<i>Other (Identify in REMARKS section)</i>
------------------	-------------	----------	--

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

Applicant CWRE X Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: Direct any correspondance to:

Cascade Earth Sciences, Ltd.

P.O. Box 1514

La Grande, OR 97850

Attn: Scott Urban

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

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant (CES)

For Port of Morrow

1/11/93
Date

Signature of Co-Applicant, if any

Date _____

3. **INTENDED USE(s) OF WATER:** Domestic, Industrial

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

Domestic: 50 gpm Industrial: 600 gpm

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

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

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

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

Irrigation -

Other (describe) _____

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

The proposal water delivery system will consist of two water wells constructed within the basalt aquifer. At this time, 40 hp submersible pumps will be installed at an approximate depth of 450 in each well. Four inch I.D. steel pipe will be utilized to deliver water to user locations (total length undetermined at this time).

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin March, 1993

Proposed date construction work will be completed May, 1993

Proposed date water use will be completed July, 1993

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

Application No. 6-13249State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) Kinzua Corporation Attn: Kent Goodyear
(Please print or type - use dark ink)Mailing Address: Route 2, Box 2100
Heppner OR 97836 (503) 676-9183
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): Two water wells completed within the basalt aquifer

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

Distance from development to stream: 1,000 feetElevation difference between streambed and development: approx. 30 feet

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

Diameter of well: 12 inch below 40 feet Depth in feet: 600Type and size of well casing: 16 inch No. of feet: 40Estimated depth to water: 170 feet

Type of access port or measuring device: _____

Wells to be drilled by: Undetermined at this time

Address: _____

If the water well is flowing artesian, describe your water control and conservation works: Not applicable based upon adjacent water wells

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.448 cubic feet per second, OR 650 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

4/5/2000 LS

Application No. **G13249**
Permit No. **G12370**

PORT OF MORROW
PO BOX 200
BOARDMAN, OR 97818

Assigned

Address

Beginning construction **APR 11 1997**

Completion of construction **OCT 01 1998**

Extended to

Complete application of water **OCT 01 1999**

Extended to

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIPT # **96245**

RECEIVED FROM: Cascade Earth Sciences
 BY: _____

APPLICATION	G-13249
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 350.00

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS
 831.087 PUBLICATIONS/MAPS
 830.650 PARKING FEES Name/month
 OTHER: (IDENTIFY)

\$
\$
\$
\$

REDUCTION OF EXPENSE

COST CENTER AND OBJECT CLASS

CASH ACCT.

VOUCHER #

\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES
 850.200 RESEARCH FEES
 880.109 MISC REVENUE: (IDENTIFY)
 520.000 OTHER (P-6): (IDENTIFY)

\$
\$
\$
\$

WATER RIGHTS:

842.001 SURFACE WATER
 842.003 GROUND WATER
 842.005 TRANSFER

EXAM FEE

\$
 \$ 200.00
 \$

842.002
 842.004
 842.006

RECORD FEE

\$
 \$ 150.00
 \$

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR
 842.016 WELL DRILL OPERATOR
 LANDOWNER'S PERMIT

EXAM FEE

\$
 \$

842.023
 842.019
 842.024

LICENSE FEE

\$
 \$
 \$

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE
 MONITORING WELLS

\$
\$

CARD #
 CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE(FW/WRD)
 842.115 HYDRO LICENSE FEE(FW/WRD)

\$
\$

HYDRO APPLICATION

\$

RECEIPT # **96245**

DATED: 1/14/95

BY: C. Engel



PORT OF MORROW

MORROW COUNTY OREGON

ONE MARINE DRIVE

P.O. BOX 200

BOARDMAN, OR 97818

OREGON WATER RESOURCES DEPT.
158 12TH STREET NE
SALEM, OREGON 97310-0210

RECEIVED

JAN 03 2000

WATER RESOURCES DEPT.
SALEM, OREGON



PORT OF MORROW

MORROW COUNTY OREGON

P.O. Box 200, Boardman, OR 97818

(541) 481-PORT • Fax (541) 481-2679

Water Rights and Adjudication Division
Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310-0210

Dec. 31, 1999

Ref. Application G-13249, Pmt G-12370

In response to our recent certified mail for this Permit, we formally request that the Department HOLD the processing of the Application for Extension on the above Permit until June 30, 2001.

The original application for extension was submitted in October of this year and the delay in the processing of the extension will not delay the development of the Permit.

If you require any further information to proceed with this Extension application, please do not hesitate to contact me.

Thank you for this consideration.

Sincerely,

Ronald V. McKinnis PE, PLS, WRE
Port of Morrow Engineer

cc: File

RECEIVED

JAN 03 2001

WATER RESOURCES DEPT.
SALEM, OREGON

HDC OPTIONS for Replacement Water
Flow Augmentation Season
April 15- Sept 30

Mitigation options available for the Columbia River under OAR 690-033

Source	Action	Existing Right & Scenario	OWRD Considerations	Mitigation Volume Unit of Calculation = 1 Acre
Columbia River	Transfer Instream	9 AF/AC Irrigation (IRR)	Injury, RWA, Valid right	9 AF down to consumptive use depending on injury determination
Columbia River	Conserved Water Application	9 AF/AC IRR: 5AF/AC Keep, 4AF/AC Conserved	Valid, RWA, 25% (or public financed portion) protected in-stream (in this case minimum 1AF/AC)	Up to 3 AF
Columbia River	Voluntary Cancellation	9 AF/AC IRR	Valid, RWA	9 AF
Columbia River	Voluntary Diminishment	9 AF/AC IRR: 5AF/AC Keep, 4AF/AC (transferable)	Valid, RWA	4 AF
Columbia River	Non use	20 CFS Municipal (MU)	Agreement in place; Capacity of existing diversion; Extent to which beneficial use has been made (see Division 14 standard)	20 cfs
Columbia River	Non-use	9 AF/AC IRR: 5 AF/AC Avoid Use	Agreement in place	5 AF
Umatilla River or other tributary to the Columbia	Transfer Instream	4.5 AF/AC IRR	Injury, RWA, Valid	3AF down to consumptive use depending on injury determination (must be protectable to mouth)
Umatilla River or other tributary to the Columbia	Conserved Water Application	4.5 AF/AC IRR: 3 AF/AC Keep, 1.5 AF/AC Cons	Valid, RWA, 25% (or public financed portion) protected in-stream (in this case 0.37 AF/AC)	Up to 1.13 Max AF (must be protectable to mouth)
Umatilla River or other tributary to the Columbia	Voluntary Cancellation	4.5 AF/AC IRR	Source must be protected to mouth	No (if there are intervening water right holders)
Umatilla River or other tributary to the Columbia	Voluntary Diminishment	4.5 AF/AC IRR: 3 AF/AC Keep, 1.5 AF/AC (transferable)	Source must be protected to mouth	No (if there are intervening water right holders)
RWA = Ready, Willing, Able				

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Ron M FAX NUMBER: 541 481 2679
DATE: 9-28-05 PAGES: 2, INCLUDING COVER SHEET
FROM: D. French PHONE: (503) 986-0 819
COMMENTS: As discussed, please review and
then we can discuss if you'd like.
Dwight

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or
503-986-0904

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

USER-ID 1513

2003



RECEIVED

APR 15 2004

WATER RESOURCES DEPT
SALEM, OREGON

Facility  POD-ID 	Kinzua Weel #6 37179 MV	Kinzua Well #7 37180 MV	Farm Well #4 37737 IM	Farm Well #4 37737 IC	Farm Well #5 37738 IM
October - 2002	1,200,000 G	0 G	0 G	0 G	0 G
November - 2002	1,200,000 G	0 G	0 G	0 G	0 G
December - 2002	10,232,400 G	0 G	0 G	0 G	0 G
January - 2003	7,974,300 G	0 G	0 G	0 G	0 G
February - 2003	1,200,000 G	0 G	0 G	0 G	0 G
March - 2003	15,501,300 G	0 G	0 G	0 G	0 G
April - 2003	1,952,700 G	0 G	0 G	0 G	0 G
May - 2003	1,200,000 G	0 G	0 G	0 G	0 G
June - 2003	12,490,500 G	0 G	0 G	0 G	0 G
July - 2003	13,995,900 G	0 G	0 G	0 G	0 G
August - 2003	1,200,000 G	0 G	0 G	0 G	0 G
September - 2003	1,200,000 G	0 G	0 G	0 G	0 G
TOTAL *	69,347,100 G	0 G	0 G	0 G	0 G

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: see attached. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature

Title

Reporting Entity

Date

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271

RECEIVED

APR 15 2004

WATER RESOURCES DEPT.
SALEM, OREGON

2001

Oregon Water Resources Department
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

USER-ID 1513

2002



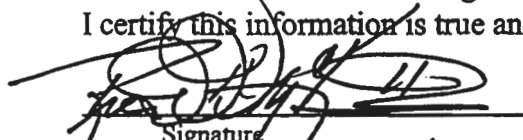
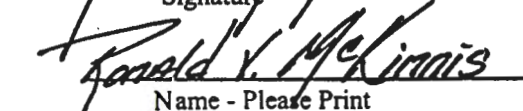
Facility ~	KINZUA WELL #6	KINZUA WELL #7	FARM WELL #4	FARM WELL #4	FARM WELL #5
POD-ID	37179 MV	37180 MV	37737 1M	37737 1C	37738 1M
October - 2001	1,200,000 G				
November - 2001	1,200,000 G				
December - 2001	1,200,000 G				
January - 2002	1,200,000 G				
February - 2002	15,501,300 G				
March - 2002	3,458,100 G				
April - 2002	4,210,800 G				
May - 2002	1,200,000 G				
June - 2002	3,458,000 G				
July - 2002	1,952,700 G				
August - 2002	17,728,900 G				
September - 2002	1,200,000 G				
TOTAL*	53,509,800 G				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

37179 - Flow Meter

Describe method of measuring the water used: 37737 - Hour Meter. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.


Signature

Name - Please Print


Title


Reporting Entity


Date

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97301-4172



2000

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

USER-ID 1513

2001



RECEIVED

APR 15 2004

WATER RESOURCES DEPT
SALEM, OREGON

Facility -	Kinzua Well #6	Kinzua Well #7	Farm Well #4	Farm Well #4	Farm Well #5
POD - ID	37179 MU	37180 MU	37737 1M	37737 1C	37738 1M
October - 2000	0 G			1,786,806 G	
November - 2000	0 G			0 G	
December - 2000	0 G			0 G	
January - 2001	0 G			0 G	
February - 2001	0 G			0 G	
March - 2001	0 G			0 G	
April - 2001	0 G			0 G	
May - 2001	0 G			0 G	
June - 2001	1,200,000 G			0 G	
July - 2001	1,200,000 G			0 G	
August - 2001	1,200,000 G			0 G	
September - 2001	1,200,000 G			0 G	
TOTAL*	4,800,000 G			1,786,806 G	

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

37179 - Flow Meter

Describe method of measuring the water used: 37737 - Hour Meter. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature

Title

Reporting Entity

Date

Ronald V. McKinnis
RONALD V. MCKINNIS

ENGINEER

PORT OF MORROW

02-25-02

G 14397

PORT OF MORROW
ATTN: RONALD V. McKINNIS
P. O. BOX 200, ONE MARINE DRIVE
BOARDMAN OR 97818

G 14397

PORT OF MORROW
ATTN: RONALD V. McKINNIS
P. O. BOX 200, ONE MARINE DRIVE
BOARDMAN OR 97818

G 14397

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PORT OF MORROW
ATTN: RONALD V. McKINNIS
P. O. BOX 200, ONE MARINE DRIVE
BOARDMAN OR 97818

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

INTEROFFICE MEMO

To: FILE

Date: August 10, 1993

From: MICHAEL ZWART *MJZ*

Subject: APPLICATION G-13249, KINZUA CORPORATION, KENT GOODYEAR

The proposed wells will produce water from a confined aquifer developed in basalt of the Columbia River Basalt Group. The anticipated static water level of about 170 feet below land surface is consistent with water levels at other nearby deep existing wells. The static water level is likely to be 140 feet, or more, below the level of the nearest surface water body, Willow Creek. The aquifer is not locally in hydraulic connection with the creek, based on the lithology, head relationships and depths of the principal water-bearing zones at nearby existing wells.

It is concluded that the well will not have the potential for substantial interference with Willow Creek.

The Columbia River Basalt Aquifers are prone to excessive water level declines wherever development of them has occurred. Therefore, Permit condition 4H is recommended, because the proposed use of the wells is non-seasonal.

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. **THE WELL** which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. _____ review of the well log;
 - b. _____ field inspection by _____;
 - c. _____ report of CWRE _____;
 - d. _____ other: (specify) _____
6. **THE WELL** construction deficiency:
- a. _____ constitutes a health threat under Division 200 rules;
 - b. _____ commingles water from more than one groundwater reservoir;
 - c. _____ permits the loss of artesian head;
 - d. _____ permits the de-watering of one or more groundwater reservoirs;
 - e. _____ other: (specify) _____
7. **THE WELL** construction deficiency is described as follows: _____
8. **THE WELL**
- a. _____ was, or _____ constructed according to the standards in effect at the time of
 - b. _____ was not _____ original construction or most recent modification.
 - c. _____ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. _____ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. _____ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. _____ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1993.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 1993.

(Signature)

(WRFORM8\91)

TO: Water Rights Section

August 10, 1993

FROM: Groundwater/Hydrology Section

Michael J. Zwart

Reviewer's Name

SUBJECT: Application G- 13249

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or _____ have the potential for substantial interference with the nearest surface water
 - b. ☒ will not _____ source, namely Willow Creek; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.
3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will, or _____ likely be available in the amounts requested without injury to prior rights and/or
 - b. _____ will not _____ within the capacity of the resource; or
 - c. ☒ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. ☒ The permit should contain condition #(s) 4 H;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below.
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13249

ROUTED TO: Water Rights / Tom Shook

TOWNSHIP/

RANGE-SECTION: 25/26E-21

APPLICATION ACCEPTED? ☒ yes ☐ no

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

Permit Extension Ground Water Review

NOTE: Dick Bailey requests that this review be expedited.

Date:

April 22, 2004

To:

Doug Woodcock, Ground Water Section Manager

From:

Lisa Juul, Permit Extension Review

Subject:

Ground Water Review Needed for File #G-13249 / Permit #G-12370

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

NOTE: Original Division 9 review completed by:

Mike Zwart

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

☒ Located within a **Critical** Ground Water Area

~~Butter Creek~~
Not within any CGWA.

☐ Located within a Ground Water **Limited** Area

☐ Located within a Ground Water **Study** Area

☐ 5-Year Limited Permit

☒ Other: Please See Questions Below

For Ground Water / Hydrology Staff Use:

MJZ, 4/27/04

☐ YES

☒ NO

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

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

1. Should any additional conditions be added to this permit? No
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? No
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? No
4. Other issues or concerns? Plan recently submitted + approved

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

Permit # G-12370

(START CARD) # 63428

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

(1) OWNER:

Well Number _____
Name Kinqua Lumber
Address Rt 2 Box 2100
City Hegner State OR Zip 97836

(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 408 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE

SEAL

Diameter	From	To	Material	From	To	Sacks or pounds
16	0	36	Cement	0	36	42 SKS
12	36	408				

How was seal placed: Method ☐ A ☒ B ☐ C ☐ D ☐ E

☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 12	41	36	375	☒	☐	☒	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
Liner:				☐	☐	☐	☐
				☐	☐	☐	☐

Final location of shoe(s) 36

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
400+		408	1 hr.

Temperature of water 58° 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 Morrow Latitude _____ Longitude _____
Township 2 N of S Range 26 E or W. WM.
Section 21 SW 1/4 SE 1/4
Tax Lot 2202 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:

25 ft. below land surface. Date 5-1-99
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 8 ft

From	To	Estimated Flow Rate	SWL
8	19	20	8
130	210	300	25
304	408	100 +	25

(12) WELL LOG:

Ground Elevation 4200

Material	From	To	SWL
Silt & gravel	0	11	
Brown Basalt	11	19	
Black Basalt	19	130	25
Fractured Basalt	130	210	1
Green Basalt	210	304	
Vesicular Basalt	304	351	
Fractured Basalt	351	408	

Date started 3-17-98 Completed 4-30-98

(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 [Signature] WWC Number 759 Date 5-1-99

Date Postmarked _____

Date Hand-delivered _____

Watermaster Initials _____

W 63428

WRD Receipt _____

Date Fee Received _____

Check No. _____

START CARD**NOTICE OF BEGINNING OF WELL CONSTRUCTION**

(as required by ORS 537.762)

Permit

6-12370

This form must be completed, signed by both the owner (or authorized agent) and constructor, and the original mailed or delivered to the Water Resources Department, 3850 Portland Road NE, Salem, OR 97310, no later than the day construction, alteration, conversion or abandonment work begins. A \$75 fee shall accompany all notices for new well construction or conversion of an existing hole not previously used to obtain water (make checks payable to the Water Resources Department). Notices meeting this requirement but received without the required fee will not be accepted as properly and timely filed. In addition, the constructor shall provide the "Watermaster Copy" of this notice to the office of the district watermaster within which the well is being constructed, altered, converted or abandoned using one of the following options: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; or, (b) by hand delivery, during regular office hours, no later than the day work is commenced; or, (c) by FAX no later than the day work is commenced. If this method is used, the original "Watermaster copy" of this notice shall also be mailed or delivered to the office of the district watermaster no later than the day work is commenced. The Water Resources Commission has authority to impose civil penalties for failure to submit the required \$75 fee with the start card and for failure to submit cards prior to beginning any construction, alteration, conversion or abandonment work.

Owner's name and mailing address: _____

Kingma Corp

RT 2 Box 2100

Heppner OR 97836

RECEIVED

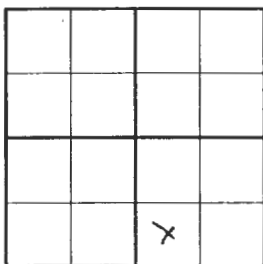
APR 15 2004

WATER RESOURCES DEPT
SALEM, OREGONCheck type of work: Fee Required ☒ New construction ☐ ConversionNo Fee Required ☐ Alteration (Repair/Recondition) ☐ Deepening ☐ Abandonment

Original Start Card Number _____

Proposed Commencement Date 3-17-98 Existing or Proposed Well Depth 400 Diameter 12Check Use: ☐ Domestic ☐ Community ☒ Industrial ☐ Irrigation ☐ Monitoring
☐ Thermal ☐ Injection ☐ OtherProposed Well Location: County Morrow Owner's Well Id. No. _____Township 2 (N or S) Range 26 (E or W) Section 21

N

1. SW 1/4 of SE 1/4 of above section

2. Street address of well location _____

3. Tax lot number of well location 22024. Attach map with location identified.
See reverse of this form for approved maps.

5. Show well location within 1/4, 1/4 of section grid at left.

We hereby certify that we have read the back of this form, and that to the best of our knowledge the information provided herein is accurate and the well is being properly located from septic tanks, septic drain fields and other hazards. (See #2 on back)

Owner's signature or authorized agent _____

Bonded Water/Monitor Well Constructor _____

Home phone _____

Work phone _____

License No. 759Company Waterwell Dev. & Serv.

NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required.

THIS COPY TO CUSTOMER

From: "Doug Parrow" <Douglas.M.Parrow@state.or.us>
To: "Lisa J Juul" <Lisa.J.JUUL@wrд.state.or.us>
Cc: "William Fujii" <William.H.FUJII@wrд.state.or.us>
Subject: RE: Div 86 WMCP for Port of Morrow
Date: Mon, 17 May 2004 11:39:12 -0700
X-Security: MIME headers sanitized on kettle.wrд.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
X-Mailer: Microsoft Outlook IMO, Build 9.0.6604 (9.0.2911.0)
Importance: Normal

File # G-13249
(permit # G-12370)

Lisa,

It appears that we offered a proposed work plan to the Port on March 30, 2000 that, had it been acceptable to the Port, would have allowed us to approve their plan. However, we apparently didn't get a response, so the plan has not yet been approved. Thus, the Port is not in compliance with the conditions of their permit and not as a result of our inability to complete the review.

Any extension approval should clearly establish that the deadline for a plan in the extension does not relieve the permittee from complying with the deadline in the original permit. Or, given how close they were, perhaps you will want to secure more information on their conservation planning and implementation activities prior to approving the extension.

Doug

P.S. Bill Fujii is going to deal with water management and conservation planning issues now that I have my hands full with transfers.

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

From: Lisa J Juul [mailto:Lisa.J.JUUL@wrд.state.or.us]
Sent: Monday, May 17, 2004 11:17 AM
To: Douglas.M.PARROW@wrд.state.or.us
Cc: Lisa.J.JUUL@wrд.state.or.us
Subject: Div 86 WMCP for Port of Morrow

Hi Doug,

I am reviewing four permit for Extension of Time for the Port of Morrow. Two of these files are for Municipal use (Permits #G-12370 and #G-13765) and were required to submit a Div 86 plan.

Has the Department approved a Div 86 plan for the Port of Morrow? (A copy of their "Water Management and Conservation Plan - October 1999" is in the file for Permit #G-12370.) Do you have any other concerns relating to these permits and their request for extension?

Thanks
Lisa

Lisa J. Juul
Water Rights Specialist
Water Rights & Adjudications Division
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, Oregon 97301-1271

Phone # (503) 986-0808
FAX # (503) 986-0901
E-Mail Address: Lisa.J.JUUL@wrд.state.or.us
Homepage/Website Address: <http://www.wrд.state.or.us>

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the wells shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 11, 1996


for Martha O. Pagel, Director
Water Resources Department

Application G-13249
Basin 07

Water Resources Department
Volume 4A Willow Creek & Misc.
MGMT.CODES 7AG, 7AR, 7BG, 7BR

PERMIT G-12370
District 05

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PORT OF MORROW
PO BOX 200
BOARDMAN, OREGON 97818

(541) 676-9183

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13249

SOURCE OF WATER: WELLS 6 AND 7 IN THE WILLOW CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

RATE OF USE: 1.448 CUBIC FEET PER SECOND TOTAL

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 14, 1993

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 21, T2N, R26E, W.M.; WELL 6 - 2430 FEET NORTH AND 2590 FEET WEST; WELL 7 - 220 FEET NORTH AND 1980 FEET WEST, BOTH FROM THE SE CORNER OF SECTION 21

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 21

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SECTION 28

TOWNSHIP 2 SOUTH, RANGE 26 EAST, W.M.

SEE NEXT PAGE

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

USER-ID 1513

2003

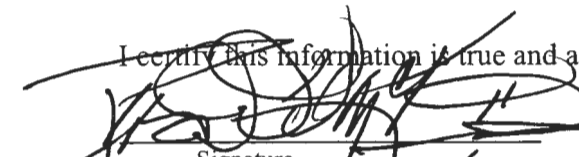


Facility  POD-ID 	Kinzua Weel #6 37179 MV	Kinzua Well #7 37180 MV	Farm Well #4 37737 IM	Farm Well #4 37737 IC	Farm Well #5 37738 IM
October - 2002	1,200,000 G	0 G	0 G	0 G	0 G
November - 2002	1,200,000 G	0 G	0 G	0 G	0 G
December - 2002	10,232,400 G	0 G	0 G	0 G	0 G
January - 2003	7,974,300 G	0 G	0 G	0 G	0 G
February - 2003	1,200,000 G	0 G	0 G	0 G	0 G
March - 2003	15,501,300 G	0 G	0 G	0 G	0 G
April - 2003	1,952,700 G	0 G	0 G	0 G	0 G
May - 2003	1,200,000 G	0 G	0 G	0 G	0 G
June - 2003	12,490,500 G	0 G	0 G	0 G	0 G
July - 2003	13,995,900 G	0 G	0 G	0 G	0 G
August - 2003	1,200,000 G	0 G	0 G	0 G	0 G
September - 2003	1,200,000 G	0 G	0 G	0 G	0 G
TOTAL *	69,347,100 G	0 G	0 G	0 G	0 G

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: see attached. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.


Signature
Ronald V. McKinnis
Name - Please Print

Pore Engineer
Title

Pore of Morrow
Reporting Entity

03/19/04
Date

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271

RECEIVED
APR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

2001

Oregon Water Resources Department
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

USER-ID 1513

2002



Facility ~	KINZUA WELL #6	KINZUA WELL #7	FARM WELL #4	FARM WELL #4	FARM WELL #5
POD-ID	37179 MV	37180 MV	37737 1M	37737 1C	37738 1M
October - 2001	1,200,000 G				
November - 2001	1,200,000 G				
December - 2001	1,200,000 G				
January - 2002	1,200,000 G				
February - 2002	15,501,300 G				
March - 2002	3,458,100 G				
April - 2002	4,210,800 G				
May - 2002	1,200,000 G				
June - 2002	3,458,000 G				
July - 2002	1,952,700 G				
August - 2002	17,728,900 G				
September - 2002	1,200,000 G				
TOTAL*	53,509,800 G				

RECEIVED
APR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

37179 - Flow Meter

Describe method of measuring the water used: 37737 - Hour Meter. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature
Ronald V. McKinnis
Name - Please Print

Title

Reporting Entity

Date

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97301-4172



2000

USER-ID 1513
Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

2001



Facility -	Kinzua Well #6	Kinzua Well #7	Farm Well #4	Farm Well #4	Farm Well #5
POD - ID	37179 MU	37180 MU	37737 1M	37737 1C	37738 1M
October - 2000	0 G			1,786,806 G	
November - 2000	0 G			0 G	
December - 2000	0 G			0 G	
January - 2001	0 G			0 G	
February - 2001	0 G			0 G	
March - 2001	0 G			0 G	
April - 2001	0 G			0 G	
May - 2001	0 G			0 G	
June - 2001	1,200,000 G			0 G	
July - 2001	1,200,000 G			0 G	
August - 2001	1,200,000 G			0 G	
September - 2001	1,200,000 G			0 G	
TOTAL*	4,800,000 G			1,786,806 G	

RECEIVED

APR 15 2004

WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

37179 - Flow Meter

Describe method of measuring the water used: 37737 - Hour Meter. If use is irrigation, total number acres irrigated _____

I certify this information is true and accurate to the best of my knowledge.

Signature

Title

Reporting Entity

Date

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE, Salem, OR 97310-0210

RECEIVED

APR 15 2004

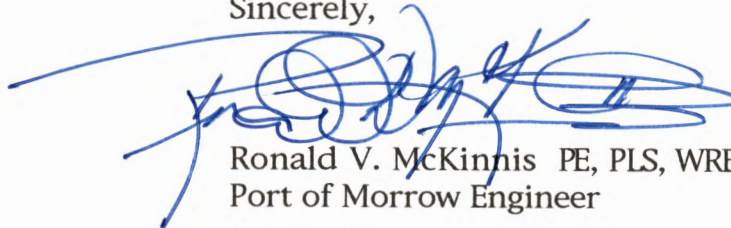
WATER RESOURCES DEPT
SALEM, OREGON

all levels of waste water management under our Permits for waste water disposal from the Oregon Dept, of Environmental Quality.

- 8.) All monitoring reports for Port wells will be submitted to the Oregon Water Resources Dept. by April 15th of each year. The well monitoring reports may include other monitoring information collected at various times of the year for the same well(s). These reports will be routed to the Ground Water and Hydrology Section of the Department consistent with the conditions of water use as a part of the water use permit.

Should you need to comment or require further information as a part of this Monitoring Plan, please contact me at 541-481-7678 or you may use my e-mail address at ronm@portofmorrow.com

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ron McKinnis', is written over a horizontal line.

Ronald V. McKinnis PE, PLS, WRE
Port of Morrow Engineer

Michael J. Zwartz, Hydrogeologist
Water Rights and Adjudication Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
Ref. Application G-13249, Permit G-12370

RECEIVED
APR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

March 23, 2004

Dear Mr. Zwart;

DRAFT

PLAN TO MONITOR AND REPORT THE IMPACT OF WATER USE
HEPPNER INDUSTRIAL PARK PROPERTY

The Port of Morrow was granted a permit for Municipal & Irrigation use at our Heppner Industrial Park near Heppner, Oregon. A condition of this permit was to develop a Plan to Monitor and Report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted wells. The Port submits this plan in regard to the conditions as a part of this permit. In addition to the well developed under this permit (Well 6), the Port has 4 other wells located within the industrial park. These other wells may or may not be utilizing water from the same aquifer as Well 6.

- 1.) The water levels in and around the Heppner Industrial Park are monitored annually during the month of February. This well (Well 6) would be monitored at least annually during this same time frame as other wells in the area.
- 2.) The well(s) will be assigned a reference level based on the first acquired water level prior to the well being used under the Permit.
- 3.) The well(s) will be reported according to their well log ID number or the Water Masters Well ID number.
- 4.) During Installation of the Pumping system for each well, an air line will be installed to be used to establish the static water level for the well(s). An access port will be available on each well should it become necessary to monitor the water level of the well(s) with an electric or steel tape.
- 5.) The gage installed for the airline will be capable of readings to the nearest 0.5 LBS of air pressure thus the reading will be accurate to the nearest 1.0 feet of water level.
- 6.) The well(s) monitoring will only be conducted with the well(s) being idle for at least the prior 24 hours.
- 7.) The Port of Morrow staff that will make these observations are the same staff that have qualified to perform all functions of collecting of data for other water permitted wells in the Port's system. These same personnel collect data for the total water use from each permitted source in addition to the reporting of

Mike Zwart

From: "Mike Zwart" <Mike.j.zwart@wrд.state.or.us>
To: <ronm@portofmorrow.com>
Cc: "Lisa JUUL" <Lisa.J.JUUL@wrд.state.or.us>
Sent: Friday, April 16, 2004 11:11 AM
Subject: Measurement plan for Heppner Industrial Park

Ron:

I have reviewed and can approve your measurement plan for Permit G-12370 (application G-13249). I understand that Well 7 is not, and likely will not be, constructed. Therefore, you would only need to measure Well 6. If you wish to measure and report data for any of the four other existing wells, I would like to see those wells also tied to their well log ID numbers (MORR xxxx). If you wish to modify the draft plan to clarify whether one well or more will be measured, that would be helpful. I will place a copy of the draft plan and this e-mail in the water rights application file. Thanks, Ron.

Mike Zwart

=====

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

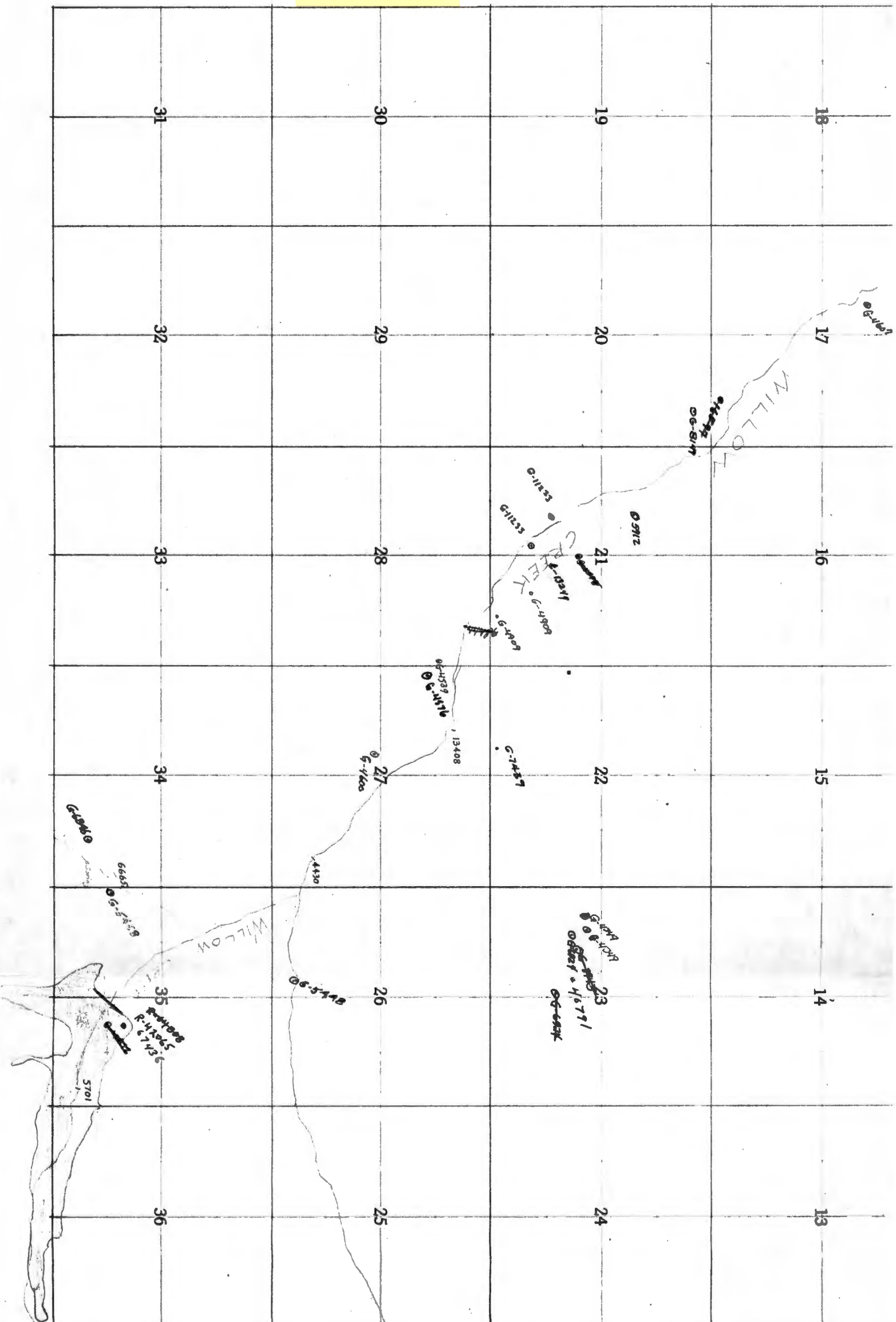
Tel: 503-986-0844
E-mail: Mike.J.Zwart@wrд.state.or.us

=====

4/16/04

Lowland
w. border
the field

25
26 F



NCR

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MORROW.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That W. O. MINOR,
of Heppner, State of Oregon, 97836 has a right to the use of
the waters of WILLOW CREEK, tributary to the Columbia River, in Morrow County,
Oregon,

for the purpose of irrigation, (during the irrigation season)

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Morrow County, and the said decree entered of record at Salem,
in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at
page 73 ; that the priority of the right hereby confirmed dates from March, 1894,
the irrigation of sixty-two (62) acres and from 1908 for the irrigation of twelve
and one-half (12½) acres;

that the amount of water to which such right is entitled and hereby confirmed for the
purpose aforesaid, is limited to an amount actually beneficially used for said pur-
pose , and shall not exceed 1.03 cubic feet per second as of date March, 1894, and 0.21
cubic feet per second as of date 1908.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows:

One (1) acre in SW¼ of NE¼; four and one-half (4½) acres in NE¼ of NW¼;
nineteen and one-half (19½) acres in NW¼ of NW¼; seven and one-half (7½) acres
in SW¼ of NW¼; twenty-one (21) acres in SE¼ of NW¼; one (1) acre in NE¼ of SW¼;
two (2) acres in NW¼ of SE¼; Sec. 27; eighteen (18) acres in NE¼ of NE¼; Sec. 28;
All in Tp. 2 S. R. 26 E., W. M., in Morrow County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

WITNESS the seal and signature of the Board
of Control, affixed this 29th day
of November . 19 11.

BOARD OF CONTROL

(Seal of Board of Control)

By JOHN H. LEWIS,
State Engineer, President

Attest:

M. B. Wann,
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 170 .

T-6754

V
OR

S T A T E O F O R E G O N

C O U N T Y O F M O R R O W

C E R T I F I C A T E O F W A T E R R I G H T

THIS IS TO CERTIFY, That MORROW COUNTY, OREGON, a municipal corporation, whose address is Heppner, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of DITCH CREEK, a tributary of the North Fork of the John Day River for the purpose of IRRIGATION under Permit No. 14006 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 10, 1939; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed the quantity available at the point of diversion from Ditch Creek, pursuant to the provisions of Chapter 324, Oregon Laws of 1939.

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 5 South, Range 28 East, W. M.

The water described in this certificate is to be diverted to the channel of Willow Creek, a tributary of the Columbia River, to be used for irrigation throughout the Willow Creek Valley by augmenting the flow of Willow Creek to supply existing rights, for such time as its use shall be for the public interest; provided that if the water shall not be used under this certificate for a period of five years, the certificate shall expire, pursuant to the provisions of Chapter 324, Oregon Laws of 1939.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer
affixed this 1st day of May, 1941.

CHAS. E. STRICKLIN

Recorded in State Record of Water Right Certificates, Volume 12, Page 13535.

DVS 10/10/41

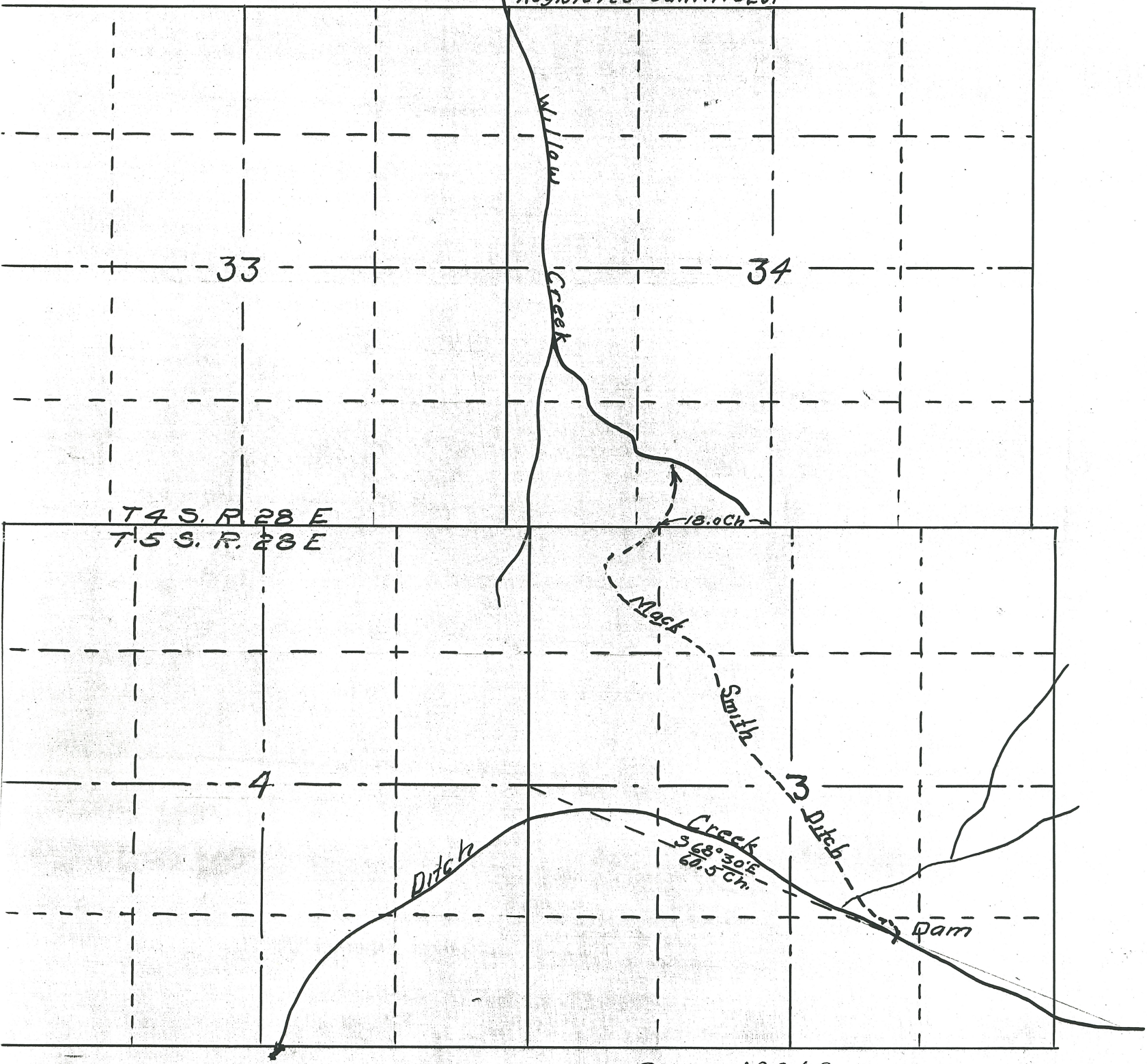
DITCH CREEK DIVERSION

Scale 4 in = 1 mi.

I, H. Tamblyn of Heppner, Ore., do hereby certify that this map was made from notes taken during an actual survey made by me on Aug. 17, 1939, and that it correctly represents the works described in the accompanying application together with the location of Streams in the immediate vicinity.

Oregon No. 1033.

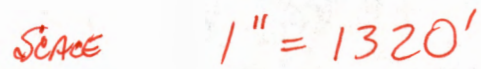
H. Tamblyn
Reg. Prof. Engr.
Registered Jan. 1, 1920.



App. No. 18262
Per. No. 14006

(DITCH CREEK)
OUT-OF-BASIN SOURCE TO AUGMENT
FLOWS IN WILLOW CREEK FOR IRR.

TREB
N. FR JOHN DAY → WILLOW CR.



SCALE $1'' = 1320'$

HWY 207

21

WELL 5

WELL 1

1,000,000 GAL.
STORAGE
TANK

PIPE LINE

WELL 4

LOG YARD

LOG YARD

WILLOW CR.

SHOP

PLANING MILL

WAX

DRY

STACKER

SAW MILL

POWER HOUSE

WATER

PLYWOOD PLANT

OFFICE

STORAGE

REC.

3,779'

3,603'

2,840'

971'

1,463'

1,680'

WAT

T. 2 S., R. 26 E.



SCALE: 1" = 400'

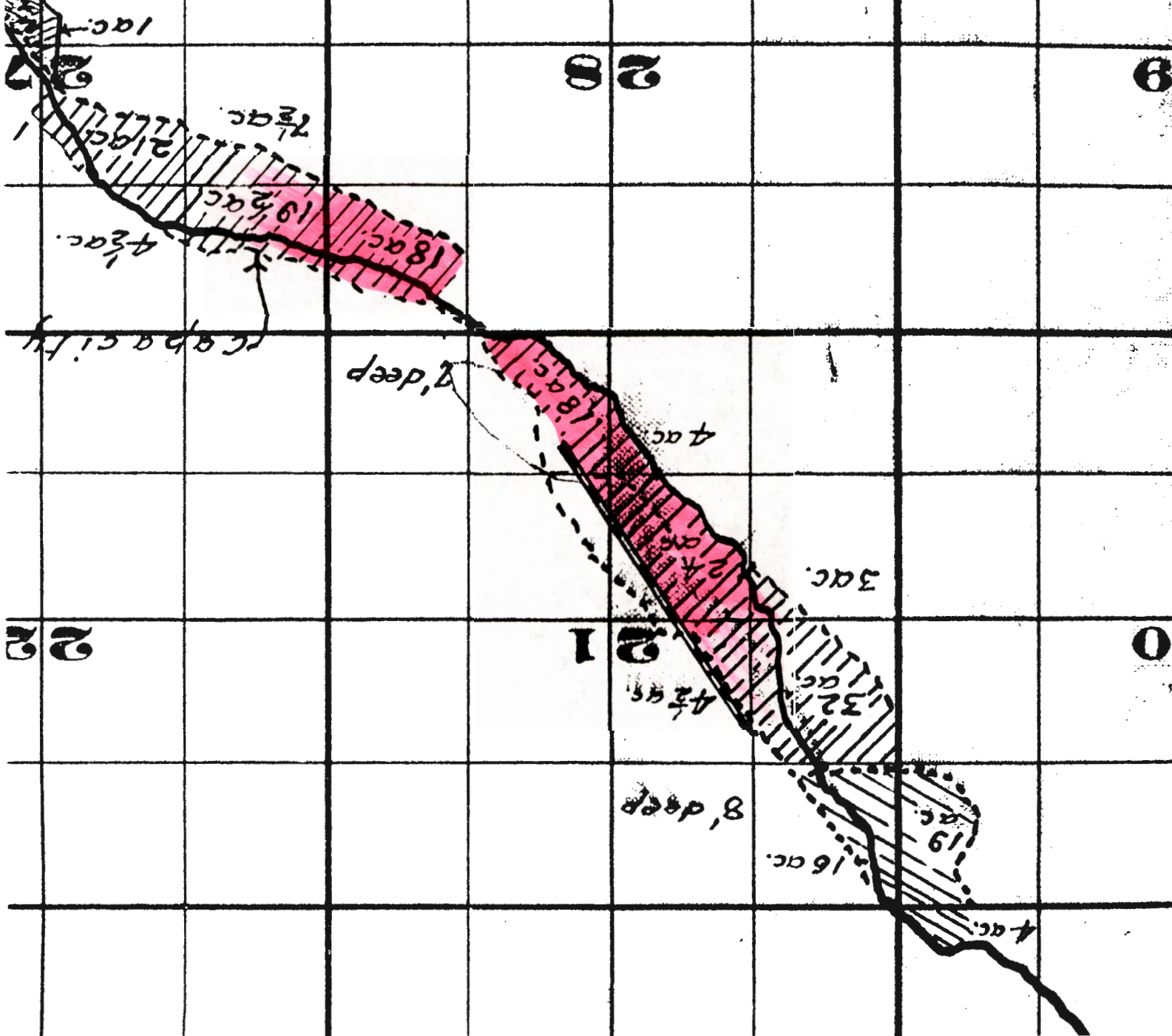
LEGEND

WELL - ○

PIPE LINE - - - - -

CREEK - - - - -

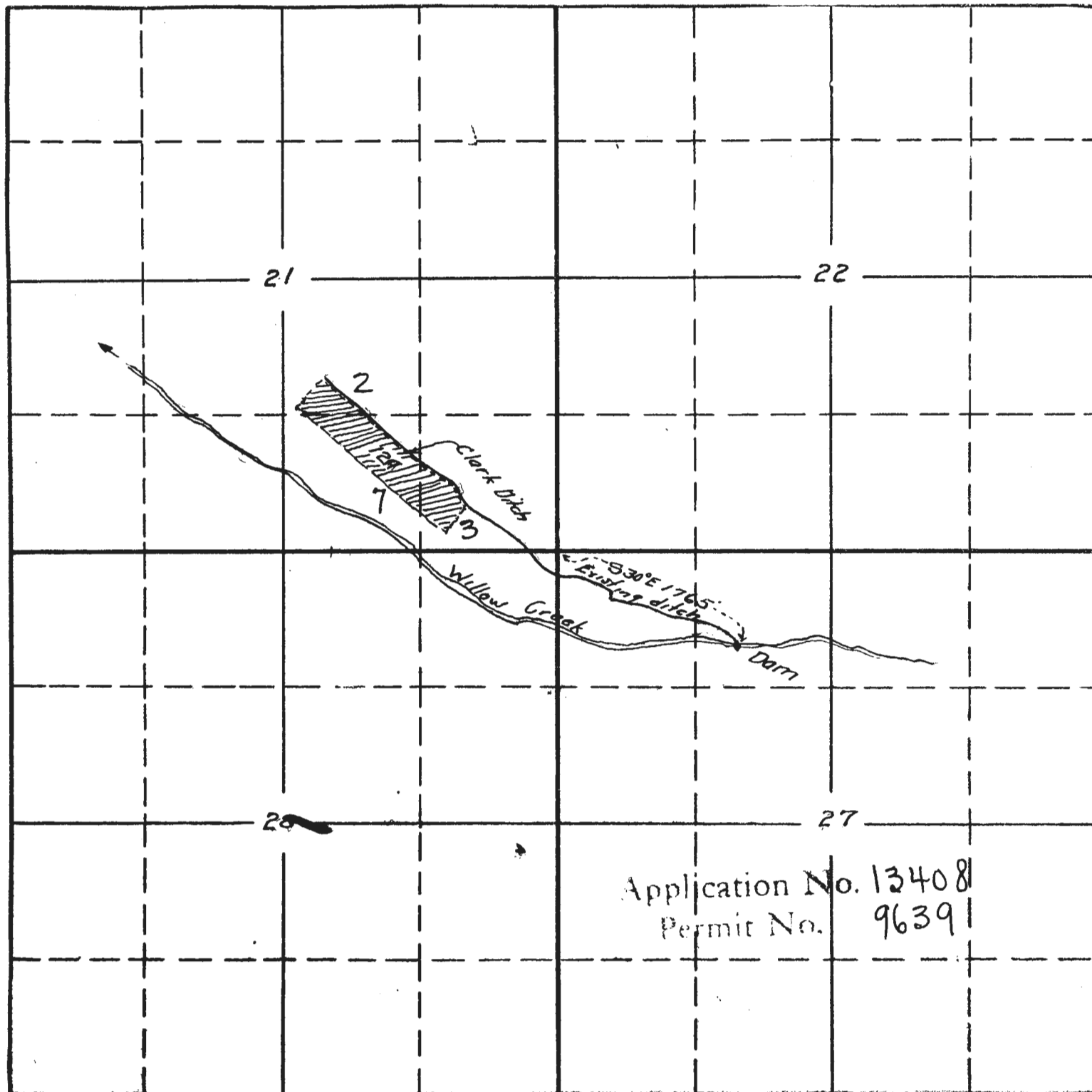
Application No. G-11235
Permit No. G10312



Sec. 21

Tp. 25

R. 26 E



Application No. 13408
Permit No. 9639

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ED CLARK

97836

of Hoppner, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willow Creek, a tributary of Columbia River, for the purpose of Irrigation and domestic

under Permit No. 9639 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 30, 1930;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.125 cubic foot per second.

The point of diversion is located in the NE¹/₄ of Section 27, Township 2 S, Range 26 E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows:

2 acres in the NW¹/₄ SE¹/₄,
7 acres in the SW¹/₄ SE¹/₄,
3 acres in the SE¹/₄ SE¹/₄,
Section 21,
Township 2 South, Range 26 East, W. M.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 14th day
of October, 193 5

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 10171.

✓ 82

January 19, 1993

KINZUA CORP; GOODYEAR, KENT
RT 2 BOX 2100
HEPPNER, OR 97836

REFERENCE: File(s) G-13249

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications which have been received in proper form with required maps, documentation, and fees can be considered for processing as time allows.

At present the Water Resources Department has a backlog of applications for water use permits; therefore there may be some delay in our application processing time. Applications are processed in the order in which they are received.

When your application comes up for processing the Department will conduct a specialized analysis called a technical review. During the course of the evaluation, additional information may be required to complete the processing of your application. We will let you know if additional information is needed when we begin the technical evaluation of your application.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department must also conduct a public interest review of each application for a water use permit.



REFERENCE: File(s) - G-13249

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

Laurie Beth English
Water Rights Program Analyst

cc:CWRE

WaterWatch

O F O R E G O N

RECEIVED

JAN 25 1993

WATER RESOURCES DEPT.
SALEM, OREGON

January 23, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #G13249, Kinzua Corp.
Willow Cr. Basin, Morrow Co., Industrial & Domestic

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5)

Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

Jim Myron

bc:

DATE INITIALS

MINIMUM REQUIREMENTS TO FILE

Name and mailing address
 Source of water
 Quantity of water
 Location of project
 Use of water
 Signature of applicant
 Allowable use by policy
 State Engineer withdrawal
 Legislative withdrawal
 Land use approved _____ pending _____

FIELD OPERATIONS

Application date stamped per money receipt date
 Stream Indexed
 Stream Code _____
 Scenic Waterway _____
 Findings:
 1) Concluded - Scenic-Reg Ack letter
 2) Under Study - Scenic-Ack letter
 3) Basin 2 - Willamette-Ack letter
 Plat Carded and copy made **YES NO**
 Conflicts (well _____ surface _____)
 Prior ISWR # _____
 Within Irrigation District _____ (name)
 Notified _____
 District excerpt received _____
 Entered in Paradox
 Prepare six copies of Draft Permit
 Send one copy to Data Center

SUPPORT SERVICES

Stamp contents with application number
 Mail/Provide copies of draft permits to DEQ, ODFW,
 PARKS, AND WATERMASTER
 Mail ack letter (provided by Data Center) with
 receipt to applicant, cc to CWRE and file
 Place label on file and card
 If dam is over 10 feet or storage exceeds 9.2 AC-FT,
 route file to Dam Safety Section
 Notify Irrigation District

FIELD OPERATIONS

YES NO
 Ownership Statement
 Name and address of all owners
 Other landowners notified
 Legal Description
 Need Commission review
 _____ Requests greater than 5.0 cfs
 _____ Dam height greater than 20 feet
 _____ Storage greater than 100 acre-feet
 _____ Out of Basin diversion
 _____ Groundwater recharge project
 _____ Other substantial public interest
 GW comments received _____ resolved _____
 ODFW comments received _____ resolved _____
 DEQ comments received _____ resolved _____
 Interest Groups _____
 Water availability received _____
 Objections received _____ resolved _____
 Protest received _____ resolved _____
 Management Codes

EXAMINATION FEE:

RECORDING FEE:

REMARKS:

TOTAL:
 REFUND:
 DEFICIENT: